



FOCUS on Results

Office of Special Education and Early Intervention Services

September 2008

Accountability

Assessment

Curriculum & Instruction

Dispute Resolution

Early Childhood

IEPs & IFSPs

Personnel

State & Federal Policy

Transition

Other

This *FOCUS on Results* document defines Michigan's State Performance Plan (SPP) and Michigan's Annual Performance Report (APR). It also looks at how public reporting provides the opportunity for Michigan communities to see what's working well in their special education and early intervention programs and to identify what aspects of these programs are in need of improvement.

Understanding Michigan's State Performance Plan (SPP), Annual Performance Report (APR), and Public Reporting

The *No Child Left Behind* (NCLB) Act of 2001 ushered in an era of unprecedented accountability in American education. Mandatory annual assessments in the areas of math and reading, higher standards for teacher training, and increased focus on research-based practices were part of a sweeping overhaul of federal efforts to support elementary and secondary education. And children with disabilities were not left behind. In 2004, the *Individuals with Disabilities Education Act* (IDEA) was reauthorized to align more closely with the NCLB's standards of accountability. The IDEA thereby mandated the establishment of a six-year State Performance Plan (SPP) for each state's special education and early intervention programs, followed by an Annual Performance Report (APR) summarizing the state's progress toward state- and federally-established goals.

While the APR provides an overall view of Michigan's special education picture, useful information for parents, teachers, school administrators, and the community is also contained in the local data collected on individual school districts across the state. Beginning in 2007, the IDEA requires states to report to the public on each district's progress toward the targets specified in the SPP. Public reporting provides the opportunity for Michigan communities

to see what is working well in their special education and early intervention programs and to identify what aspects of those programs are in need of improvement. This issue of *FOCUS On Results* will define and clarify the SPP requirements including determinations and public reporting.

Michigan's State Performance Plan (SPP)

The IDEA established two separate age segments for students with special needs. Part B refers to special education services for students ages 3 through 21. Part C refers to services for infants and toddlers with special needs from birth through age 2.

Michigan special education services extend from birth through 25 (beyond the federal requirement of 21). Therefore, Michigan's Part B programs serve students ages 3 through 25. The Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE, OSE-EIS) is tasked with implementing and monitoring Part B improvement plans. The MDE, Office of Early Childhood Education and Family Services (ECE&FS) manages Part C services through its *Early On*[®] program.

Overseen by the federal government's Office of Special Education Programs (OSEP), Michigan outlined a strategic



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framework for evaluating and improving education services for children with disabilities in its SPP for Part B and its SPP for Part C.

The OSEP identified various aspects of special education to monitor in the SPP and the APR, called indicators. Part B consists of 20 indicators and Part C consists of 14 indicators. These indicators are classified as either compliance indicators or results indicators. Compliance indicators have targets that are set by the federal government. All compliance indicators are given targets of 0 percent or 100 percent. For example, Indicator 9 requires that 0 percent of districts have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification; Indicator 17 requires that 100 percent of hearings take place during their established timelines.

Results indicators have targets set by the state. With input from stakeholders, such as the Special Education Advisory Committee, school administrators, parent networks, and the MDE, OSE-EIS staff, the state established six-year performance goals—with measurable and rigorous annual targets—for all results indicators, which were approved by the OSEP.

Strategies for meeting these targets by 2011 are described in the SPPs. The SPPs for Part B and Part C are available at the MDE Web site, www.michigan.gov/mde, as permanent documents, with updates and revisions posted as they occur.

Annual Performance Report (APR)

The Annual Performance Report (APR) contains a yearly summary of Michigan's progress on the SPP. The APR is submitted to the OSEP each February, with new data from the previous year's reporting period—July 1 to June 30 (e.g., the first APR submitted in February 2007 reported on data gathered in the 2005-2006 school year). The APR describes each indicator and compares overall

state results with the target that has been set for that indicator. Also included is a list of improvement activities begun and/or completed for each indicator, presented in a timeline chart. Where improvement activities or measurement methods have changed since the previous year, justifications and explanations for those changes are included. As required by the IDEA, the APRs for Part B and Part C are available at the MDE Web site at www.michigan.gov/mde.

