

# USDOE Rulings, April 2006

## Information Sheet

- Recent decisions made by the U.S. Department of Education (USDOE) will have a devastating effect on the education community here in Michigan... causing hundreds more schools to not make AYP this year.
- MINIMUM GROUP “N” SIZE – Michigan 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.
- COUNTING ALTERNATE ASSESSMENTS – In the Title I peer review of Michigan’s standards and assessment program, USDOE claims that two of the 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.
- This does a disservice to Michigan children and Michigan schools.
- These decisions by USDOE will increase by hundreds the number of Michigan schools not making AYP.
- Michigan has stood firmly behind the No Child Left Behind Act since its inception. The requests for amendments to the Michigan 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 Michigan Department of Education and the State Board of Education have been based on fairness and equity for school districts and students.
- The USDOE has ruled that Michigan’s MI-Access assessments of “Supported Independence” and “Participation” do not meet the requirements of alternate assessments (they do not yield separate scores in ELA and Mathematics).

As a result, Michigan may not use student scores from these assessments to calculate AYP. Furthermore, the state may not count any of the students who took these two assessments as “participating” in assessment for purposes of reaching the minimum 95%.

- The children not being counted as taking the alternate assessment are the most severely physically and mentally challenged students in our schools. Two of

our three assessments for these students were thrown out because they do not assess math and reading.

Michigan's nationally-acclaimed MI-Access program offers assessments that offer real value to these students, their educators, and their parents. What is the appropriateness of assessing these students in math and reading?

- The state requested of the USDOE amendments to Michigan's NCLB Accountability Workbook. Chief among those was a request to increase the minimum group size for subgroups of students - from the current 30, to 30-plus-10% of the total number of students tested. The State Board supported this amendment as a way to provide equity between large and small schools.
- With the federal No Child Left Behind (NCLB) Act requiring this year the testing of all students in grades 3-8, Michigan doubled the number of students tested from previous years. It seems inequitable to have same threshold number that was used last year when only half of the number of students was tested.

To have schools use the same minimum group "N" size of 30 as in the past, does not seem reasonable – especially when using the same standard for large schools and small schools. Large schools will have a greater likelihood of having more than 30 students in any particular NCLB "subgroup" than a small school, perpetuating an inherent inequity in judging schools for AYP.