



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

August 11, 2009

**MEMORANDUM**

**TO:** State Board of Education

**FROM:** Michael P. Flanagan, Chairman

**SUBJECT:** Information on the Special Education Advisory Committee (SEAC)  
Annual Report for 2008-2009

The Special Education Advisory Committee (SEAC) is mandated under the Individuals with Disabilities Education Act (IDEA) to advise the State Education Agency (SEA)/State Board of Education (SBE) regarding special education issues. Its membership, appointed by the SBE, is regulated under the IDEA and capped through state statute.

An annual report is provided to the SBE at the end of the school year that summarizes the work of the SEAC throughout the year. The 2008-2009 SEAC Annual Report contains formal comment on The Policy and Provision of Programs and Services to Incarcerated Youth in City and County Jails (pages 9-12); The Modified Full Independence (MFL), MEAP-Access Alternate Assessment Eligibility Criteria, (pages 13-15); and the Proposed Michigan School Accreditation System (MI-SAS), (pages 16-18). Each of these public comment documents was previously submitted to the appropriate Departmental Office.

The SEAC also completed a Report on the Personal Curriculum (PC) and the Education Development Plans (EDP) and Their Role in the Learning and Achievement of Students with Disabilities, (pages 19-24).

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# **State of Michigan**

## **Special Education Advisory Committee**

### **Annual Report 2008 – 2009**

#### **Mission Statement**

The mission of the Special Education Advisory Committee is to support educational opportunities for all students in Michigan and especially those with disabilities by gathering, sharing, and disseminating information with the public; advising the State Board of Education; and working with the Office of Special Education and Early Intervention Service.

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## Executive Summary

The Special Education Advisory Committee (SEAC) is Michigan's IDEA mandated State Advisory body to the Department of Education (MDE) and State Board of Education (SBE). Its purpose is to:

- Advise the State Education Agency (SEA) of unmet needs within the State in the education of children with disabilities, 300.169(a);
- Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities, 300.169(b);
- Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act, 300.169(c);
- Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act, 300.169(d); and
- Review and comment on completed due process hearing findings;
- Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities, 300.169(e).

The State Board of Education appointed members of the SEAC represent a broad diversity of stakeholders (administrators, providers, advocates, parents, and consumers) concerned with the education of all children, including students with disabilities. (See pages 6-8 for the 2008-2009 SEAC Membership List.) Fifty-one percent of the membership must be individuals with or parents of children with disabilities under 26 years of age who currently receive special education services under the IDEA. Approximately one-third of SEAC's thirty-three members rotate annually and are not highly versed on the State Performance Plan (SPP)<sup>1</sup> and Annual Performance Report (APR)<sup>2</sup>. As a result, SEAC has changed the way it works and how its meetings are organized.

The work of the SEAC and its pace has changed significantly in the past three years. Advising the SEA on the SPP and APR has required the SEAC to invest time in understanding those documents in order to provide thoughtful advice on their contents. The luxury of time to understand the intent and purpose of SEAC and to explore topics of interest has been replaced with focused work aligned with the purposes of this federally mandated body.

During the 2008-09 school year the SEAC:

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<sup>1</sup> Under the reauthorized *Individuals with Disabilities Education Act (IDEA)*, each state is required to have in place a performance plan, called the Part B State Performance Plan (SPP), evaluating the state's implementation of Part B and describing how the state will improve such implementation.

<sup>2</sup> Under the provisions of the law, the "state also shall report annually to the Secretary on its performance according to its SPP targets. This report is called the Part B Annual Performance Report (APR)."