Special Education Facts

Special Education Facts published by the MDE, OSE-EIS, are brief, easy-to-read synopses of the Part B APR, organized by indicator. Charts and graphs present data at a glance, and links to more information on related topics are provided. *Special Education Facts* for all 20 indicators are available at www.michigan.gov/mde or at the Center for Educational Networking's (CEN) Web site, www.cenmi.org/specialeducationfacts.asp.

Determinations

After the submission of the SPPs and the APRs, OSEP gives each state a grade, called a "determination," regarding its compliance with the IDEA. The determination scale has four levels:

- Level 1—Meets requirements.
- Level 2—Needs assistance.
- Level 3—Needs intervention.
- Level 4—Needs substantial intervention.

For Part B, Michigan was one of just nine states to receive a level one determination (meets requirements) for data gathered in the 2005-2006 school year. The OSEP based its determination of Michigan on the completeness of the SPP and the APR, information obtained through monitoring visits, and other publicly available information. The OSEP also looked at the results of the four compliance indicators for which baseline data had been previously established:

- Indicator 12: Early Childhood Transition.
- Indicator 15: Compliance Findings.
- Indicator 16: Timely Complaint Investigations.
- Indicator 17: Timely Hearing Adjudication.

While this was good news for Michigan, the state still had room for improvement in other indicators. Michigan recognized that the OSEP would include all remaining compliance indicators in future determinations. Therefore, Michigan anticipated a drop in its next determination level. In June 2008, the

OSEP informed Michigan of its level two determination (needs assistance) for the data gathered in the 2006-2007 school year. The OSEP again based its determination of Michigan on the completeness of the SPP and the APR, information obtained through monitoring visits, and other publicly available information. However, as expected, the OSEP also weighed heavily the results of all the compliance indicators, with the exception of Indicator 20. The OSEP cited deficiencies in three compliance indicators as affecting Michigan's determination level:

- Indicator 10: Disproportionate Representation in Specific Disability Category.

Individuals With Disabilities Education Act (IDEA)

The *Individuals with Disabilities Education Act (IDEA)* is a federal law that governs how states and public agencies provide early intervention, special education, and related services to children from birth through age 21 (age 25 in Michigan) with disabilities. The hallmark of the IDEA is that each child is guaranteed a free, appropriate, public education (FAPE) in the least restrictive environment (LRE). This is crucial, wide ranging legislation, given that students with disabilities comprise approximately 14 percent of all K-12 students in Michigan and nationwide.

Although its basic form has been in place since 1974, the IDEA was substantially amended in 2004 to align with the requirements of the *No Child Left Behind (NCLB) Act*. As a result of this alignment with the *NCLB Act* and its call for greater accountability, the IDEA mandated the establishment of a yearly performance plan for each state, detailing how that state would fulfill the requirements of the IDEA.

No Child Left Behind (NCLB) Act

The *No Child Left Behind (NCLB) Act* of 2001 is a clear mandate for tougher standards of accountability in America's public schools. It is the latest version of the *Elementary and Secondary Education Act*, which was first established in 1965. Proposed by President George W. Bush early in his first term, the *NCLB Act* became law on January 8, 2002. Based on the theory that high expectations and stringent goal setting would result in greater educational achievement for most students regardless of race, social economic status, or disability, the core principles of the *NCLB Act* are:

- Accountability for results.
- An emphasis on following scientific research.
- Expanded options for parents.
- Expanded local control and flexibility.

Statement of Compliance with Federal Law

The Michigan Department of Education complies with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education.

Compliance with Title IX

What Title IX is: Title IX of the Education Amendments of 1972 is the landmark federal law that bans sex discrimination in schools, whether it is in curricular, extra-curricular or athletic activities.

Title IX states: "No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal aid."

