

Office of Special Education Updates

October 2019

Michigan Department of Education Office of Special Education



Today's Outcomes

- Participants will become familiar with recent guidance issued by MDE OSE.
- Participants will learn about the most common topics that are brought through the dispute resolution process.

Measurable Annual Goals

Measurable Annual Goals – MDE July 2019

Procedural Requirement

The IDEA and the MARSE require that annual goals and objectives be measurable. In order to determine whether an annual goal or objective is measurable, the following components are to be determined through a complete review of the IEP.

- A. Current level of performance
- B. Specific skill or set of skills to be taught and measured
- C. Target or outcome
- D. Method of measurement

Annual Goals continued

Description

- A. Current level of performance—The current level of performance is the **student's starting point for academic or functional performance**. This may include descriptive and/or quantifiable information.
- B. **Specific skill or set of skills to be taught and measured**. The skill or set of skills is the expected academic or functional performance that will be taught and produce an outcome to be measured.

Formula

Measurability = **current level** + **skill/set of skills** + target + method of measurement

Start Level (PLAAFP) → End Level (Annual Goal)

PLAAFP

Measurable Annual Goal

Specific Skill

the academic or functional skill that the student **can** do in observable and measurable terms

Current Level

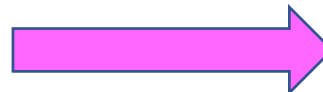
current level of performance of the specific skill is the starting point; **baseline data**

Date

date of baseline assessment

Method of Evaluation

the tool used to obtain baseline data and starting point for instruction



Specific Skill

the academic or functional skill that the student **will** do in observable and measurable terms

Target or Outcome Level

level of achievement or mastery that is expected for the specific skill; **criteria data**

Date

date that the goal will be achieved

Method of Evaluation

the tool that will be used to measure student's **progress** towards meeting the goal

Discipline



Defining a Removal

A disciplinary removal occurs when a student is excluded from his or her current placement due to a violation of the student code of conduct and the student is not afforded the opportunity to:

- Continue to be involved in and make progress in the general education curriculum;
- Receive the instruction and services specified on the IEP; and
- Participate with nondisabled students to the extent the student would have in his or her current placement.

IDEA Discipline Requirements

- Removals 10 School Days or Less
- Removals of More than 10 Consecutive School Days
- Removals of More than 10 Cumulative School Days

Case Scenario: Robert

- *Incidents One and Two:* Two separate incidents of throwing food at children in the cafeteria, each time resulting in a suspension of one day in September and October.

Case Scenario: Robert

- *Incident Three:* Pulling the fire alarm in November. Five-day suspension.
- *Incident Four:* Fighting in class in December. Two-day suspension.
- *Incident Five:* Setting off the sprinkler system in the school with a lighter in February. Two-day suspension.

Pattern of Removals

- More than 10 cumulative school days in a school year;
- Behavior is similar to the behavior in previous incidents that resulted in a removal; and
- Additional factors: length of removal, total time removed, and proximity of removals.

Discipline Requirements

- Special Circumstances
- Protections for Students Not Yet Determined Eligible
- Other: Revised School Code

Predict

What areas do you think might be common areas of OSE identified noncompliance regarding discipline protections?



Top Areas of Non-Compliance regarding Discipline in 2018-2019

Citation	Topic
300.530(b)(2)	Providing FAPE services after the 10th day of removal
300.530(e)(1)	MDR is held within 10 days of decision to change placement
300.536(a-b)	Case by case determination of change of placement for >10 consecutive days or pattern of removals
300.530(d)(1)(i)	Providing services to participate in gen ed and make progress on goals
300.530(d)(1)(ii)	Receive, as appropriate, FBA and behavior interventions to address behavior
300.530(d)(5)	IEP Team determines services for a change of placement

Counting Days of Removals

Shortened School Days

Shortened School Day and FAPE

- 34 CFR Section 300.17: FAPE
- Endrew F. v/ Douglas County School (U.S. 2017)
- Letter to Wentzell (OSEP 2016)

Shortened Day and IEP Considerations

- Explanation of why the student's disability requires a shortened day.
- Explanation of the unique need or skill gap prohibiting the student from attending a full day.

Shortened Day and IEP Considerations

- A clear connection to the growth and progress expected to be achieved by shortening the student's day.
- A plan for the student's return to school for a full day.

Compliance Implications

“Any IEP that addresses a shortened school day through a conclusory statement or a checked box without addressing the critical compliance inquiries and without full consideration by the IEP team will be considered noncompliant.”

Shortened School Day Guidance, September 2019

Additional Considerations

- Shortened school days may not be used to manage behavior or as a means of discipline.
- A school district may not reduce instructional time as a form of punishment in lieu of suspension or an expulsion.

