



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

SHEILA A. ALLES
INTERIM STATE SUPERINTENDENT

October 2, 2018

Honorable Betsy DeVos, Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos:

The Michigan Department of Education (MDE), on behalf of the state's local education agencies (LEAs), is formally requesting a waiver, in part, from specific statutory and regulatory requirements established under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). The MDE is formally requesting a waiver of two statutory requirements of Title I, Part A of ESEA/ESSA. The Department is requesting a limited-term waiver of the identified sections for eight years, beginning with the 2017-18 school year and ending in the 2024-25 school year, when long-term state goals and component targets will be reviewed for possible revisions. Below is a detailed plan that addresses each requirement in Section 8401(b)(1) of ESEA/ESSA.

This waiver request, if granted, would advance student achievement, better serve students, and maintain or improve transparency in reporting to parents and the public on student achievement and school performance. It would allow the state to set high expectations for and meet the unique needs of the Michigan English learner (EL) population. There are significant barriers to serving the Michigan EL population, with students exhibiting unique economic, social, and cultural needs. Finally, the waiver request would better fulfill Goal 4 of Michigan's Top 10 in 10 Initiative, which is the state's comprehensive effort at raising student achievement. Goal 4 seeks to reduce the impact of high-risk factors on students and to provide equitable resources to meet the needs of all students to ensure that they have access to quality educational opportunities.

Waiver Request Components

A. Identify the federal programs affected by this waiver request.

Title I, Part A of ESEA/ESSA.

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B. Describe which federal statutory or regulatory requirements are to be waived.

The MDE is requesting a waiver, in part, from the following requirements:

1. ESEA/ESSA Section 1111(b)(3)(A)

"With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to-

- (i) exclude-(I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and (II) such an English learner's results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner's enrollment in such a school for the purposes of the State-determined accountability system under subsection (c); or
- (ii) (I) assess, and report the performance of, such an English learner on the reading or language arts and mathematics assessments required under paragraph (2)(B)(v)(I) in each year of the student's enrollment in such a school; and (II) for the purposes of the State-determined accountability system-(aa) for the first year of the student's enrollment in such a school exclude the results on the assessments described in subclause (I); (bb) include a measure of student growth on the assessments described in subclause (I) in the second year of the student's enrollment in such a school; and (cc) include proficiency on the assessments described in subclause (I) in the third year of the student's enrollment in such a school, and each succeeding year of such enrollment."

The MDE is currently using Option (i). We propose to use Option (i) in year 1 of a recently arrived English learner's enrollment and Option (ii) for subsequent years.

Our statewide EL educators, upon being presented both options under ESSA, viewed both individual options as counterproductive for the state's recently arrived population, and found both options to be out of alignment with existing research. In response, they advocated for a waiver containing a revised timeline. There was concern, absent a waiver, the available options would incentivize schools to respond in ways that are not always in the best interest of recently arrived ELs. The purpose of this waiver would be to allow the Department to do the following:

For recently arrived English Learners (ELs):

- In year one of enrollment, students will take WIDA Access for ELLs and be exempt from the English language arts (ELA) state assessment. WIDA results will be included in the EL Progress component.
- In year two of enrollment, students will take WIDA and the ELA state assessment. WIDA results will be included in the EL Progress component.
- In year three of enrollment, students will take WIDA and the ELA state assessment. WIDA results will be included in the EL Progress component, and ELA results will be included in the Academic Growth component.
- In year four of enrollment, students will take WIDA and the ELA state assessment. WIDA results will be included in the EL Progress component, and ELA results will be included in the Academic Growth and Academic Proficiency components.

Rationale for Waiver Request

Michigan annually enrolls approximately 1,500 recently arrived ELs. The experiences of the state education agency (SEA) and LEAs in which these students have enrolled have been challenging under previous and existing regulations, due to many refugee students and students from conflict zones in the Middle East. Following extensive communications with Michigan LEAs, Michigan proposes using a realistic exception for recently arrived ELs that addresses the unique challenges of these students while maintaining accountability and providing a better long-term measure of student performance. The MDE is following the expertise of those in Michigan working with ELs and advocating for what they believe is most appropriate for recently arrived EL students.

