

# General Supervision System

## **Role and Responsibilities of the MDE and ISDs in Ensuring FAPE**

The Power of Partnerships

August 20, 2019



# Individuals with Disabilities Education Act

An American Civil Rights Law

# Due Process to Protect A Civil Right

- ...The child is educated as close as possible to the child's home (34 CFR 300.116(b)(3))
- ...the child is educated in the school that he or she would attend if nondisabled (CFR 300.116(c))

# Least Restrictive Environment (LRE) is NOT a placement

## **LRE is central to the requirements of IDEA**

- LRE is a set of considerations for EACH student with a disability that balances:
  - A student's civil right to be educated with nondisabled peers and
  - The school's obligation to offer a FAPE based on the individual student's need as it relates to the impact of their disability on learning

# Least Restrictive Environment (LRE) is NOT a placement

A student's category of eligibility does **NOT** determine placement

- Program or placement is to be individually determined based on the specific needs of a student with a disability. For example:
  - A student with a cognitive impairment is not automatically placed in a program for cognitive impairment
  - A student with a hearing impairment is not automatically placed at the Michigan School for the Deaf

# Governing Regulations

## Federal

### **Individuals with Disabilities Education Act (IDEA)**

- Federal statute and regulations defining:
  - Entitlements for students with disabilities
  - Obligations of schools to provide a Free Appropriate Public Education
- Part B: Students 3-21
- Part C: Children Birth-3

## State of Michigan

### **Michigan Administrative Rules for Special Education (MARSE)**

- 13 categories of eligibility/program descriptions
- Certification/endorsements
- State Complaint
- Finance
- ISD Plans
- Section 619: Children 3-5

# Additional requirements governing a Federal special education grant

GEPA EDGAR  
Other-Federal-Laws Guidance  
Case-Law IDEA/Regulations  
Uniform-Guidance  
Executive-Orders  
Policies  
State-Laws/Regulations

# IDEA Federal Grant Conditions

- In order for a State to receive IDEA Part B funds, it must submit a plan that provides assurances that it has in effect policies and procedures to ensure that the State meets each of the conditions in IDEA section 612(a) (emphasis added)



# IDEA §612(a)

- FAPE is made available to all children with disabilities age 3 through 21 residing in the State within the State's mandated age range;
- Child find is conducted for all children with disabilities residing in the State who are in need of special education and related services;
- Evaluations are conducted;
- IEPs are developed and implemented;
- LRE requirements are met; and
- All other conditions in section 612(a).

# SEA Responsibility for General Supervision (IDEA §612(a)(11))

## **The SEA is responsible for ensuring that:**

- The requirements of IDEA Part B are met;
- All educational programs for children with disabilities in the State, including all such programs administered by any other State agency or local agency—
  - are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and
  - meet the educational standards of the SEA.

# IDEA Part B Subgrants (34 CFR §300.200)

- **States** that receive a section 611 or 619 grant **must distribute any funds not reserved for State-level activities to all eligible LEAs** in the State.
- An **LEA is eligible** for assistance under IDEA Part B for a fiscal year **if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions** in §§ 300.201 through 300.213.

# Conditions of eligibility for IDEA Part B Subgrant

- The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established as required in IDEA §612.  
(emphasis added)

# Selected Conditions of LEA Eligibility

- Use of funds
- Excess costs
- Maintenance of effort
- Use of appropriate/adequately trained staff
- Treatment of charter schools
- Providing SEA with information necessary to enable the SEA to carry out its duties under IDEA Part B

# Michigan's 56 ISDs = LEAs



**Subrecipient of IDEA Funds**

**Therefore, ISDs in Michigan  
are responsible for ensuring  
Part B requirements are met.**

# Educational Service Agencies (34 CFR §300.28(b))

- The term LEA includes an educational service agency, as defined in 34 CFR §300.12(b).
- An SEA may only provide Part B subgrants to eligible LEAs. In order to receive a Part B subgrant, an ESA, like any LEA, must establish eligibility under IDEA section 613.
- **Because Michigan provides Part B subgrants to ISDs, the LEA eligibility requirements apply to the ISD.**
- The LEA that establishes eligibility under IDEA section 613 and receives a Part B subgrant is the LEA responsible for ensuring Part B requirements are met.