The Michigan Department of Education (MDE) is in compliance with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq. (Title IX), and its implementing regulation, at 34 C.F.R. Part 106, which prohibits discrimination based on sex. The MDE, as a recipient of federal financial assistance from the United States Department of Education (USDOE), is subject to the provisions of Title IX. MDE does not discriminate based on gender in employment or in any educational program or activity that it operates.

The designated individual at the Michigan Department of Education for inquiries and complaints regarding Title IX is:

Roberta E. Stanley, Director, Office of Administrative Law and Federal Relations, Michigan Department of Education, Hannah Building, 608 West Allegan, P.O. Box 30008, Lansing, Michigan 48909, Phone: (517) 335-0436, Email: stanleyr@michigan.gov.



The Center for Educational Networking (CEN) is a statewide education information network that produces and disseminates publications and documents related to the education of students with Individualized Education Programs (IEPs).



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- Indicator 13: Secondary Transition Services.
- Indicator 15: Compliance Findings.

The OSEP also cited a deficiency in Michigan's review of the districts for a result indicator (Indicator 4: Rates of Suspension and Expulsion). However, the OSEP commended Michigan for its performance on four other indicators:

- Indicator 9: Disproportionate Representation in Special Education and Related Services.
- Indicator 11: Part B Child Find.

- Indicator 12: Early Childhood Transition.
- Indicator 16: Timely Complaint Investigations.

The State of Michigan, in turn, is required to make determinations for more than 800 local educational agencies (LEAs) each year, using the same scale used by the OSEP. The OSEP's instructions require that the state must consider, as part of its local determinations:

- Performance on compliance indicators.

State Performance Plan (SPP) Part B Indicators, Section 616-IDEA

The Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE, OSE-EIS) has organized the Part B indicators into four clusters, addressing the following questions about the state's performance:

- Are students with disabilities entering school ready to learn at high levels? (*Indicator 6—Preschool Educational Environments, Indicator 7—Preschool Outcomes Measurement, Indicator 12—Early Childhood Transition*)
- Are students with disabilities achieving at high levels? (*Indicator 3—AYP Assessment, Participation, and Achievement, Indicator 4—Rates of Suspension and Expulsion, Indicator 5—Educational Environments, Indicator 8—Parent Involvement, Indicator 9/10—Disproportionate Representation in Special Education and Related Services/Specific Disability Category*)
- Are students with disabilities prepared for success beyond high school? (*Indicator 1—Graduation Rates, Indicator 2—Dropout Rates, Indicator 13—Secondary Transition Services, Indicator 14—Postsecondary Outcomes*)
- Does the infrastructure support the implementation of IDEA? (*Indicator 11—Part B Child Find, Indicator 15—Compliance Findings, Indicator 16—Timely Complaint Investigations, Indicator 17—Timely Hearing Adjudication, Indicator 18—Hearings Settled, Indicator 19—Mediation Agreements, Indicator 20—Timely and Accurate Reporting of Data*)

The same indicators listed above are also categorized as compliance indicators and results indicators.

Compliance indicators are set by the federal government with targets of 0 percent or 100 percent. (*Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20*)

Results indicators are established six-year performance goals with measurable and rigorous annual targets. The targets are set by the state and approved by the federal government. (*Indicators 1, 2, 3, 4, 5, 6, 7, 8, 14, 18, and 19*)



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- Whether data submitted by the LEAs is valid, reliable, and timely.
- Uncorrected noncompliance from other sources.
- Any audit findings.

In addition, the OSEP states that the following may be considered:

- Performance on results indicators.
- Other information.

District-Level Public Reports

The federal government requires states to make public the data from local districts. The OSEP selected a limited number of indicators from Part B and Part C for which data was made public for the first time in June 2007. The data had been gathered during the 2005-2006 school year as part of the APRs.

District-level reports will be updated in the fall of 2008 with information from the 2006-2007 school year. The 2008 public reporting includes the following Part B indicators:

- Indicator 1: Graduation Rates.
- Indicator 2: Dropout Rates.
- Indicator 3: AYP Assessment, Participation, and Achievement.
- Indicator 4: Rates of Suspension and Expulsion.
- Indicator 5: Educational Environments.
- Indicator 8: Parent Involvement.
- Indicator 9: Disproportionate Representation in Special Education and Related Services.
- Indicator 10: Disproportionate Representation in Specific Disability Categories.
- Indicator 11: Part B Child Find.