- Publicly commented on the Proposed Special Education Programs and Services Administrative Rules (2008-022 ED) and Policy for Provision of Programs and Services to Incarcerated Youth in City and County Jails
- Publicly commented on the Modified Full Independence (MFL) or MEAP-Access Alternate Assessment Eligibility Criteria
- Publicly commented on the proposed Michigan School Accreditation System (MI-SAS)
- At the request of the SBE, provided a report on the Personal Curriculum (PC) and the Education Development Plans (EDP) and their role in the learning and achievement of students with disabilities
- Received and reviewed findings on completed due process hearings
- Received and reviewed targets and data on the State Performance Plan (SPP), Indicator #5 (Educational Environments)

Additionally, the SEAC annually reviews its bylaws to assure that the organization's structure aligns with its purpose and facilitates its work. A substantial number of organizational changes were made to expedite its work as the SEAC transitions from its historical roots of providing public comment on proposed rules and regulations to the expanded purposes it has today. This flexibility, we believe, will enable the SEAC to better meet its purpose as well as focus on emerging issues: to be proactive in our work as opposed to simply responding to requests.

For the first time, the SEAC conducted two e-meetings during the 2008-09 school year. The first e-meeting included an originating site (Eaton ISD) and one remote site (Delta-Schoolcraft ISD) and the second e-meeting included an originating site (Eaton ISD) and two remote sites (Macomb ISD and Delta-Schoolcraft ISD). The goal of these meetings was to test this technology and also to maintain the essential collegial elements of the traditional SEAC meeting. As we evaluated the e-meetings, an Ad Hoc Electronic Support Committee was appointed to look at how best to organize the 2009-2010 SEAC year for e-meetings and to use technology for member access to reference documents.

Key presentations for SEAC during the 2008-2009 school year were made on the following topics:

- Michigan Youth Leadership Forum
- Michigan Merit Curriculum/Personal Curriculum
- The Rule Promulgation Process
- Michigan Integrated Behavior and Learning Support Initiative (MiBLSi)
- Statewide Autism Resources and Training (START)
- Great Start
- Standards-Based Individual Educational Programs (IEP)
- Continuous Improvement and Monitoring System-2 (CIMS-2)

- Michigan's IDEA Public Reporting for School District and Service Areas
- Michigan Merit Curriculum/Personal Curriculum Option ActPoint Decision Trees

We were also fortunate to have presentations by the following individuals:

- Superintendent Michael Flanagan, State Board of Education Member Kathleen Straus, and Deputy Superintendent/Chief Academic Officer Sally Vaughn speaking on the key issues and priorities for the State Department of Education during the next 12-36 months and how the SEAC might assist the MDE as it relates to the duties of the SEAC
- SEAC Ex-Officio members explaining who they are, what their State Agency does, how SEAC participation helps their Agency, and how their Agency might be of assistance to SEAC

On behalf of the SEAC, I want to thank you for this year of learning and opportunity to advocate on behalf of students, in particular students with disabilities, served by schools throughout our state. The goal of the SEAC has been to mindfully address, constructively question, and concisely present its concerns and advice to the MDE and SBE. We hope that our advice and counsel has been received in the spirit in which it was offered: with the intent to support all students, including those with disabilities, in achieving high standards leading to full, rich, productive lives. It has been a pleasure and an honor to serve as the 2008-09 chair of the Michigan Special Education Advisory Committee.

Sincerely,  
Jan Van Gasse  
SEAC Chair, 2008-09

**2008-2009 SEAC Membership**

| <b><u>Name</u></b>     | <b><u>Role</u></b> | <b><u>Representing</u></b>  |
|------------------------|--------------------|---|
| Joan Bade              | Delegate           | Michigan Association of Intermediate Special Education Administrators |
| Michael Beach          | Delegate           | Member At-Large   |
| Debra Brinson          | Delegate           | Michigan Association of School Boards                                 |
| Cindy Bush             | Delegate           | Michigan Council for Exceptional Children                             |
| Thomas Caldwell        | Delegate           | Michigan Association of Intermediate School Administrators            |
| Frederick Cromie       | Delegate           | Michigan Association of Secondary School Principals                   |
| Julie Daggett-Lawrence | Delegate           | Citizens Alliance to Uphold Special Education                         |
| Michel DeJulian        | Delegate           | Michigan Association of School Social Workers                         |
| Tina Densmore          | Delegate           | Statewide Parent Advisory Committee                                   |
| Judith Dorsch-Backes   | Delegate           | Michigan Association for Supervision and Curriculum Development       |
| Jonelle Gillette       | Delegate           | Michigan Speech-Language-Hearing Association                          |
| Doris Higgs            | Delegate           | Michigan Association for Children with Emotional Disorders            |
| Marta Hoetger          | Delegate           | Member At-Large   |
| Jackie Igafo-Te'o      | Delegate           | Member At-Large   |