# Educational Service Agencies (34 CFR § 300.12)

## **An ESA (Educational Service Agency) is:**

- A regional public multiservice agency authorized by State law to develop, manage, and provide services or programs to LEAs, and is recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State;
- Includes any other public institution or agency having administrative control and direction over a public elementary school or secondary school; and
- Includes entities that meet the definition of intermediate educational unit in section 602(23) of the IDEA as in effect prior to June 4, 1997.



# ISD Plans for the Delivery of Special Education

## **ISD requirements defined:**

- Revised School Code
- MARSE rules pertaining to ISD Plans
- Signatures signifying involvement from each local district and Parent Advisory Committee
- Signature from ISD superintendent signifies approval of the plan
- Superintendent of Public Instruction gives final approval

# Section 608: State Administration

(a) Rulemaking.—Each State that receives funds under this title shall—

***(1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;***

(2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and

(3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

**“Ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title.”**

# Michigan Administrative Rules for Special Education (MARSE)

## Intermediate School District Responsibilities

*Each intermediate school district shall implement monitoring procedures and evaluation methods **developed by the department** to ensure that the standards and criteria established are being achieved by the intermediate school district, their constituent local school districts, and their public school academies.*

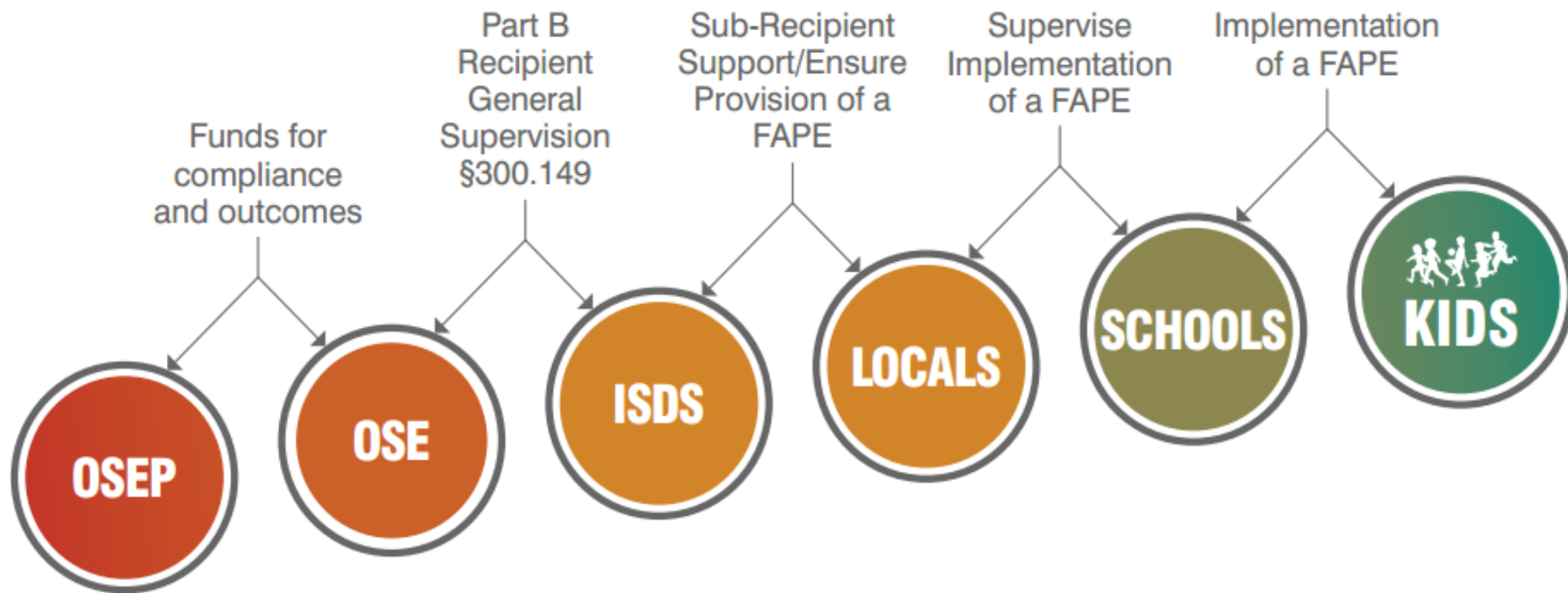
Source: MARSE R 340.1839 Monitoring and program evaluation. Rule 139