Additional Considerations

- A school district may not require a student to “earn” back time in school.
- Attendance may not be conditioned upon the student’s taking medication, receiving treatment, therapies, or other outside services.
- A school district does not have to shorten a student’s school day because of a parent request.

State Complaint Trends

State Complaint Data

SY 2017–2018

243 state complaints filed

- 115 completed with findings
- 26 completed with no findings
- 50 withdrawn
- 32 insufficient
- 15 cancelled
- 5 dismissed

SY 2018-2019

265 state complaints filed

- 109 completed with findings
- 40 completed with no findings
- 37 withdrawn
- 28 insufficient
- 18 cancelled
- 2 dismissed
- 2 abeyance
- 29 pending current investigation

Most Common Issues: SY 2018-19

Citation	Most Common Issues: SY 2018-19	Total Allegations	Total Violations	Percent %
§ 300.324(a)	Development of IEP <ul style="list-style-type: none">• Strengths, parent concerns, eval results, PLAAFP• Consideration of special factors• Regular Ed Teacher Participation• Amendments	179 111 44 12 12	77 41 24 6 6	43% 37% 59% 50% 50%
§ 300.324(b)	Review and revision of IEP <ul style="list-style-type: none">• Revises for lack of progress• Special Factors	81 74 7	40 38 2	49% 51% 29%
§ 300.530	Authority of school personnel <ul style="list-style-type: none">• Case by case determination and additional authority• Services (IAES, determination)• Manifestation Determination Review• Determination that behavior was a manifestation• Special Circumstances• Notification	214 67 64 55 15 6 7	114 33 40 26 7 2 6	53% 49% 63% 47% 47% 33% 86%
§ 300.320	Definition of Individualized Education Program <ul style="list-style-type: none">• Content• Transition• Transfer of Rights at age of majority	207 195 11 1	112 107 5 0	54% 55% 45% 0%
§ 300.17 § 300.101	FAPE Free Appropriate Public Education Requirements <ul style="list-style-type: none">• General• FAPE beginning at age 3• Children advancing from grade to grade• Provided in conformity with the IEP	93 74 70 1 3	49 52 50 1 1	53% 70% 71% 100% 33%

Most Common Issues Continued: 2018-2019

Citation	Most Common Issues Continued: 2018-2019	Total Allegations	Total Violations	Percent %
§ 300.503	Prior notice by the public agency; content of notice <ul style="list-style-type: none"> • Notice meets requirements • Content of Notice • Understandable language 	166 56 105 5	86 33 51 2	52% 59% 49% 40%
340.1721e	Individualized Education Program <ul style="list-style-type: none"> • Development • Extended School Year • Determine Programs and Services 	119 85 15 19	56 43 3 10	46% 51% 33% 53%
§ 300.301	Initial evaluations <ul style="list-style-type: none"> • General • Request for Initial • Procedures • Exception 	107 12 17 47 8	62 6 5 31 4	58% 50% 29% 79% 50%
340.1721a	Initial Evaluation	23	16	70%
§ 300.116	Placements <ul style="list-style-type: none"> • Placement decision made by... • Placement determination made • Educated in the school normally would attend if nondisabled • Consideration given to potential harmful effects • Not removed from general education because of needed • Modifications to curriculum 	104 28 31 9 12 9	45 10 14 3 8 4	43% 36% 45% 33% 67% 44%

Less Common Issues: SY 2018-19

Citation	Topic	Total Allegations	Total Violations	Percent %
§ 300.300	Parental Consent	22	14	64%
§ 300.534	Protections for children not determined eligible	33	26	79%
340.1721b	Timelines	32	22	69%
§ 300.323	When IEP must be in effect	87	54	62%
§ 300.321	IEP Team	41	25	61%
340.1722	District Responsibilities	76	48	63%
§ 300.111	Child Find	44	33	75%

Resources

- [Measurable Annual Goals and Short-Term Objectives](#)
- [Measurable and Annual Goals and Short-Term Objectives - Substantive Compliance](#)
- [IDEA Discipline Requirements](#)
- [Shortened School Day Guidance](#)

Resources Continued

- [Alternatives to Suspension and Expulsion Toolkit](#)
- [Sample Discipline Procedures](#)
- [Manifestation Determination Form](#)
- [Questions and Answers on Discipline Procedures](#)
- [OSE Discipline Toolkit](#)

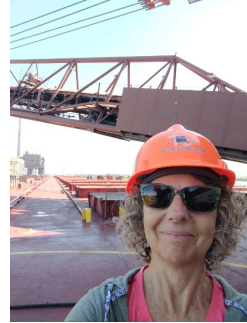
Questions



Who's Who in the PA Unit



Rebecca
McIntyre



Marcia
O'Brien



Nancy
Rotarius



Jessica
Wisuri



Beth Jarve



Gina
Alexander



Kristina
Collier



Beth Cooke



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Contact Information

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