|                     |          |   |
|---------------------|----------|---|
| Jill Jacobs         | Delegate | Michigan Association of Nonpublic Schools                               |
| Teri Johnson        | Delegate | Michigan Association of Administrators of Special Education             |
| Christopher Korbel  | Delegate | Michigan Education Association  |
| Kathleen Kosobud    | Delegate | Learning Disabilities Association of Michigan                           |
| Sheri Kraft         | Delegate | Michigan Association of Learning Disabilities Educators                 |
| Thomas Langdon      | Delegate | Michigan Association of School Administrators                           |
| Diane Lanham Kullis | Delegate | Michigan Association of Local Special Education Administrators          |
| David Malott        | Delegate | Michigan Transition Services Association                                |
| Michelle Miller     | Delegate | The Arc Michigan  |
| David Overly        | Delegate | Member At-Large   |
| Stoney Polman       | Delegate | Member At-Large   |
| Lydia Rich          | Delegate | Member At-Large   |
| Jayanne Roggenbaum  | Delegate | Michigan Association of School Psychologists                            |
| Susan Schneider     | Delegate | American Federation of Teachers Michigan                                |
| Richard Spring      | Delegate | Michigan Association of Teachers of Children with Emotional Impairments |
| Chuck Stockwell     | Delegate | Michigan Association of Public School Academies                         |

|               |          |                            |
|---------------|----------|----------------------------|
| Lori Swan     | Delegate | Autism Society of Michigan |
| Jan Van Gasse | Delegate | Member At-Large            |
| Melissa Wade  | Delegate | Member At-Large            |

Ex-Officio Members of the SEAC

|                     |            |   |
|---------------------|------------|---|
| Sheri Falvay        | Ex-Officio | Michigan Department of<br>Community Health  |
| Margie Hadsell      | Ex-Officio | Michigan Department of<br>Labor and Economic<br>Growth – Rehabilitation<br>Services |
| Mark Larson         | Ex-Officio | Institutions of Higher<br>Education   |
| Lee Martin          | Ex-Officio | Michigan Department of<br>Human Services  |
| Jane Scarlett       | Ex-Officio | Wayne-Metropolitan<br>Community Action Agency                                       |
| Jacquelyn Thompson  | MDE Staff  | Michigan Department of<br>Education   |
| LaDean Watts-George | Ex-Officio | Michigan Department of<br>Corrections   |

## Michigan Special Education Advisory Committee

### Public Comment on

### **Special Education Programs and Services Administrative Rules (2008-022 ED) and Policy for Provision of Programs and Services to Incarcerated Youth in City and County Jails**

**November 5, 2008**

The Special Education Advisory Committee (SEAC) is Michigan's Individuals with Disabilities Education Improvement Act (IDEA) mandated State Advisory Panel to the State Board of Education and the Michigan Department of Education (MDE). The members of the SEAC represent a broad diversity of stakeholders (administrators, providers, advocates, parents and consumers) concerned with the education of all children, including students with disabilities. The SEAC has as one of its duties to comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. The SEAC welcomes this opportunity to publicly comment on the proposed *Special Education Programs and Services Administrative Rules (2008-022 ED)* and policy for the *Provision of Programs and Services to Incarcerated Youth in City and County Jails* published in the *Michigan Register* October 15, 2008.