- Indicator 12: Early Childhood Transition.
- Indicator 13: Secondary Transition Services.

The OSE-EIS Web site makes it easy to access this information by intermediate school district (ISD) or by the LEA within the district. A click on the desired indicator yields a plain-language description of the indicator, the overall state performance on the indicator, and the district's performance on the indicator, typically accompanied by a bar graph. Up to three additional districts can be selected for cross-district comparisons on most indicators.

To access the public reports, go to www.michigan.gov/ose-eis and search for "IDEA Public Reports."

Responses to Public Reporting Requirements

As could be expected, there is a range of opinion among Michigan educators and administrators about the demands put on the schools by the SPP and district level reporting requirements. But many would agree with Emily Brewer, Early Childhood Special Education Coordinator, Shiawassee County Regional Education Service District (RESA), who says, "Teachers are under a tremendous amount of pressure, and they may find it overwhelming to have their progress evaluated on all these indicators. But this is the age of accountability, and I think most educators see its worth. It helps us know where to focus and where we need to make improvements." According to Brewer, a priority for Shiawassee County, near Lansing, is "finding inclusive settings in the community for children with special needs age birth to six to receive services."

In the Detroit area, Taylor Public Schools is also making changes sparked by the SPP and other IDEA mandates. "We're making good progress with inclusion," says Special Education Director Mary Kay LaPointe. "This year, most of our 6th-8th grade students receiving special education services were in general education classes 100 percent of the time. And in the other grades, time in the general education

Individuals With Disabilities Education Act (IDEA) of 2004

§601(c) Findings—

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.



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classroom has gone up from 50 percent to about 75 percent.”

Saginaw County’s biggest challenge has been in meeting the SPP targets for graduation and dropout rates, says Bill Hartl, Director of Special Education. But the reporting requirement has served as a catalyst for finding solutions. “Whatever gets reported on, gets paid attention to,” says Hartl. “I’m liking it.” In 2005, Saginaw opened its Learn to Earn Academy, a transitional program aimed at helping students with special needs complete high school while working paid jobs in the community. Students are placed with one of 238 employers throughout the county, spending nearly half of each school day on the job. “By the time they leave, they’re working every day, able to earn a living,” says Hartl.

Getting It Right

The first public reporting cycle provided a chance to test the capacity of the LEAs to gather and analyze data. As the OSE-EIS identified error patterns in local data entry, the LEAs were assisted in making changes to reduce future errors and omissions. As with any new process,

ironing out the wrinkles will take some time. Meanwhile, special education directors statewide are, on the whole, optimistic and energized by the increased focus on accountability. Says Lynne Kesterke of Montcalm Area ISD: “Public reporting of state performance indicators has increased awareness of our students’ performance. It takes five to eight years for a paradigm shift to occur when changes in practice are introduced, but I believe that by aligning our practices to the state performance plan and closely watching determinations, all of our programs will show improvements through greater student success.”

Knowledge Is Power

Just as educators can use public reporting to identify the greatest areas of concern, parents can make educated decisions, as well. Parents may want to find a district that best meets their needs. Parents may also become informed advocates, or choose to assist the school in improvement activities. The increased visibility will motivate school communities to improve.

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RESOURCES

Michigan Education Web Sites

Michigan’s State Performance Plan (SPP)
www.michigan.gov/ose-eis

Michigan’s Annual Performance Report (APR)
www.michigan.gov/ose-eis

Michigan’s IDEA Public Reporting
www.michigan.gov/ose-eis

Service Provider Self Review (SPSR) Support and Training
<http://training.cimsmichigan.org>

Special Education Compliance, Monitoring, and Due Process
www.michigan.gov/mde/0,1607,7-140-6530_6598_7363---,00.html