



Procedure

Tiered Corrective Action and Technical Assistance for Districts with Multiple State Complaint Findings

Michigan Department of Education Office of Special Education
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The Michigan Department of Education (MDE) Office of Special Education (OSE) will collaborate with the intermediate school district (ISD) when it is necessary to provide intensive support to individual member districts following repeated findings through the State Complaint process. The following process will be used by the MDE OSE when intensive support may be necessary.

Determining a Need for Tiered Corrective Action and Technical Assistance

The state complaint coordinator, or other designee, will track identified noncompliance for state complaints when a district has but is not limited to having the following:

- **Three or more state complaints containing violations** of the same general issue(s) of identified noncompliance within the same calendar year, the district will be assigned **targeted corrective action**.
- **Five or more state complaints containing violations**, of the same general issue(s) of identified noncompliance issued within the same calendar year, the district will be assigned **intensive corrective action**.
- A state complaint that contains excessive and/or egregious violations may be assigned targeted or intensive corrective action (e.g., a district failing to provide a specific service to any student despite students' IEPs calling for the service).

Tiered Corrective Action and Technical Assistance

When a member district receives more than three state complaints containing the same, or similar, violations of the same issues within the same calendar year, the corrective action issued as part of the final decision may include an increased level of activities, increased monitoring, and technical assistance for the member district.

Corrective action activities will be determined on an individual district basis and may include consideration of the size of the district, the number of students, and past monitoring and technical assistance. Corrective action will graduate from:

- **Universal corrective action** includes review and revision of policies and procedures, as well as the provision of professional development for relevant staff.
- **Targeted corrective action** includes an intentional focus on the specific area(s) of noncompliance where correction from previous final decisions has not been evidenced. Targeted corrective action may include training of specific staff; review and revision of policies and practices in collaboration with the ISD; professional development provided by people or groups outside of the organization; and/or assurance statements from staff, director of special education, and/or superintendent.
- **Intensive corrective action** includes board of education presentations, required authorizer involvement including, but not limited to, access to Catamaran, increased monitoring of corrective action activities, and/or assignment of a statewide monitor for increased technical assistance (TA), and/or educational benefit review training for the district's special education staff and administrators.

The ISD may conduct monitoring activities at frequent intervals and will focus on those items of noncompliance identified in the state complaint findings. Following each monitoring activity, subsequent technical assistance and professional development needs will be determined, as well as activities to meet those needs. The MDE OSE will collaborate with the ISD to accomplish these activities. The MDE OSE will serve as the support agency and the ISD the lead agency in these monitoring and technical assistance activities.

The OSE may also use any other remedies described in the Michigan Administrative Rules for Special Education (MARSE), rule 340.1855 Failure to comply with corrective action in a timely manner; sanctions.

- (1) If a public agency fails to correct known violations of law in a timely manner, or fails to cooperate with the department or the intermediate school district during the conduct of its investigation, or presents known falsification of fact, or continues repetition of similar violations, the department shall do 1 or more of the following:
 - (a) If the public agency in violation is a local school district or a public school academy, then the department shall direct the intermediate school district to provide complying programs and services pursuant to section 1702 of 1976 PA 451, MCL 380.1702.
 - (b) If the public agency in violation is an intermediate school district, the department may withdraw the authority of the intermediate school district to operate a program that is in noncompliance and simultaneously require the public agency of residence to place the affected student or students in an appropriate program.
 - (c) Withhold federal funds under part B of the individuals with disabilities education act, 20 U.S.C. chapter 33, §1400, et seq.
 - (d) Apply other penalties under 1976 PA 451, MCL 380.1.
 - (e) Withhold state funds under 1979 PA 94, MCL 388.1601, or any other governing statute.
 - (f) Withhold, withdraw, or suspend such endorsements, approvals, credentials, grants, or authorizations pertaining to special education personnel or projects that the department, or its designee, had authority to grant as authorized by, and in accordance with, the procedures required by law.
 - (g) Seek enforcement of the corrective action in a court of appropriate jurisdiction.