The *Special Education Programs and Services Administrative Rules (2008-022 ED)* include specific language outlining the process for documenting the consideration of extended school year services as part of the individual education program team deliberations. We applaud the leadership of the Michigan Department of Education and State Board of Education in taking steps to assure that the process of considering extended school year services is clearly articulated in the Michigan Administrative Rules for Special Education. In reflecting on the process outlined in the proposed rules and the related Michigan Department of Education documents: *Standards for Extended School Year Services in Michigan* (August 12, 2008) and *Guidance for Extended School Year Services in Michigan* (August 12, 2008), we are struck by the importance of specific, targeted, measurable goals and objectives in these considerations. It is critical that this pivotal role be communicated to all parties: educators, administrators, parents and those who advocate on behalf of children. Specific, targeted, individually determined, measurable goals and objectives accompanied by reliable, measurable data are essential in the determination of the need for extended school year services. Without them, the process and results of using the process fail to address the intent of providing extended school year services.

We recognize that rule language is always open to interpretation, regardless of how clearly words are parsed. In a perfect world, words and phrases would have only one meaning shared by all parties. We recognize that that can never be the case. We do believe, however, that some changes are in order to clarify the language used with regard to the process of considering extended school year services.

With regard to R 340.1721e (3)(a)(i), we believe the word 'serious' should be removed as an adjective to the 'potential for regression of skills.' The use of the term 'serious' opens the door to debate as to if the potential is serious or grave as opposed to focusing the discussion on the process: do the data on the identified annual goal suggest potential for regression of skills beyond a reasonable period of recoupment. The potential for regression of skills is serious, that is, something for which we are concerned. Adding 'serious' as an adjective adds neither clarity nor value to the data being reviewed.

With regard to R 340.1721e (3)(f), we find the language to be confusing with regard to the intent of 'in integrated or inclusive settings if the school does not provide services at that time for students without disabilities.' It appears to the SEAC that this is open to interpretation as to the meaning. Further, we wonder to what extent this may give rise to misunderstandings as to the meaning of the terms being used. We regret that we do not have specific suggestions as to how to clarify the language, however, given that we cannot, we believe that may be further evidence as to how unclear this language is.

With regard to Part 8: State Complaints, R 340.1851 – R 340.1855, we applaud the Michigan Department of Education for rule language that is concise and straightforward. The elimination of redundant statements within the rules makes this section much easier to read and understand. Further, we believe that the procedural similarity between due process procedures and state complaint procedures will be advantageous to those who feel their only recourse is to file a state complaint. In a perfect world, we would prefer the rules to be more specific, but understand and appreciate that the specificity with regard to filing a state complaint is found in the procedures.

The adoption of these rules regarding state complaints will necessitate professional development activities for parents, teachers, administrators and parent organizations to assure that they understand both the intent and process of filing a state complaint. It would be helpful to have an easy-to-follow and understandable flow chart of the procedures for filing a state complaint. Parents, in particular, need friendly information to assure that they are fully informed as to how the process works. In addition to the flowchart, it would be helpful to include a clear explanation of the 60-day time line provision in the procedures document. Lastly, we have concerns with regard to the potential disconnect between our dispute resolution procedures and the federally imposed year limit for the filing of a complaint. We wonder what the implications are in a situation where the parties are in dispute resolution process that involves more than one-year time and the ability for the parties to file a state complaint. Said differently, what happens if the one-year time to file period elapses while parties are in discussion of the issue?

With regard to the policy for the *Provision of Programs and Services to Incarcerated Youth in City and County Jails*, we believe that this document will be helpful in facilitating dialogue between intermediate school districts, local school districts and their respective county and/or city jails. With regard to the proposed procedure,

the SEAC believes that a fourth point be added to the steps to be taken to assure compliance stating that 'the provision of these services as outlined in the plan applies only to students with current IEPs who are held in county or city jails.' The inclusion of this statement limits its scope to only those youth who are determined eligible under IDEA prior to their incarceration in county or city jails.