This waiver will apply to Michigan EL students enrolled in Grades K-12 who are within their first four years of enrollment in U.S. schools (Years 1-4). This waiver effort is a grassroots, bottom-up process, initiated by LEAs and local immigrant and refugee advocacy organizations to promote a more useful and precise measure of EL student achievement, so that schools may better serve their needs in a more realistic timeframe. At the same time, the proposal is more demanding than the existing ESSA legislation, as it requires that WIDA results would be included in the EL Progress component in year one of enrollment. We value WIDA as a diagnostic tool for year one and believe adding this requirement "balances" the waiver request's proposal for additional time for the ELA assessment. To support Michigan's ability to accurately measure the knowledge and skills of its unique EL population, a single-year exclusion from using the ELA assessment is not a reasonable timeframe. There is considerable scholarship on the challenges of attaining proficiency for recently arrived immigrant ELs in the first few years of schooling. While performance improves yearly, a low proportion of students reach proficiency by year three.¹

¹ Understanding and Supporting the Educational Needs of Recently Arrived Immigrant English Learner Students: Lessons for State and Local Educational Agencies. CCSSO, March 2018.

Significant research indicates at least five to seven years is needed for EL students to achieve English language proficiency, as shown in Appendix C of Michigan's approved ESSA plan. The state's proposal reflects this research. Michigan's exited ELs consistently perform better on the ELA assessment than the overall state population. The challenge, therefore, is centered around the timeline for improvement on the ELA assessment, more so than the end results, which are already promising.

LEAs with large recently arrived EL populations emphasize that the state's EL students would be better served, and long-term ELA outcomes would be improved by not emphasizing ELA proficiency at the onset. They emphasize that Option (i), by itself, provides little guidance regarding student achievement in year two, and additional time would improve the diagnostic value of the ELA assessment. In short, many Michigan LEAs believe that ELA scores could and should be higher if schools did not spend as much instructional time in the first few years on forthcoming assessments and spent more instructional time on long-term English language proficiency gains. LEAs emphasize that baseline results are not deemed of no value, but rather acknowledge that initial results do not translate to longer-term student achievement gains. Our waiver proposal incorporates these concerns through utilization of Option (i) in first year and Option (ii) in subsequent years, better aligning EL accountability to research findings on language acquisition timelines. The low initial ELA achievement scores are predictable and as a result do not serve as a meaningful measurement of ELA achievement or progress for recently arrived ELs in years one or two of their enrollment.

The MDE has determined a positive moderate statistical correlation between student performance on the state's English language proficiency assessment, known as WIDA (described in Section D below), and on the state's ELA assessment (M-STEP). WIDA is a significant but weak predictor of performance on the ELA assessment. Roughly 54 percent of the variance in the M-STEP ELA is explained by the variation in the WIDA reading assessment, confirming that WIDA scores are somewhat predictive of M-STEP scores.² The relationship does not appear to be linear, though. For low WIDA scores, the ELA scores are unpredictable and unrelated, but when WIDA scores improve, they can be used to indicate potential ELA scores with some degree of accuracy. Given that WIDA scores are initially quite low, this suggests that additional time for ELA accountability would provide a more useful and accurate measure of a student's academic results. While not significant enough to measure Michigan's ELA standards fully, the MDE believes this correlation may provide an additional predictor of a recently arrived EL student's potential to achieve proficiency on the state's ELA assessments.

² Investigating the Impact of a New Interpretation of Third-Grade English-Reading-Test Scores: A View on Test Retrofit from TESOL Professionals in Michigan. TESOL Quarterly, TQ-2017-0357.R1.

C. Describe how the waiving of the requirements indicated above will advance student academic achievement.

Waiving the above requirements in the manner requested by the MDE will allow the MDE to better support academic achievement for impacted students by providing the following:

Michigan's Entrance Protocol is based on a questionnaire (Home Language Survey), given to the parents/guardians at the time of enrollment, related to identification of the student's native tongue as well as identification of the primary language in their home environment. If either is non-English, then a student is administered Michigan's EL Screener or the WIDA-Access Placement Test (W-APT). Students in grades K-12 scoring below particular thresholds and proficiency on the EL Screener or W-APT are to be enrolled into EL services.

Research-based student level targets for ELs are established based on initial performance level. Michigan is anticipating that EL students would be proficient within a maximum of six years, adjusting downward for students demonstrating higher levels of proficiency. The six-year time frame was established based on a review of existing research findings. EL research cited in Appendix C of Michigan's approved ESSA plan shows this to be a valid measure³.

