

Guidance for the Development of Intermediate School District (ISD) Plan for the Delivery of Special Education Programs and Services

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Michigan Department of Education
Office of Special Education



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Guidance for the Development of Intermediate School District (ISD) Plan for the Delivery of Special Education Programs and Services

I. Introduction

Section 380.1711(1)(a) of the *Revised School Code* requires that each intermediate school district (ISD) school board develops and maintains an ISD Plan for the delivery of special education programs and services.

The ISD Plan documents information about the delivery system of special education programs and services within the ISD and each constituent local educational agency (LEA), including public school academies (PSAs).

An ISD and its constituent LEAs/PSAs are obligated to provide programs and services as documented in the ISD Plan within the requirements of the *Individuals with Disabilities Education Act* (IDEA) and the *Michigan Administrative Rules for Special Education* (MARSE). The Plan must be continually updated as needed to ensure accuracy.

Part 7 of the MARSE, Rules 340.1831 through 340.1839, outlines the requirements for the development, submission, and monitoring of ISD Plans.

An ISD develops the Plan in cooperation with its constituent LEAs and Parent Advisory Committee (PAC). The ISD submits the Plan to the Michigan Department of Education (MDE), Office of Special Education (OSE) for review. The Plan is then forwarded to the State Superintendent for approval.

ISD Plans provide stakeholders an opportunity to review available programs and services within an ISD and its constituent LEAs/PSAs. The OSE reviews the ISD Plans to ensure compliance with state rules and federal requirements, and it also uses Plans as a reference for resolving special education complaints and compliance monitoring.

Cooperative Development

Rule 340.1833 of the MARSE states that each ISD must develop its ISD Plan in cooperation with its constituent LEAs/PSAs and its ISD PAC.

II. ISD Plan Content

The following provides further context and additional guidance for each section of the ISD Plan.

ISD Signature Page

Rule 340.1835 requires certain signatures to be included with the submission of the ISD Plan. The ISD Superintendent must sign to signify approval by the ISD Board of Education. The signature verifies the assurance statements regarding Rule 340.1832(f), MCL 380.1751(1)(b), and Rule 340.1758(b).

The assurance statement related to Rule 340.1758(b) requires the ISD Superintendent to indicate whether students with Autism Spectrum Disorder are being served under the rule. Marking “yes” supports the requirements for the Department of Community Health Family Support Subsidy qualifications.

If “yes” is marked, the ISD Superintendent’s signature provides assurance the programs and services for students with autism are meeting the needs of the students as required in Rules 340.1832(d) and (e).

For guidance on other required signatures, review the “LEA/PSA and PAC Signature Document” section on page 9.

Section I: Public Awareness and Child Find

The ISD Plan must describe the ISD Child Find procedures, including outreach efforts. The responsibilities of constituent LEAs/PSAs may be included. The ISD must identify the contact information for the position(s) responsible for Child Find.

The IDEA Child Find regulations are 34 CFR §§ 300.111 and 300.131. Michigan requires special education programs and services for eligible children and youth birth through age 25. Therefore, Child Find activities must be in place for these specific age groups.

Part C IDEA services require specific primary referral sources under 34 CFR § 303.303. These referral sources include hospitals, physicians, parents, child care programs, schools, public health facilities, social service and child welfare agencies, and homeless and domestic violence shelters. These referral sources should be included in the ISD’s public awareness and Child Find efforts.

Section II: Diagnostic and Related Services

The ISD Plan must identify the public agency responsible for providing the staff for each diagnostic and related service in each constituent LEA/PSA.

Diagnostic services are the services performed by individuals who provide a complete and individual evaluation of students as part of the initial evaluation or

reevaluation process to determine eligibility for special education programs and services according to Rules 340.1705 through 340.1717.

Related services are the services provided to eligible students as part of their free appropriate public education (FAPE). Related services are defined in IDEA 34 CFR § 300.34.

Section III: Special Education Programs and Services

The ISD Plan must identify the special education programs and services being provided, the public agency providing them in each LEA/PSA, and the administrator responsible in each public agency.

Part 3 and Part 10 Programs and Services in Each LEA

The ISD Plan must include the programs and services in Part 3 and Part 10 of the MARSE. Information for the programs and services that are currently operated must be included.

Alternative Program or Service

The MARSE allows ISDs and LEAs/PSAs to develop alternative special education programs and services. These may be innovative programs and services that differ from those identified in Part 3 of the MARSE. Alternative programs and services may also be altered versions of existing programs identified in Part 3 of the MARSE.