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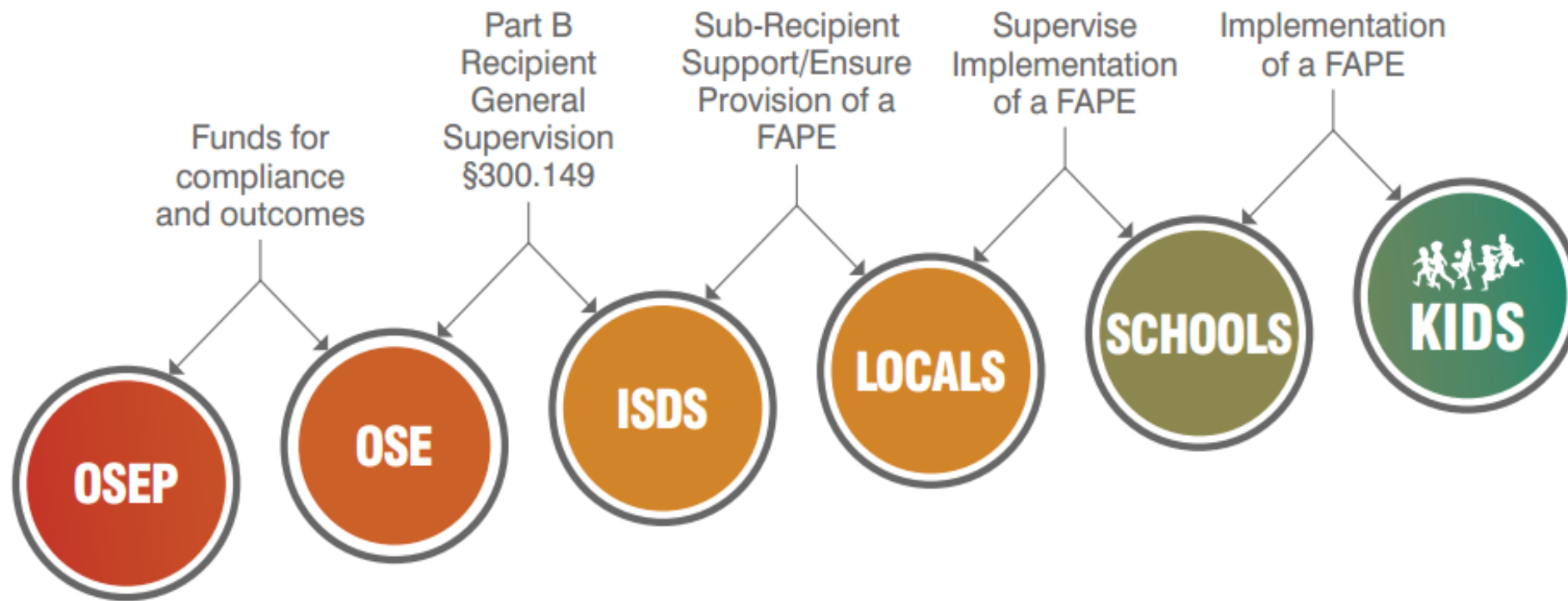
# Clarify Roles and Responsibilities at the State and ISDs