The policy as presented raises a number of questions and concerns. In the absence of clarity on these questions and concerns, we are unsure as to the impact of the policy. Specific questions and/or concerns with regard to the policy are:

- The policy refers to incarcerated youth. It is unclear to the SEAC what the meaning of the word 'youth' is. Given that the Michigan Administrative Rules for Special Education cover services for eligible students ages three to twenty-six, does the term 'youth' refer to eligible students within that age range or does it have a more narrow meaning? Defining the term 'youth' in the policy would eliminate this confusion.
- It was unclear to the SEAC as to what eligible students this applies to or who the target population was. Further, it was less clear to the SEAC as to the differences between those served in jails versus those served in prisons or correctional facilities. Adding clarification as to the specific target population and the scope of this policy (i.e., what constitutes services in county and city jails versus services in prison and/or correctional facilities) would minimize this confusion.
- We have specific concerns regarding privacy issues as provided for by the Family Educational Rights and Privacy Act (FERPA) and the identification of an incarcerated youth as an IDEA eligible student. Planning between the intermediate school district and local law enforcement officials needs to account for how the county or city jail will determine if the student is currently IDEA eligible and how that is documented. Further, we wonder what the limits are of this policy: does the county or city jail only need to notify the intermediate district of the presence of an incarcerated youth and with that notice, their obligation ends. Lastly, we wonder what the implications are for the intermediate district and local educational agency, given that they are responsible to provide a free, appropriate education to eligible students and that these eligible students are incarcerated.
- The policy calls for the development of a plan for the offering/provision of educational services to incarcerated youth to the extent possible with respect to 300.324(2) of IDEA implementation regulations. Given that the provision of services typically occurs via a teacher, the safety and training of this staff needs to be considered as part of the plan.

In reviewing the proposed policy, we wondered what, if any, best practices exist with regard to the provision of programs and services to incarcerated youth in county or city jails. Further, we wonder if there are intermediate districts within Michigan that have existing plans to provide such services. If there are, we believe

sharing that information would benefit other intermediate districts and their respective chief enforcement officer of the county and/or city jails. In thinking about the provision of services further, we wondered what, if any, provisions there are to provide services to IDEA eligible youth via release time to attend school and/or to participate in services outside of the county or city jail.

The success of this provision is dependent upon the nature of the working relationship between the chief law enforcement officer of the county and city jails and their respective intermediate school district. Further, there is a need for an information document from the Michigan Department of Education to the local sheriff associations and/or chief enforcement officers informing them of this policy and the actions necessary to come into compliance with it.

## **Michigan Special Education Advisory Committee**

### **Public Comment on Modified Full Independence Alternate Assessment Eligibility Criteria**

**December 12, 2008**

The Special Education Advisory Committee (SEAC) is Michigan's Individuals with Disabilities Education Improvement Act (IDEA) mandated State Advisory Panel to the State Board of Education and the Michigan Department of Education (MDE). The members of the SEAC represent a broad diversity of stakeholders (administrators, providers, advocates, parents and consumers) concerned with the education of all children, including students with disabilities. The SEAC has as one of its duties to comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. The SEAC welcomes this opportunity to publicly comment on the proposed *Modified Full Independence Alternate Assessment – Eligibility Criteria* published on the *Michigan.gov Department of Education* website on November 7, 2008.

The SEAC applauds the efforts of the Michigan Department of Education to address the assessment gap between those students with IEPs whose IEP teams deem appropriate to be assessed using the MEAP with or without accommodations and those using the MI-Access alternate assessments (Functional Independence, Supported Independence, and Participation). We believe that the vast majority of students with IEPs are most appropriately assessed using the MEAP with or without accommodations. Further, we recognize that a small number of students with IEPs are most appropriately assessed on alternate extended grade level content expectations using the MI-Access tests. However, there is a small group of students with IEPs for whom the grade level content standards are too rigorous and with modification of the achievement standards, are fully capable of learning them. We believe that when developed, the Modified Full Independence Alternate Assessment will provide a more viable option to measure these students' learning and achievement.

Commenting publicly on the criteria to determine which form of assessment is appropriate for students with IEPs presents the SEAC with Solomon's choice: making a decision that has the potential for dire consequences in the absence of knowing what the assessment is. In the presence of the Modified Full Independence Alternate Assessment and the modified achievement standards on which it will be based, we may draw entirely different conclusions about how – and for whom – the assessment is appropriate. Given that the eligibility criteria survey requests feedback on three questions, the SEAC offers its comment within the narrow confines of the survey.

