

**Table B Chart – Michigan Part C
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 1: In its October 25, 2005 letter, OSEP did not identify noncompliance with the requirement to provide all early intervention services identified on the IFSP in a timely manner, as required by 34 CFR §§303.344(f)(1) and 303.342(e), but OSEP requested that the State submit certain information with its SPP.</p>	<p>On page 3 of the SPP, the State reported local self-assessment data indicating that 97% of the services listed on an IFSP were delivered. However, that data does not indicate that those services were provided in a timely manner.</p> <p>On page 3 of the SPP, the State also reported family survey data indicating that 84% of services were provided within a month of when the IFSP was signed. However, on page 2 of the SPP, the State indicated that the survey data is not being used as its baseline data.</p>	<p>It is unclear whether the State has submitted data that reflects its timely standard.</p> <p>OSEP agrees with the State's decision not to use the family survey data as its baseline, as it is not reliable as the sole source of data to determine compliance with this indicator.</p> <p>In this indicator, the State did not provide an explanation for untimely services.</p>	<p>In its FFY 2005 APR, due February 1, 2007, the State must clarify its baseline data from 2004–2005, and provide progress data from 2005–2006 that demonstrates compliance with the requirements at 34 CFR §§303.344(f)(1) and 303.342(e).</p> <p>In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances.</p>

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<p>Indicator 7: OSEP's October 25, 2005 letter identified noncompliance with requirements related to completion of evaluations and assessments in all five developmental areas and holding the initial IFSP meeting within 45 days after the agency receives a referral, and required Michigan to provide in the SPP, a plan, including strategies, proposed evidence of change, targets, and timelines designed to ensure correction of the noncompliance with 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).</p>	<p>The State reported a 56.8% level of compliance for Indicator 7 in the SPP regarding the 45-day timeline requirements at 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). The State included improvement strategies, timelines and resources in its SPP, and further strategies in its attachment to the SPP (page 42).</p>	<p>Michigan's data indicate noncompliance with the 45-day timeline requirements.</p> <p>In the State's computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with these requirements. The State should review and, if necessary, revise its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with these requirements. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances.</p>

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<p>Indicator 8(B) and (C): OSEP's October 25, 2005 FFY 2003 APR response letter accepted the State's plan to correct the noncompliance with the requirements at 34 CFR §§303.148(b)(1) [notification of the LEA] and 303.148(b)(2)(i) [transition conferences], and required the State to submit a final report to OSEP, including data and analysis demonstrating compliance with those requirements, by November 25, 2006.</p>	<p>Indicator 8(B) and (C)</p> <p>On page 23 of the SPP, the State reported that:</p> <ul style="list-style-type: none"> • 47.8% of the time the LEA was notified of a child potentially eligible for Part B; and • 65.2% of children potentially eligible for Part B had a transition conference. 	<p>Indicator 8(B) and (C)</p> <p>Michigan's data indicate continuing noncompliance with the transition requirements at 34 CFR §§303.148(b)(1) [notification of the LEA] and 303.148(b)(2)(i) [transition conferences]. The State included improvement strategies, timelines and resources in its SPP to address the noncompliance.</p> <p>Indicator 8(C) – Other: In the State's computation of its baseline data for this compliance indicator, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record, and children for whom the family did not provide approval to conduct the conference.</p>	<p>Indicator 8(B) and (C)</p> <p>The State's final progress report demonstrating compliance with these requirements, which was due by November 25, 2006, may be submitted with the State's FFY 2005 APR on February 1, 2007.</p> <p>The State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR that demonstrate full compliance with these requirements. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>Indicator 8(C) – Other: In the FFY 2005 APR, due February 1, 2007, the State should not include in the calculation children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record or children for whom the family did not provide approval. The State must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances or the</p>

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		See Table A for noncompliance issue regarding Indicator 8A.	<p>number of children for whom the family did not provide approval to conduct the conference.</p> <p>See Table A for noncompliance issue regarding Indicator 8A.</p>
<p>Indicator 9 – Identification and Correction of Noncompliance: OSEP’s March 10, 2005 FFY 2002 APR response letter accepted the State’s plan to correct the noncompliance with the requirements at 34 CFR §303.501 to have proper methods to ensure the identification and timely correction of noncompliance, and required the State to submit a final progress report by April 10, 2006.</p>	<p>In Indicator 9, the State reported a list of noncompliance it identified, and indicated that the timeline for correction had not run and would not be completed until after June 30, 2006.</p>	<p>The State has provided information indicating that it is identifying noncompliance, but it has not yet provided data indicating that it is effective in correcting noncompliance because the timeline will not run until after June 30, 2006.</p>	<p>The State’s final progress report demonstrating compliance with these requirements, which was due by April 10, 2006, may be submitted with the State’s FFY 2005 APR on February 1, 2007.</p> <p>The State must provide in the APR documentation that it is effective in correcting all noncompliance within one year from identification. Failure to demonstrate compliance (with correction of State identified noncompliance) at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