As described above, a more significant proportion of recently arrived EL students demonstrate low proficiency on the state's ELA assessments. As a result, the information these assessments provide is not effective in helping school districts to foster the most prudent instructional decisions for these students. The MDE believes that this waiver will allow students more time to demonstrate meaningful English language proficiency progress before utilizing their ELA score for accountability purposes.

These recently arrived EL students are already required to take the WIDA and some take additional local assessments to continually measure their proficiency throughout the school year. The M-STEP can be a source of extreme anxiety for students who are already taking more assessments than other Michigan students. The MDE believes that this waiver would advance the learning of recently arrived ELs by reducing their testing burden during year one of their enrollment and by providing these students' schools with more information from WIDA to adequately address their linguistic needs during years two and three of their enrollment.

Without this waiver, schools are required to make these students take an assessment that will not provide information to address their linguistic needs. As grade level content assessments, rather than diagnostic state assessments, the ELA requirement may impose detrimental effects on these students. By allowing students to delay participation in the ELA assessments until they develop English language proficiency substantial enough to make the ELA assessment a meaningful measurement of their

³ Motamedi, J. (2015). Time to reclassification: How long does it take English learner students in Washington Road Map districts to develop English proficiency? Education Northwest and Thompson, K. (2015). English Learners' Time to Reclassification: An Analysis. Educational Policy, SAGE Publications.

knowledge and skills, we expect to contribute to our efforts to support schools as they ensure that students demonstrate academic achievement on state assessments. Districts with large recently arrived EL populations have emphatically supported such a delay, asserting that a postponement of initial ELA testing burden yields more valuable, actionable data and stronger long-term results.

The benefits to the waived requirements can be summarized as follows:

- 1. The primary focus would be on English acquisition in the first year.*
Current attempts at measuring ELA for first year students are challenged by the students' initially low English language proficiency.
- 2. There would be no processes distracting schools from serving this primary focus.*
Currently schools could be flagged with inappropriate labels based on the EL student group, triggering involved accountability processes that simply tell schools what is already known: the students need more time to acquire EL proficiency.
- 3. Accountability data would show fewer "false signals" that programs need to be altered.*
Michigan's EL programs are generally considered successful, and former ELs have a meaningfully higher rate of ELA proficiency than the general student population. Avoidance of "false signals" is particularly important for EL students with interrupted formal education, who are generally behind their peers and are potentially more likely to become less engaged in their education. These students often have more daily time constraints and additional stressors and are not best served by frequent changes to their instructional services.
- 4. There would be reduced stress for EL students and staff supporting these students.*
The waiver proposal maintains transparency and tests students every year, but students and staff would not be attempting test administrations that tell both what is already known about EL proficiency timelines. The reduced stress would be particularly valuable for Michigan's large population of recently arrived EL students from conflict areas.

Unique Population of Michigan English Learners

Michigan's EL population is unique from other states in that a high proportion of these students are from challenged regions in the Middle East, especially war-torn countries of origin like Iraq, Syria, and Yemen. Michigan also has a large refugee population. Michigan has the largest Chaldean population in the world outside of Iraq, with around 150,000 Chaldean residents in metropolitan Detroit alone, many of them recent arrivals.⁴ Per the Chaldean Foundation of Sterling Heights, MI, more than

⁴ Estimate provided by Chaldean Community Foundation of Sterling Heights, MI.

30,000 Chaldean refugees have left Iraq for metro Detroit since 2003. Michigan also has the largest Arab population concentration in the United States, centering around metro Detroit, and including large communities from regions of conflict, including Iraq, Syria, Yemen, and Palestine. The Middle Eastern EL population has high mobility rates, tend to be older than other students, and frequently have interrupted formal education. Students may have behavioral issues, trauma, general fears, and deep issues of trust. Post-traumatic stress is not uncommon. Schools prioritize social-emotional needs as they focus on better supporting academic needs. Students often still have persecuted relatives overseas. It is not a realistic expectation for these students to have the same achievement and improvement timelines as students not experiencing these unique challenges.

