



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


GRETCHEN WHITMER
GOVERNOR

SHEILA A. ALLES
INTERIM STATE SUPERINTENDENT

MEMORANDUM

DATE: May 9, 2019

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Dr. Scott Koenigsnecht, Deputy Superintendent 
Michigan Department of Education
P-20 System and Student Transitions

SUBJECT: Responsibility for Subsequent IEP Meetings for Michigan School for the Deaf Pupils Under MARSE 340.1721e

The Michigan Department of Education (MDE) is providing clarification to school districts and Intermediate School Districts regarding the responsibility for Individualized Education Program (IEP) team meetings after the Michigan School for the Deaf (MSD) accepts an assignment of a student. In particular, the responsibility for conducting meetings, sending out notices, attending the IEP team meeting, and signing a resident student's Notice of Provision of Programs and Services (Notice).

This clarification relates to the Michigan Administrative Rules for Special Education (MARSE) Rules 340.1721e(5) and (6). MARSE Rule 340.1721e(5) states the MSD "shall be considered a part of the total continuum of services for students who are deaf and hard of hearing" and resident districts must conduct the IEP team meeting that proposes an assignment into the MSD. Rule 340.1721e(6) further requires a resident district to conduct both the initial IEP team meeting and each subsequent IEP team meeting, unless it authorizes an "operating district" to conduct a subsequent IEP team meeting "at a mutually agreed upon time and place."

The Notice form indicates whether the resident district has authorized an "operating district" to conduct subsequent IEP team meetings. Since the MDE does not consider the MSD an "operating district", the MDE interprets the language of Rule 340.1721e(6) as requiring the resident district to conduct subsequent IEP team meetings and sign the Notice after the IEP team meeting. Historically, for students assigned to the MSD, some resident districts signed the Notice. In other cases, the MSD representative signed. Although the MSD signed some Notices in the past, because the resident district has the obligation under Rule 340.1721e to conduct subsequent IEP team meetings, going forward the resident district will sign the Notice related to IEP team meetings for students assigned to the MSD.

STATE BOARD OF EDUCATION

CASANDRA E. ULBRICH – PRESIDENT • PAMELA PUGH – VICE PRESIDENT
MICHELLE FECTEAU – SECRETARY • TOM MCMILLIN – TREASURER
TIFFANY D. TILLEY – NASBE DELEGATE • JUDITH PRITCHETT
LUPE RAMOS-MONTIGNY • NIKKI SNYDER

In light of the foregoing clarification, for students currently assigned to the MSD, the MSD will sign these Notices **only through the end of the 2018-2019 school year**.

Moreover, to the extent some member districts currently have untimely IEPs for students attending MSD, the MSD representative will sign the untimely IEP Notice forms for those resident districts, but **only through the end of the 2018-2019 school year**.

The MDE will be making changes to the Notice form and, beginning with the 2019-2020 school year, the Notice will specify it is the resident district who must sign the Notice for subsequent IEP team meetings of students for which MSD accepted an assignment through the IEP process. These changes will align the Notice with the MDE's interpretation and application of Rule 340.1721e.

In addition, beginning with the 2019-2020 school year, the resident district will be responsible for all IEP team meetings and all requirements set forth in the IEP, including signing the Notice as well as attending the meetings. As needed, MSD will furnish relevant records and documents. This means when a resident district authorizes the MSD to conduct subsequent IEP team meetings and the meeting either does not take place or the meeting is not timely, the resident district will be found in noncompliance. While, on a case by case basis, MSD may agree to schedule and facilitate an IEP team meeting at a mutually agreed location as a service, the resident district must provide Notice.

All ISDs must ensure all students in their jurisdiction have timely IEPs, procedures, and processes in place to monitor member districts for compliance with Rule 340.1721e. The MDE, having issued this clarification, will add this requirement to its items considered during monitoring visits to ISDs.

This directly aligns with the Michigan Top 10 in 10 Strategic Goal #7: Further develop an innovative and cohesive state education agency that supports an aligned, coherent education system at all levels (state, ISD, district, and school).

Questions may be directed to the Michigan Special Education Information Line at 888-320-8384 or email at mde-ose@michigan.gov.

cc: Michigan Education Alliance