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<p>Indicator 9 – IFSP Natural Environments Justifications: OSEP’s October 25, 2005 FFY 2003 APR response letter accepted the State’s plan to correct the noncompliance with the requirement that IFSPs include a justification of the extent, if any, to which the early intervention services will be provided in natural environments, and required the State to provide a final progress report to OSEP, including data and analysis demonstrating compliance with 34 CFR §303.344(d)(1)(ii), no later than November 25, 2006.</p>	<p>On page 43 of the SPP, the State provided data indicating that “the percent of IFSPs where a justification was written if the early intervention service was not provided in the natural environment,” was 34.1%.</p> <p>The State also provided data, on page 43 of the SPP, stating that it “will also target training to 11 of the 57 [Intermediate School Districts] ISDs who were less than 90 percent in compliance with meeting writing justifications for early intervention services not provided in the natural environment.”</p>	<p>OSEP cannot determine from this data the State’s level of compliance with the requirement that early intervention services for all infants and toddlers with disabilities are provided either, to the maximum extent appropriate, in natural environments or are provided under IFSPs that contain an appropriate justification for a setting that is not the natural environment.</p> <p>It appears from the State’s data that at least 11 ISDs were less than 90 percent in compliance with writing justifications for early intervention services not provided in the natural environment. However, it is not clear if there were more than 11 ISDs that were less than 100 percent compliant with this requirement. The State must ensure full (i.e., 100%) compliance with this Part C requirement.</p>	<p>The State’s final progress report demonstrating compliance with these requirements, which was due by November 25, 2006, may be submitted with the State’s FFY 2005 APR on February 1, 2007.</p> <p>The State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR that demonstrate full compliance with the requirement that early intervention services for all infants and toddlers with disabilities are provided either, to the maximum extent appropriate, in natural environments or are provided under IFSPs that contain an appropriate justification for a setting that is not the natural environment. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>
<p>Indicator 9 -Evaluations and IFSPs, Present Levels of Functioning: OSEP’s October 25, 2005 FFY 2003 APR response letter accepted the State’s plan to correct the noncompliance with the requirements at 34 CFR §§303.322(c)(3)(ii) and 303.344(a) to provide a timely, comprehensive,</p>	<p>The State indicated on page 41 of its SPP, “service areas reported that 71.3 percent of the children whose files were reviewed had had a comprehensive evaluation within 45 days of referral.”</p>	<p>The State’s data indicate continuing noncompliance with the requirements at 34 CFR §§303.322(c)(3)(ii) and 303.344(a) to provide timely, comprehensive, multidisciplinary evaluations of each child, and identify, on the child’s IFSP, the present level of</p>	<p>The State’s final progress report demonstrating compliance with these requirements, which was due by November 25, 2006, may be submitted with the State’s FFY 2005 APR on February 1, 2007.</p>

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<p>multidisciplinary evaluation of each child, and identify, on the child's IFSP, the present level of functioning in each of the five developmental areas.</p> <p>OSEP required the State to provide a final progress report, demonstrating compliance with 34 CFR §§303.322(c)(3)(ii) and 303.344(a), no later than November 25, 2006.</p>	<p>The State also reported "only 13 of 57 service areas were in compliance with this requirement."</p>	<p>functioning in each of the five developmental areas.</p> <p>Because the State's data are from file reviews, OSEP is assuming that it represents the level of compliance with: (1) providing timely, comprehensive, multidisciplinary evaluations of each child; and (2) identifying, on the child's IFSP, the present level of functioning in each of the five developmental areas.</p>	<p>The State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR that demonstrate full compliance with these requirements. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 9- Monitoring Procedures: OSEP required Michigan to submit, in the SPP, the final version of the Continuous Improvement Monitoring System (CIMS) formal sanctions as required by 34 CFR §303.501(b).</p>	<p>The State submitted a description of the formal sanctions used in its Continuous Improvement Monitoring System.</p>	<p>The State provided the requested information.</p>	<p>No further action is required regarding this request.</p>

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<p>Indicator 14 - Personnel Data and Accuracy of Data in General: OSEP accepted the State's plan regarding personnel data and the accuracy of the State's data in general, and required the State to submit a final progress report on those two issues by April 10, 2006.</p>	<p>In Indicator 14 of its SPP, the State reported that it uses its "data edits and duplicate checking algorithms" to check the accuracy of its data. The State also indicated that, during the site-based monitoring process, it compares submitted data to manual records for a randomly selected set of children.</p>	<p>The State submitted information regarding the strategies it has implemented in this area.</p>	<p>No further action required with regard to these two prior issues. The State does not need to submit a final progress report regarding these issues by April 10, 2006. OSEP looks forward to reviewing the State's information regarding the accuracy of its data, as required to be reported in Indicator 14, in its FFY 2005 APR, due February 1, 2007.</p>