Scholarship on language acquisition suggests that ELs require four to seven years to achieve English language proficiency⁵. In addition, research suggests that EL students, despite initial underperformance, catch up academically with their monolingual peers in later years⁶. Michigan's unique EL language characteristics also result in differing ELA scores. EL Arabic speaking students have lower ELA performance than non-Arabic speaking EL students, and there is substantial scholarship on the difficulty of learning English for those whose native language is not a Romance- or Germanic-derived language.⁷

Research indicates that native Arabic speakers have a harder time learning English than native speakers of Germanic or Romance languages. English is especially challenging for ELs speaking languages like Arabic and Aramaic, which do not share the same alphabetic system or reading directionality. The U.S. Department of State Foreign Service Institute compiles language difficulty ratings, which measure how closely foreign languages are related to English. Out of five language categories, from most to least similar, Arabic is in the fifth, least similar, category. In contrast, Spanish is in the first, most similar, category. This suggests that Michigan's differing EL profile results in challenges for rapid English language acquisition.

Per ACCESS (Arab Community Center for Economic and Social Services) of Dearborn, MI, many recently arrived EL students must assume parental roles at home due to one or both parents being overseas. They are behind in their English skills and cannot take the time to concentrate on academics properly. Many such students are quite old relative to grade level, and many exit schooling in 9th or 10th grades, though they are adults. Traumatized students may need additional time to feel safe and secure before focusing on learning. Districts with large EL populations from the Middle East echo these sentiments and report large numbers of older newcomers who start school but never graduate, aging out of the system.

⁵ August, D. & Shanahan, T. (2009). *English Language Learners: Developing Literacy in Second Language Learners*. Educational Policy, SAGE Publications.

⁶ Halle, Hair, Wandner, McNamara and Chien (2012). *Profiles of School Readiness among Four-Year-Old Head Start Children*. *Early Childhood Research Quarterly*.

⁷ *Understanding and Supporting the Educational Needs of Recently Arrived Immigrant English Learner Students: Lessons for State and Local Educational Agencies*. CCSSO, March 2018.

Hamtramck Schools, of Hamtramck, MI (a district where most students speak Middle Eastern-originating home languages), reports many older EL students who may be Middle Eastern refugees or from conflict regions, and emphasizes the difficulty of testing in the first years when basic needs aren't being met. Hamtramck has many recent arrivals from war-torn regions in Yemen and Syria and has students from remote villages with no formal education background, as well as many others with interrupted learning. New students can have toxic stress and can even be suicidal, and often require wraparound services. Older students are also often burdened with the responsibility of helping their families financially, emotionally, and with childrearing. Children may be displaced, as they reside with older siblings or relatives while parents are abroad. The combination of poverty, lack of support, war trauma, and separation of family members has resulted in intense and unique challenges.

Warren Consolidated Schools, of Warren, MI, reports that they have many students from refugee camps, including students who are testing in 11th grade after having no formal schooling for nine or ten years. Warren Consolidated has received 2,800 students from Syria or Iraq since 2007. There are additional challenges in that the heavily Chaldean (Iraqi Christian) community has a significant degree of parental illiteracy, and the Chaldean language is spoken only, with no written form. These Michigan EL students have limited exposure to written text of any type prior to formal schooling. Warren also reports significant war trauma, family separation, and toxic stress.

Lamphere Schools, of Madison Heights, MI, has received a significant influx of students from Iraq and Syria, and at least one elementary school's student body is roughly 70 percent recently arrived students from these two nations. Lamphere reports that some students initially undergo temporary "silent periods," a researched stage of second language acquisition, where children are watching and listening, but not yet speaking. Students are showing growth on the WIDA and M-STEP, but there are limits on accurately measuring progress towards proficiency.

Data on Michigan's Unique English Learner Population

As of Fall 2017, there are 97,635 K-12 Michigan ELs. Within this population, there are 24,092 Arabic language speakers, which comprises the second largest EL population, after Spanish, and 1,492 Aramaic language speakers, which comprises the fifth largest EL population. In addition, there are other native speakers of Middle Eastern languages, including Kurdish, Turkish, and Farsi. In many states, the ratio of Spanish-speaking ELs is four to six times that of the next largest language, and in some states even higher; in contrast, in Michigan, the ratio is less than one-half greater than Arabic.

Among recently arrived K-12 Michigan ELs, the contrast with other states is even more stark. Michigan has 10,533 recently arrived K-12 ELs, including nearly equal numbers of Arabic and Spanish speakers (2,416 speakers and 2,565 speakers, respectively), and significantly more Arabic speakers than Spanish speakers in most elementary grades. Michigan has more than 30,000 refugees from Iraq alone, many of them in families with school-age children.

