STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

GLENN M. MALEYKO, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: April 23, 2026

TO: Intermediate School District Special Education Directors
Local School District Special Education Directors
Public School Academy Directors

FROM: Dr. Rané Garcia, Interim Deputy Superintendent, Division of Educator Excellence, Career and Technical Education, Special Education, and Administrative Law

SUBJECT: Reminder of 95 Percent State Assessment Participation Rate and 1 Percent Alternative Assessment Cap

The Michigan Department of Education (MDE) would like to remind all intermediate school districts (ISDs) and local education agencies (LEAs), both traditional public school districts and public school academies (PSAs), the federal Every Student Succeeds Act (ESSA) requires 95 percent of all enrolled students to participate in state assessments (including 95 percent of students with disabilities participating in the state English language arts, mathematics, and science assessments). ESSA also caps the percentage of students who take the alternate assessment at 1 percent of the total number of students assessed.

In 2015, the reauthorization of ESSA confirmed that the alternate assessment is specifically designed for only the 1 percent of students with the most significant cognitive disability (MSCD) who are receiving a majority of instruction based on alternate content standards for their grade level, and for whom these alternate goals are rigorous and challenging, according to state guidelines.

This definition is not synonymous with any specific type of disability, and simply having a cognitive disability or a placement in a cognitive impairment program does not qualify a student for the use of alternate assessments. Additionally, certain types of disabilities are not compatible with a student having the MSCD. These include emotional impairments, speech and language impairment, and specific learning disabilities. MDE estimates that approximately half of students with a cognitive impairment will qualify as having the MSCD.

Students with the MSCD who will qualify for alternate assessments:

1. have substantial impairment in intellectual or cognitive functioning;
2. have substantial deficits in adaptive functioning across the conceptual, social, and practical domains;

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3. require extensive support to demonstrate learning and generalize skills across different settings in daily life; and
4. have demonstrated a consistent lack of academic growth or achievement, even with accommodations, using general grade level standards for curriculum and instruction. Instead, the primary instruction and educational goals for the students rest within the alternate content expectations range that have been shown to be rigorous and challenging for the student.

Furthermore, students with the MSCD who are demonstrating some gains and success using general grade level content (with or without accommodations and supports) should be assessed using general assessments, rather than alternate assessments. Students who are currently surpassing the alternate content expectations (commonly called essential elements) to which they have been assigned should be receiving more rigorous and challenging instruction and assessed accordingly based on those standards. When students are surpassing the most challenging standards in the alternate achievement range (functional independence standards), they should begin using general grade level standards for instruction and assessment, consistent with a free appropriate public education (FAPE) and least restrictive environment (LRE).

Michigan revised its decision-making flow chart Should My Student Take the Alternate Assessment? in August 2025. It provides updated guidelines to help individualized education program (IEP) teams determine whether a student meets all four of the required criteria to take an alternate assessment. The document clarifies each of the eligibility criteria and walks through the steps in deciding what assessments and standards are most appropriate for the student.

Michigan received a communication from the U.S. Department of Education on March 3, 2026, granting Michigan authorization for school year 2025–26 to exceed the 1 percent cap, permitting more than 1 percent of students statewide to be assessed using an alternate academic achievement standards assessment in reading/language arts and mathematics. However, Michigan's request for exceeding the 1 percent cap in science was denied because MDE did not meet the 95 percent assessment participation requirement in 34 CFR § 200.6(c)(4)(ii) in science for students with disabilities during the 2024-25 school year.

Throughout the school year, MDE will provide technical assistance on the 1 percent cap rate, with a particular focus on those districts exceeding the 1 percent cap. Together, we must ensure that students with disabilities are assessed and challenged appropriately and that we meet all federal program requirements.

If you have questions or need clarification on alternate assessment, please contact the Information Line at 888-320-8384 or email mde-ose@michigan.gov.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Department