



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

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

MAR 12 2012

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) for Part C 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 Part C 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 C of the IDEA, consistent with sections 616 and 642 of the IDEA.

The purpose of the verification visit is to review the State's systems for general supervision and fiscal management, as well as the State's systems for improving child and family outcomes and protecting child and family rights. OSEP developed critical elements that were used to guide its evaluation of MDE'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 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 a comprehensive, integrated response based on its review of States' fiscal systems, OSEP will be sending the State a separate letter addressing any fiscal issues, and has not included a fiscal section in the Enclosure.

As stated in the Enclosure to this letter, Michigan must review and determine if it will update its interagency agreement and any other written method, to ensure financial responsibility for IDEA Part C services provided, or paid for, by other State-level agencies. If the State elects to update its method, the State must submit such method with its FFY 2012 IDEA Part C grant application; otherwise the State must indicate "No" and provide a date in the appropriate responses to Section II.A.3. of the FFY 2012 IDEA Part C grant application.

Generally, the Enclosure to this letter does not include descriptions of the State's systems because this information is available on its 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 verification component of the visit, OSEP found noncompliance, and has required corrective action, in the following areas: a general supervision system that is reasonably designed to identify noncompliance in a timely manner, as required by IDEA sections 616 and 642, 34 CFR

¹ During the week of November 28, 2011, OSEP also conducted its Part B CIV to the Michigan Department of Education.

§303.501(a) and (b)(1) and 20 U.S.C. 1435(a)(10)(A); and a general supervision system that is reasonably designed to implement the following IDEA Part C dispute resolution requirements: the State Complaint procedures in 34 CFR §303.512; and the mediation and due process procedure requirements in 34 CFR §§303.419 through 303.425 (as modified by IDEA sections 615(e) and 639(a)(8)).²

During the CIV, MDE also focused on improving early intervention results and functional outcomes for infants and toddlers with disabilities. Prior to the visit MDE participated in a process with OSEP to concentrate its efforts on family outcomes. With OSEP's participation, MDE and stakeholders, which included participants from the Parent Involvement Committee, Michigan Alliance for Families, staff from Wayne State University, and several parents of children with disabilities from Macomb County, went through a facilitated process to examine the data, as well as current and past efforts to improve results in the family outcomes area, and formulate strategies that the MDE will employ to improve results for children with disabilities in its selected area. Michigan 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 lead agency's Web site at http://www.michigan.gov/mde/0,4615,7-140-6530_6809-127141--,00.html.

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the Michigan Alliance for Families, Early On State Interagency Coordinating Council, Michigan Protection and Advocacy Service, and parents of infants and toddlers with disabilities, in providing feedback and input on the State's systems for providing early intervention services to infants and toddlers with disabilities. We look forward to collaborating with all stakeholders and actively working with the State to improve results for infants and toddlers 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, Marsha Goldberg, at (202) 245-6488.

Sincerely,



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

Enclosure

cc: Vanessa Winborne
Part C Coordinator

² Unless specifically noted, the IDEA Part C regulations cited in this letter are to the regulations with which States must comply during FFY 2011 and which were in effect prior to the publication of the new IDEA Part C regulations published in 76 Federal Register 60140 on September 28, 2011, which are referred to in this enclosure as "new" regulations.