ELs from the Middle East are not broadly distributed throughout the state; instead they are concentrated in several Michigan districts. These districts bear additional challenges beyond those faced by most districts, even those with large EL concentrations. For example, a majority of Utica Community Schools EL students with country of origin data are from Iraq (126 out of 233, or 54 percent), and significant numbers are from Syria, Egypt, Jordan, and Lebanon. In sum, 167 out of 233, or 72 percent of Utica EL students with country of origin data are from the Middle East. In Michigan there is a grassroots consensus that such students can be better served, and will achieve stronger outcomes, through a longer time frame for ELA accountability.

Also, Michigan has a higher proportion of EL students who enter schooling at later ages, which provides additional challenges, given that they may require more intensive intervention than students enrolling in earlier years. In addition, the large population of non-refugee students hailing from challenged and war-torn regions are unlikely to have received additional community supports for transitioning to U.S. schooling. There are challenges of housing, jobs, food, medical care, and clothing, which may distract from schooling, especially in the first few years. The combination of low formal schooling coupled with trauma presents unique challenges. Such students first need to have their basic needs met, which includes feeling safe, welcomed, comfortable, and physically secure.⁸

D. Describe the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan.

The students involved in this waiver will be required to participate in the state's English language proficiency test, the WIDA, regardless of whether they participate in the ELA assessment. Michigan students are initially identified as ELs using the WIDA Screener for English Learners, which is administered on a one-time basis upon enrollment. Thereafter, all ELs take the WIDA on an annual basis in the spring of each school year to assess their yearly progress at attaining English language proficiency. Both the EL Screener and WIDA assess students' English language proficiency across multiple modalities, including speaking, listening, reading, and writing. As this waiver is a LEA-initiated effort in a local-control state, LEAs, with the assistance of the MDE, will have the primary responsibility of monitoring and evaluating the annual EL assessment and accountability results and for ensuring that these students are on a path to proficiency. At the same time, the MDE is expanding its systems and capacity for monitoring the progress of EL students, including new state-level public reporting tools, allowing for greater state and community oversight. Districts will continue to closely monitor progress through EL education plans and will expect growth on WIDA. For these students to succeed, districts will use language proficiency data from WIDA to provide targeted instruction that will enable students to meet proficiency levels towards Michigan's rigorous Top

⁸ Understanding and Supporting the Educational Needs of Recently Arrived Immigrant English Learner Students: Lessons for State and Local Educational Agencies. CCSSO, March 2018.

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10 in 10 initiatives. We believe the proposed waiver better meets EL students' individual educational paths and socio-emotional needs while strengthening the journey towards proficiency and college- and career-readiness.

E. Include only information directly related to the waiver request.

The MDE posted a draft of the waiver for five weeks of public comment before official submission to USED. There were seven public comments, all of which were supportive of the waiver request. Comments were submitted by school leaders, academics, parents and an advocacy organization and included detailed, enthusiastic responses. The comments placed emphasis on Michigan's unique EL student population and the corresponding need for a revised accountability timeline.

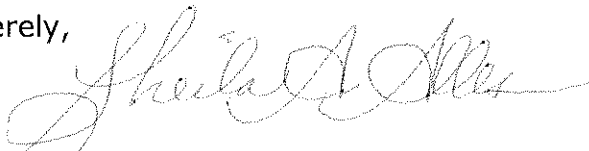
F. Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested, and, if the waiver relates to provisions of subsections (b) or (h) of section 1111, describe how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi).

The MDE will continue to measure these students for English language proficiency through the WIDA and will continue to take all other scheduled assessments. LEA feedback has consistently asserted that the proposed EL timeline will provide better transparency reporting than under current rules, given that initial ELA results for ELs are not determinative of long-term student achievement, and the proposed extended timeline is closely aligned with existing scholarship on EL student achievement. Parents and the public will receive the same school and state feedback as under our current approved ESSA plan.

Please direct questions regarding this request to Andrew Middlestead, Director, Office of Educational Assessment and Accountability, by phone at 517-241-2694 or by e-mail at middlesteada@michigan.gov.

Thank you for your consideration.

Sincerely,



Sheila A. Alles
Interim State Superintendent