



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

May 7, 2009

MEMORANDUM

TO: ISD Directors of Special Education

FROM: Jacquelyn J. Thompson, Ph.D., Director
Office of Special Education and Early Intervention Services

SUBJECT: Information Regarding 2009 Determinations

DISSEMINATE TO LEAs AND PSAs

In my last email communication to you on April 22, 2009, I noted that the 2009 Determinations will be issued in June, not in September. This is to ensure that all districts have Determinations based on the most current data. These Determinations will be used to identify eligibility for the MOE (maintenance of effort) options as directed under the IDEA; this applies to both the FFY '09 regular and Recovery allocations. Also, remember that districts identified with Significant Disproportionality may not use the MOE options, per the IDEA.

As forecast at the last ISD Directors' meeting (March 11, 2009), business rules for issuing the 2009 Determinations have been updated:

- As required by the OSEP, all compliance indicators will continue to be used for Determinations.
- The actual measure (%) of compliance will replace the standard deviation model used for previous Determinations.
- Performance on individual indicators will be ranked using numerical values from 1-4; overall performance will be considered based on the aggregate numerical values (added, averaged, rounded to nearest whole number).

In addition, given that results indicators are not currently included in state determinations by the Office of Special Education Programs (OSEP), we will be removing Indicator 5 (Educational Environments) from this year's Determinations. However, this important indicator will remain as a focused monitoring priority.

OSE-EIS 09-13

STATE BOARD OF EDUCATION

KATHLEEN N. STRAUS – PRESIDENT • JOHN C. AUSTIN – VICE PRESIDENT
CAROLYN L. CURTIN – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER
NANCY DANHOF – NASBE DELEGATE • ELIZABETH W. BAUER
REGINALD M. TURNER • CASANDRA E. ULBRICH

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

MEMORANDUM

Page 2

May 7, 2009

A district will be considered to meet requirements if it provided valid and reliable FFY 2007 data AND demonstrated substantial* compliance for Indicators 9, 10, 11, 12, 13, and 15.

Previous communication indicated that the correction and verification of Indicator 11 (Child Find) by June 15 would yield a "meets requirement" for this indicator. However, in our preliminary review of current Determinations, using the new business rules, the correction of Indicator 11 does not appear to impact the overall Determinations level for any district. Therefore, we encourage districts to use the corrective action plan (CAP) schedule specified by the CIMS-2 calendar (due June 15). In all cases, noncompliance must be corrected as soon as possible, and in no case later than one year including verification.

This re-design of Determinations is intended to support the initial principles around which the first Determinations were designed,** to focus on correction of noncompliance, and to support the opportunities embedded in the American Recovery and Reinvestment Act of 2009.

JT/EW/mlc

** OSEP (June 2008) has defined substantial compliance to mean generally 95% and above; "needs assistance" has been defined to mean 51%-94%; "needs intervention" has been defined as 50% or below. Beginning in 2010, "needs intervention" will be defined as generally 75% or below.*

***Simplicity, Equity, Effectiveness*