The ISD Plan must describe each alternative program and service, if any, operated within the ISD, including the constituent LEAs/PSAs. The descriptions must include a variety of information, including:

1. The name of the program.
2. The public agency operating the program or service.
3. The LEAs served.
4. The student population served.
5. The role of the teachers (direct instruction, instructional support, consultation).
6. Certification and/or endorsement of the teachers and service providers.
7. The number of staff members for the program or service.
8. The maximum caseload of teachers and providers.
9. The number of students allowed in attendance in the alternative program at one time, if applicable.
10. The average number of students per instructional period if an alternative program is departmentalized and differs from R 340.1749c.
11. The student/paraprofessional ratio in each program/service unit, if applicable.

12. Other descriptors determined appropriate for the design of the alternative program/service, if applicable.

Section IV: Paraprofessional Qualifications

The ISD Plan must describe the qualifications for paraprofessional personnel, per Rule 340.1793.

Section V: Transportation

The ISD Plan must identify the public agency responsible for the specialized transportation needed for students with disabilities attending programs and services identified in Sections II and III of the ISD Plan.

Transportation is a related service as defined by IDEA 34 CFR § 300.34(c)(16). As stated in the IDEA, transportation as a related service is not limited to specialized transportation. Transportation to and from schools, between schools, and in and around schools may be included.

Section VI: Millage Fund Distribution

The ISD Plan must describe the method of distribution for millage funds. The description should meet the requirements of Rules 340.1811 and 340.1812.

Section VII: Parent Advisory Committee (PAC)

The ISD Plan must describe the supports for the PAC as well as the role and responsibilities of the PAC, in accordance with Rules 340.1832(k)-(n) and 340.1838.

Process for Appointing PAC Members

Include a brief description to provide assurance that the process for appointing PAC members meets the requirements of Rule 340.1838(1) and (2). This rule requires each ISD Board of Education to appoint a PAC member who participates in the cooperative development of the ISD Plan and any modification to the ISD Plan. The PAC member nominations must meet the following criteria and procedures:

- The nominee is a parent of a student with a disability.
- There must be a nominee from each LEA Board of Education, unless no parent from the LEA/PSA agrees to serve.
- The ISD can nominate additional members as long as the additional members do not exceed one-third of the committee.
- The ISD board of education must make every attempt to assure that all types of disabilities and identifiable organizations of parents of students with disabilities are represented on the PAC.

PAC Participation and Additional Responsibilities

How the PAC Participates

The ISD Plan must explain the process of how the PAC participates in the cooperative development of the ISD Plan. Additionally, the description should note other responsibilities of the PAC relating to the improvement of special education programs and services, if any.

The organizational structure of the PAC should be addressed outside of the ISD Plan. Rule 340.1838(5) states that the PAC is responsible for determining and documenting in writing the following: officers and their responsibilities, meeting times, and terms of office and related matters. Rule 340.1838(3) allows the ISD Board of Education to recommend the operational procedures for the PAC review and adoption.

How the PAC Files an Objection

A brief description should describe the process for the PAC filing an objection to the ISD Plan with the ISD Board of Education that meets the requirements of Rule 340.1836(1).

Administrative Support for the PAC

A description of the role and relationship of administrative and other school personnel, as well as representatives of other agencies, in assisting the Parent Advisory Committee in meeting its responsibilities.

Types of Resources

The ISD Plan must list any resources that are provided by the ISD for the PAC (e.g., additional staff postage, facilities).

Section VIII: Surrogate Parents

The ISD Plan must identify the public agencies responsible for maintaining a pool of surrogate parents and providing training to surrogate parents.

The responsibilities of surrogate parents, the children and youth who need surrogate parents, and the criteria for the selection of surrogate parents is outlined in IDEA 34 CFR § 300.519.

The Michigan Department of Education, State Board of Education established the "Policy for the Appointment of Surrogate Parents for Special Education Services" (September 2008) that further clarifies the procedures for appointing and training surrogate parents:

- [Policy for the Appointment of Surrogate Parents for Special Education Services](http://www.michigan.gov/documents/mde/SurrogateParentPolicy_256939_7.pdf)
(www.michigan.gov/documents/mde/SurrogateParentPolicy_256939_7.pdf)

Section IX: Age Span

Rule 340.1733(b)-(e) addresses age span requirements. Programs for students with severe cognitive impairments, severe multiple impairments, and moderate cognitive impairments R 340.1733(f) allows an ISD to expand the age span through an approved ISD Plan. This expanded age span can be used due to low incidence of eligible students for programmatic feasibility and meeting the needs of students. The complete language for Rule 340.1733(b)-(f) is found below.

