UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 6 2008

Honorable Michael P. Flanagan
Superintendent of Public Instruction
Michigan Department of Education
608 West Allegan Street
P.O. Box 30008
Lansing, Michigan 48933

Dear Superintendent Flanagan:

Thank you for the timely submission of Michigan's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Michigan's SPP and APR received on April 11, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA sections 616(d) and 642, Michigan needs assistance in meeting the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, information obtained through on-site verification and focused monitoring visits, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination of needs assistance for Michigan included the following: (1) for Indicator 1, the State reported 47% compliance with the timely service provision requirements, which represents progress from the State's FFY 2005 data of 19%; (2) for Indicator 7, the State reported 63.1% compliance with the 45-day timeline requirements; (2) for Indicator 8A, the State reported 73% compliance with the IFSP transition content requirements with progress from 59.28%; (3) for Indicator 8C, the State reported 85.5% compliance with the timely transition conference requirements with progress from 84.4%; (4) for Indicators 1, 7, 8A, and 8C, the State did not report correction of prior findings of noncompliance; and (5) for Indicator 9, the State reported 28% compliance with timely correction requirements, which data reflect the measurement for this indicator, unlike the State's FFY 2005 data that did not reflect the measurement for this indicator. In addition, the State did not report correction of prior noncompliance with the requirements in 34 CFR §§303.322(c)(3)(ii) and 303.344(a) that each child has a timely, comprehensive, multidisciplinary evaluation, and an IFSP that identifies the child's present level of functioning in each of the five developmental areas. For these reasons, we were unable to determine that your State met requirements under IDEA sections 616(d) and 642. OSEP notes that the State reported a high level of compliance for Indicator 8B. We hope that your State will demonstrate in next year's APR that it meets requirements.

The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at http://spp-apr-calendar.rrfcnetwork.org/. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, your State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the SPP under IDEA sections 616(b)(2)(C)(ii)(l) and 642. In addition, your State must review EIS program performance against targets in the State's SPP, determine if each EIS program meets the requirements of the IDEA and inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at http://spp-apr-calendar.rrfcnetwork.org/. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

OSEP is committed to supporting Michigan's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Charles Kniseley, your OSEP State Contact, at 202-245-7322.

Sincerely,

William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator