

# Michigan Association of Administrator for Special Education (MAASE)

October 11, 2023

Michigan Department of Education Office of Special Education



# Federal and State Updates

# OSEP Guidance Released

- Monitoring, Technical Assistance and Enforcement
- [Guidance on State General Supervision Responsibilities under Part B and C of the IDEA \(July 24, 2023\)](#)
  - [State General Supervision Responsibilities Under Parts B and C of the IDEA](#)

# July 2023 OSEP Guidance Replaces:

- [FAQ Regarding Identification & Correction of Noncompliance and Reporting on Correction in the SPP/APR \(Sept. 3, 2008\)](#):
- [OSEP Memo 09-02 Reporting on Correction of Noncompliance in the APR Required under Sections 616 & 643 of the IDEA \(Oct. 17, 2008\)](#)
- [Q and A on Monitoring, Technical Assistance and Enforcement \(Revised Jan. 2009\)](#)

# OSEP Clarifies or expands positions (pg. ii)

- **Reasonably Designed GSS**

- States should ensure all LEAs (ISDs) programs are monitored at least once within the six-year cycle of the State's SPP/APR

- **Timeline considerations for Identification of Noncompliance**

- OSEP articulates reasonable timelines for identifying and issuing a written notification of noncompliance

- **Correction of Child-Specific Noncompliance**

- States must demonstrate verification of EACH individual case of the previously noncompliant files

# A Reasonably Designed & Integrated GSS

- Must include (pg. 2-3):
  - 8 Components of General Supervision
  - Components should operate as an integrated system to connect, interact, articulate and inform one another
  - The State's GSS is to be used to monitor LEA (ISD) programs and providers

# SEA Must monitor the LEAs (ISDs) (pg. 3):

- Priority areas:
  - Provision of FAPE in the LRE
  - General Supervision, including effective monitoring
  - Child Find
  - A system of transition services
  - Use of resolution meetings
  - Mediation
  - Disproportionate representation of racial and ethnic groups in special education

# The State Must Monitor (pg. 11):

- Subrecipient of IDEA funds (LEA/ISDs)
  - **Subrecipients, in turn, are responsible for the general supervision of schools or programs within their jurisdiction.**
- Programs operated by other state agencies, including correctional facilities



# “Area of Concern” (pg. 13)

- Credible allegation regarding an IDEA policy, procedure, practice or other requirement that raises one of more potential implementation or compliance issues, if confirmed.
- “Credible allegation” may include information from integrated monitoring activities, data reviews, grant reviews, stakeholder calls, media reports, dispute resolution systems or other mechanisms that relate to IDEA implementation

# When the SEA Determines Noncompliance

- The State must:
  - Issue written notification of noncompliance “generally within three months”
  - If not corrected within the one-year timeline, the State may, but is not required to, issue a new finding of noncompliance to the LEA(ISD) even if the State has already issued a finding to that same LEA(ISD) in the prior year

# To Demonstrate Correction (pg. 17)

- The State must verify the LEA(ISD) program or provider is correctly implementing the specific regulatory requirements based on a review of updated data and information
- If applicable, has corrected for EACH individual case of child-specific noncompliance, unless the child is no longer within the jurisdiction of the LEA(ISD) and no outstanding corrective action exists under a State complaint or DPH decision for the child

# Frequently Used Words within the Guidance

- Generally
- Should
- Wish
- Recommends
- Encourages
- May...
  - May also want
  - May establish

# Bottom Line (pg. 37)

- A State's investment in establishing and implementing a robust general supervision system should result in infants & toddlers having access to developmental opportunities and children with disabilities receiving appropriate education services that are necessary to prepare them for further education, employment and independent living.

# 2023-24 Monthly Technical Assistance Topic Schedule

- **September 28<sup>th</sup>, 2023 from 3-4 pm**
    - Finance
  - **October 19<sup>th</sup>, 2023 from 3-4 pm**
    - 1% for Alt. Assessment
  - **November 16<sup>th</sup>, 2023 from 3-4 pm**
    - State Complaints
  - **December 7<sup>th</sup>, 2023 from 1-2 pm**
    - General Supervision
  - **January 11<sup>th</sup>, 2024 from 2-3 pm**
    - Monitoring Materials
  - **February 22<sup>nd</sup>, 2024 from 2-3 pm**
    - Compensatory Education Services
  - **March 28<sup>th</sup>, 2024 from 3-4 pm**
    - LRE Monitoring
  - **April 25<sup>th</sup>, 2024 from 3-4 pm**
    - Waivers, Deviations & ISD Plans
  - **May 9<sup>th</sup>, 2024 from 3-4 pm**
    - SPP/APR All Indicator Overview
  - **June 13<sup>th</sup>, 2024 from 3-4 pm**
    - Sig. Dispro & Determinations
- 

# Michigan Administrative Rules for Special Education Rule Revisions

# R 340.1721b Purpose of Revisions

To align with IDEA **requirements** regarding the determination of eligibility and the provision of FAPE for students who are parentally placed in a private schools.



# R 340.1721b Proposed Revision

- Will add language to clarify responsibilities for parentally placed students:
  - To respond to the request for an evaluation within 10 school days
  - Complete evaluation, determine eligibility and provide notice within 30 school days from the receipt of consent
  - Comply with requirements of 34 CFR Sections 300.130 to 300.147

# R 340.1723 Purpose of Revisions

- To align the rule with federal requirements related to a parent's request for an IEE.
- Currently, R 340.1723c requires an IEE request be in writing, which conflicts with the controlling federal regulation, 34 CFR Section 300.502.

# R 340.1733 Purpose of Revision

R 340.1733(d) requires an age span for special education programs operated in elementary buildings to not exceed at any one time, a 6-year age span or the age span of the students who are non-disabled in the building, **whichever is less.**

# Challenges of Limited Age Span

- [34 CFR Section 300.114\(a\)](#) requires students with disabilities to be educated in the least restrictive environment along with their nondisabled peers to the maximum extent appropriate.
- R 340.1733(d) can be especially challenging for districts who choose to operate young 5's, preschool programs, or other early childhood programs within the elementary building.

# Performance Reporting

- Congratulations!
- Shawan Dortch- Coordinator Monitoring

# Questions about Special Education?

## Contact Us!

### **Toll Free OSE Information Line**

888-320-8384

Monday – Friday  
9:00-4:00

[mde-ose@michigan.gov](mailto:mde-ose@michigan.gov)

## Call Us!

*Teri L. Rink, Director*

- 517-489-6676
- [rinkt1@michigan.gov](mailto:rinkt1@michigan.gov)

*Rebecca McIntyre, Assistant Director*

- 517-290-6430
- [mcintyrer1@michigan.gov](mailto:mcintyrer1@michigan.gov)