Rule 340.1733(b)-(f)

- (b) Programs for students with severe cognitive impairment and severe multiple impairments which have students under 16 years of age shall not exceed a six-year age span at any one time.
- (c) All other special education programs which have students under 16 years of age and which are operated in separate facilities shall not exceed a four-year age span at any one time.
- (d) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in elementary buildings attended by children who are nondisabled, shall not exceed, at any one time, a six-year age span or the age span of the students who are nondisabled in the building, whichever is less.
- (e) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in secondary buildings attended by students who are nondisabled, shall not exceed, at any one time, the age span of the students who are nondisabled in the building, except in high school buildings where students up to 26 years of age may be served. The term "nondisabled" shall not include persons participating in adult education programs.
- (f) Programs for students with severe cognitive impairment, severe multiple impairments, and moderate cognitive impairment shall comply with subdivisions (b), (c), (d), and (e) of this rule unless a program is operated in accordance with an approved intermediate school district plan where, due to the low incidence of eligible students, expanded age ranges may be necessary for programmatic feasibility and meeting the needs of students.

LEA/PSA and PAC Signature Document

Rule 340.1833 of the MARSE states each ISD must develop its ISD Plan in cooperation with its constituent LEAs/PSAs and its PAC. Rule 340.1835 requires that

the ISD Plan include the signatures from the PAC committee chairperson, the superintendent from each constituent local school district, and the Chief Executive Officer of each constituent PSA to signify involvement in the development of the ISD Plan; their signatures do not signify approval of the ISD Plan.

The signatures from the LEA/PSA superintendents and public school academy chief executive officers also serve to confirm assurance statements.

Summary of ISD Plan Modifications

The ISD must include the *Summary of the Modifications* form with the submission of the ISD Plan. The form captures modifications made from the prior state-approved ISD Plan.

Review and Approval

After an ISD submits its Plan, the OSE reviews the Plan. The components described by the ISD in each section must meet the requirements of the MARSE and should be written in a way that is understandable to all constituents.

Following its review, the OSE will notify the ISD if any changes to the Plan are required. The ISD must make the requested changes and resubmit the ISD Plan with required signatures to the OSE.

Once the OSE completes its review, including the required changes, the OSE will submit the ISD Plan with a recommendation of approval to the State Superintendent. The ISD will then receive notification of the State Superintendent's approval.

Within seven calendar days of receipt of the notification of approval, ISDs must distribute the ISD Plan to each constituent local school district superintendent, each constituent public school academy Chief Executive Officer, and the chairperson of the PAC, as required by Rule 340.1831(2).

The ISD Plans remain in effect until the ISD submits modifications that are approved by the State Superintendent. An ISD may decide to submit modifications due to a need for changes in the delivery of special education programs and services, as stated in Rule 340.1831(3). The OSE may also request ISDs submit modifications as needed to comply with changes in law or new interpretations of the law, as stated in Rule 340.1832(4).

III. Objections to the ISD Plan

Filing an Objection

Rule 340.1836 describes the process for filing an objection to an ISD Plan. Any constituent LEA/PSA or the PAC may file a written objection regarding the ISD Plan. The written objection must specify the portion(s) of the Plan that is being contested, provide a reason for the objection, and propose an alternative provision. An objection can be filed against an ISD Plan that has already been approved by the State Superintendent or one which may be under review by the OSE.

The ISD Board of Education has seven days to send a copy of the objection to the OSE, its constituent LEAs/PSAs and the PAC by certified mail with return receipt requested. The ISD, its constituent LEAs/PSAs, and the PAC may also file a response to the objection with the OSE before a hearing occurs (described below).

Hearing Process

If the OSE receives an objection, the OSE designates a hearing officer and gives prompt notice of the hearing. After the appointment of the hearing officer, the objection may be withdrawn upon written stipulation of the ISD and the objecting party.

The hearing officer schedules a hearing to be held within 30 calendar days from the OSE's receipt of the written objection.

No later than 30 calendar days after the close of the hearing, the hearing officer will issue a report of findings of fact, conclusions of law, and recommendations to the State Superintendent.

The report may recommend modifications to the ISD Plan in accordance with the objections as submitted, modifications to the ISD Plan, or approval or maintenance of the ISD Plan as submitted.

Response to the Findings

The OSE will immediately mail the report to the ISD, its constituent LEAs/PSAs, and its PAC. Within 20 calendar days of receiving the report, any party may file written exceptions and recommendations (as a means to object to the findings) with the State Superintendent. Copies of the exceptions must also be mailed to all other parties, including the OSE. The State Superintendent then renders a final decision within 30 calendar days from the date the exceptions were filed.