



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR 19 2012

Honorable Michael P. Flanagan
Superintendent of Public Instruction
Michigan Department of Education
John A. Hannah Bldg.
608 West Allegan Street (P.O. Box 30008)
Lansing, Michigan 48909

Dear Superintendent Flanagan:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) Continuous Improvement Visit (CIV) to the Michigan Department of Education (MDE) during the week of November 28, 2011. As indicated in our letter to you dated March 29, 2011, the visit consisted of two components: (1) the verification of State systems for implementing key requirements of the Individuals with Disabilities Education Act (IDEA); and (2) a collaborative focus on improving results.¹ The CIV is designed to ensure compliance and improve performance with Part B of the IDEA in accordance with 20 U.S.C. 1416.

The purpose of the verification component of the visit is to review the State's systems for general supervision and fiscal management. OSEP developed critical elements that were used to guide its evaluation of Michigan's general supervision (including data) and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of the State's systems for general supervision and briefly outlines relevant statutory and regulatory requirements for each critical element.

OSEP is currently in the process of conducting a comprehensive review of States' systems for implementing the fiscal requirements of the IDEA and related statutes and regulations, through the CIVs and other mechanisms, including the desk audits that OSEP's Recovery Act Facilitators are conducting with all States. In order to provide each State with an integrated response based on its review of States' fiscal systems, OSEP will respond to the State separately to address fiscal issues and has not included a fiscal section in the Enclosure. The fiscal information gathered during the verification component of the CIV will also be addressed in that separate letter.

OSEP found noncompliance, and has required corrective action, in the following areas:² (1) ensuring the timely correction of noncompliance, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, 20 U.S.C. 1232d(b)(3)(E) and OSEP Memorandum 09-02, Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act, dated October 17, 2008, (OSEP Memo 09-02); (2) ensuring that LEAs comply with the resolution period requirements in 34 CFR §300.510; and (3) investigating complaints that allege the appropriateness of free appropriate public education (FAPE) determinations made by a public agency consistent with 34 CFR

¹ During the week of November 28, 2011, OSEP also conducted its Part C CIV at MDE. The results of the Part C CIV are addressed in a separate letter.

² OSEP identified additional noncompliance; however, MDE has provided documentation demonstrating that the noncompliance has been corrected and no additional corrective action is required.

§§300.151-300.153. Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on the State's Web site in Michigan's State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the visit, are provided in the Enclosure to this letter.

During the CIV, Michigan also focused on improving educational results and functional outcomes for children and youth with disabilities. Prior to the visit, MDE participated in a process with OSEP to concentrate its efforts on reducing suspension and expulsion rates for children and youth with disabilities. With OSEP's participation, MDE and stakeholders, which included participants from the State Advisory Panel including parent representatives, school district employees, the Michigan Protection and Advocacy Service, and individuals who assist Michigan in implementing its State-level activities, engaged in a facilitated process to examine the data, as well as current and past efforts to improve results in the performance rates for students with disabilities on statewide assessments in third grade reading, and formulated strategies that Michigan will employ to improve results for children with disabilities in its selected area. MDE is developing a plan that includes specific benchmarks for improvement, as well as timelines, resources, and measurements for MDE to improve results. MDE will publish this plan with updates on the State's Web site at <http://www.michigan.gov/mde>.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Michigan Protection and Advocacy Service and parents of children and youth with disabilities, in providing feedback and input on the State's systems for providing educational services to children and youth with disabilities. We look forward to collaborating with all stakeholders and actively working with the State to improve results and compliance for children and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Daniel Schreier, at (202) 245-6552.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove", with a long horizontal flourish extending to the right.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

cc: Eleanor White
State Director of Special Education