**Strengthening partnerships to improve student outcomes**

# IDEA Supervision: Coordination and Communication



# IDEA Supervision: Coordination and Communication



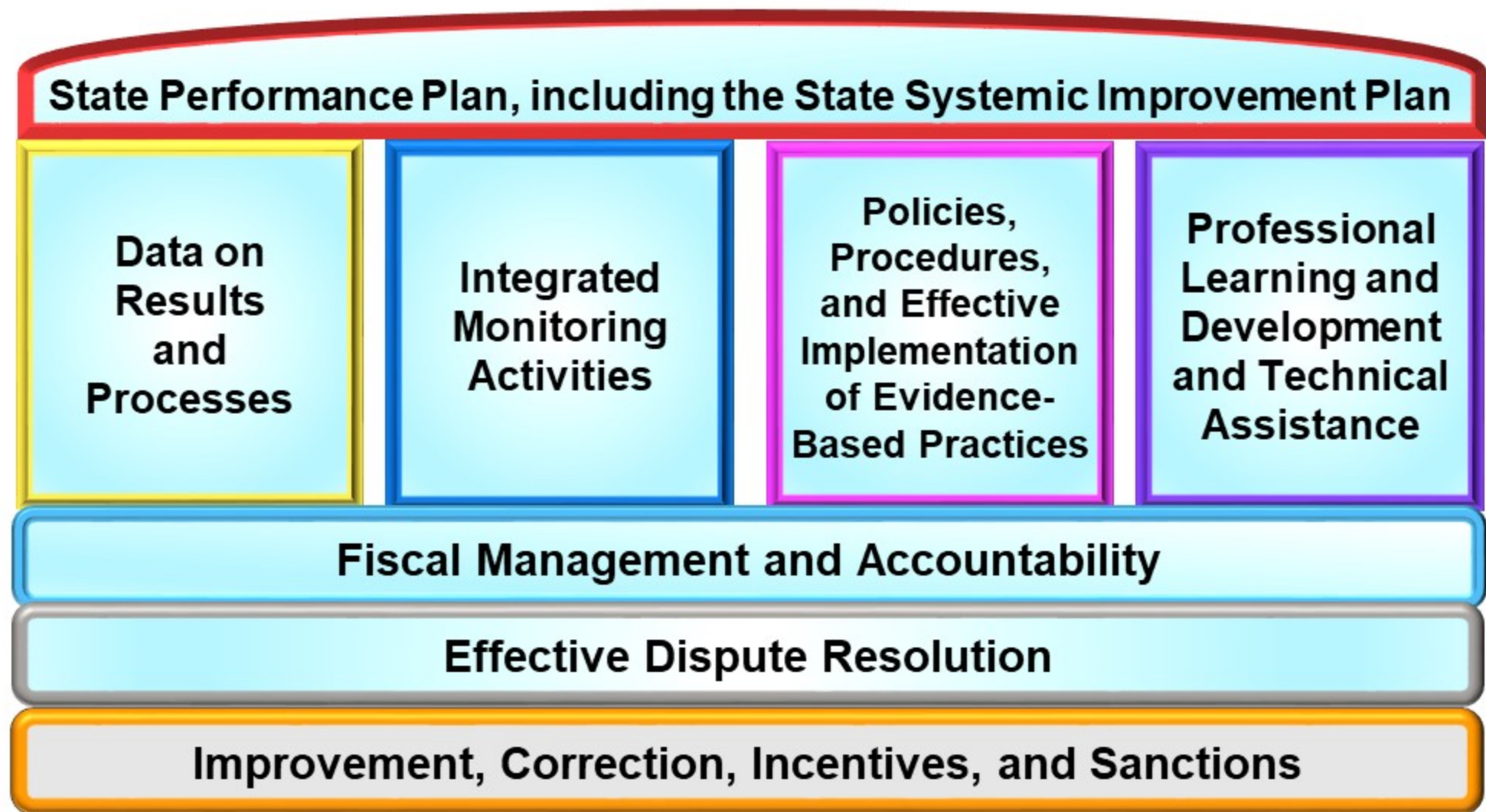
# Effective Systems of General Supervision

Support  
improvement of  
educational  
results and  
functional  
outcomes

Use multiple  
methods to  
identify and  
correct

Use multiple  
mechanisms to  
encourage and support  
improvement and  
compliance

# **Components of General Supervision and IDEA Accountability Systems**





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# Developing a Proactive System of Identification and Improvement

# The Three Questions...at every level

WHAT SYSTEM(S) IS IN PLACE TO:

1.

**Ensure  
everyone  
knows the  
requirements  
of IDEA?**

2.

**Verify  
everyone is  
implementing  
the  
requirements  
correctly?**

3.

**Support  
identified  
areas of  
improvement?**

# Ensure Provision of a FAPE



# 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 Chapman, Director
  - 517-335-0455
  - [chapmant2@michigan.gov](mailto:chapmant2@michigan.gov)