



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

GRETCHEN WHITMER  
GOVERNOR

MICHAEL F. RICE, Ph.D.  
STATE SUPERINTENDENT

June 30, 2020

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

Dear Secretary DeVos:

As our nation continues to struggle through the profound challenges of the global COVID-19 public health pandemic, we write to request a waiver of the federal requirement that Michigan students take state summative assessments in the 2020-21 school year, as well as waivers of related annual assessment, accountability, and report card requirements in federal law enumerated in our March 20, 2020 letter to you requesting the same waivers, which you granted, for the 2019-20 school year.

As you are aware, states across the country, including Michigan, closed their schools for all or large parts of the spring. States across the country regularly monitor the status of the pandemic and the pandemic's spread. The COVID-19 virus continues to adversely affect the ways in which Americans live, work, and go to school.

Educators are preparing as a state and as 831 local education agencies (LEAs) and 56 intermediate school districts for a return to school. That said, we understand that there is a strong possibility that a second wave of the pandemic could require schools to close again to protect the lives of Michiganders. As of yesterday, according to the Michigan Department of Health and Human Services, Michigan has had 63,497 positive cases of COVID-19 and 5,915 COVID-19-related deaths. The Johns Hopkins Coronavirus Resource Center noted that the United States had confirmed 2.5 million cases with almost 126,000 deaths, approximately 25 percent of the 10.2 million cases and 503,000 deaths worldwide.

Many children are struggling with the long absence from school. When we return to school, it will take many districts a considerable period of time to resume somewhat normal functioning in the midst of a pandemic and the attendant mitigation efforts, not to mention the refocusing on the instruction of children and the use of locally chosen benchmark assessments to gauge the extent of foregone learning during the school shutdown from March to June.

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When we do return to school, the focus should be on tending to children’s immediate needs: physical, socioemotional, and academic. In many cases, children will have experienced trauma. In other cases, they will simply need to be reacclimated into their schools. In all cases, students will have missed instruction, and this lost instruction will render any conclusions about test results dubious, especially any comparisons across school years and in light of the pending public health concerns of parents, students, and staff. Upon return to school, our focus nationally should be on instruction, supports, and the nurturing of students, not on state summative assessments.

This communication requests waivers, pursuant to Section 8401(b) of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA), of the following federal requirements:

- Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2020-21.
- Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a state annually and meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2020-21 school year.
- Report card requirements related to certain assessments and accountability in section 1111(h) based on data from the 2020-21 school year, namely:

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| Section 1111(h)(1)(C)(i)  | (accountability system description)  |
| Section 1111(h)(1)(C)(ii)   | (assessment results)   |
| Section 1111(h)(1)(C)(iii)(I)   | (other academic indicators)  |
| Section 1111(h)(1)(C)(iv)   | (English language proficiency assessment results)  |
| Section 1111(h)(1)(C)(v)  | (school quality or student success indicator results)  |
| Section 1111(h)(1)(C)(vi)   | (progress toward meeting long-term goals and measurements of interim progress)   |
| Section 1111(h)(1)(C)(vii)  | (percentage of students assessed and not accessed)   |
| Section 1111(h)(1)(C)(xi)   | (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment)                |
| Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii) | (information on how students in an LEA and each school achieved on academic assessments compared to students in the state and LEA) |

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By continuing to waive the requirement nationally to provide state assessments under ESSA, you help educators and schools put students first and focus on providing the physical, socioemotional, and academic supports that students will need in the coming school year.

Thank you for your consideration of this waiver request and, more importantly, the needs of our children.

Sincerely,



Michael F. Rice, Ph.D.  
Michigan Superintendent  
of Public Instruction



Casandra Ulbrich, Ph.D.  
President, State Board of Education

cc: State Board of Education  
Governor Gretchen Whitmer  
U.S. Senator Gary Peters  
U.S. Senator Debbie Stabenow  
U.S. Representatives from Michigan  
U.S. Senator Lamar Alexander  
U.S. Senator Patty Murray  
U.S. Representative Bobby Scott  
U.S. Representative Virginia Foxx  
Michigan Senate Majority Leader Mike Shirkey  
Michigan Senate Minority Leader Jim Ananich  
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