Question One asks for the preference between two annual assessment options. We can see advantages to either option. Option One provides clear criteria restricting assessment of the impact of instruction on the grade level content standards. Results of student performance using different assessments based on different standards will make the results muddled at best. On the other hand, Option Two provides opportunities for students with IEPs to be assessed in areas of strength using the grade level content expectations and via extended grade level content expectations in areas of challenge. Identifying a criteria preference in the absence of the assessment makes it impossible for the SEAC to comment. To the best of our knowledge, there is no known experience with this assessment. We believe pilot information on the assessment itself is critical to making an informed comment as to which option, if either, is preferred. It is interesting to note that Sample 5 of the case studies presented in the "Modified Full Independence Alternate Assessment Eligibility Criteria" is based on Option Two. The fact that there will be no modified full independence alternate assessment in science also muddies the issue in terms of selecting Option One or Option Two.

Question Two asks if the criteria are clear. The SEAC believes that, overall, the criteria are not clear. A number of terms are used throughout the document in ways that are confusing or disconnected to their use in other publications and advice from the Michigan Department of Education. For instance, we wonder what the terms eGLCEs, GLCEs, and alternate modified standards mean in this document. Terms used in the criteria need to be defined; levels of tests, standards, achievement standards, and impact on cut scores are examples of terms used in the document that are not defined. New terms have been introduced in the criteria document without definition and/or sufficient information to guide one as to their meaning; for instance, GLC order and enhanced directions are examples of new terms used without definition or sufficient information to understand what they mean.

Further, the SEAC believes there are issues with clarity in the document. This is particularly important in assuring parental understanding of the information and the implications of the decisions being made. With regard to the parental involvement in the decision-making process, we are concerned with how the 'should' might be interpreted: will "should be involved" be interpreted as optional to invite as opposed to optional to participate? The document also needs to make clear that a modified full independence alternate assessment in science is not available and what districts are to do in its absence. Additionally, the document needs to inform the reader that the cut scores for proficient/not proficient will be different for those participating in the Modified Full Independence Alternate Assessment.

Question Three asks for feedback on the helpfulness of the case studies included in the document. The SEAC believes that the case studies as written do not match the criteria as stated. Further, we believe that the practices suggested in the case studies are contrary to what is considered to be best practice in education. The Eligibility Criteria state that multiple objective and valid measures of the student's academic achievement over time must be used to determine the student's progress or lack of progress. However, in some cases, the case studies do not follow the

criteria. For example, Sample 3 uses the report card grades as the evidence of the student's academic achievement over time. We urge the Michigan Department of Education to review and revise these case studies.

The SEAC recognizes its comment does not fit the format of the survey and appreciates the indulgence of the Michigan Department of Education in receiving this comment. We appreciate that the intent of having criteria in advance of the assessment is to provide IEP teams with guidance for decision-making in the spring of 2009. We believe that IEP teams would be best advised to reconvene in the fall of 2009 once the assessment is available, rather than to make critical decisions in the absence of seeing it. Given that children will first participate in the MEAP assessment in grade three and that a decision to be assessed on extended grade level content expectations puts one on a non-diploma track, it seems premature to make such a monumental decision in the absence of more specific information than is available currently. Further, we recognize that reconvening the IEPs in the fall of 2009 will be inconvenient for parents and educators, particularly as the assessment will happen very early in the school year.

## **Michigan Special Education Advisory Committee**

### **Public Comment on**

### **The Michigan School Accreditation System**

**March 4, 2009**

The Special Education Advisory Committee (SEAC) is Michigan's Individuals with Disabilities Education Improvement Act (IDEA) mandated State Advisory Panel to the State Board of Education and the Michigan Department of Education (MDE). The members of the SEAC represent a broad diversity of stakeholders (administrators, providers, advocates, parents and consumers) concerned with the education of all children, including students with disabilities. The SEAC has as one of its federally defined duties to comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. While the Michigan School Accreditation System falls outside of the types of rules and regulations on which the SEAC comments, the SEAC welcomes this opportunity to comment on the proposed Michigan School Accreditation System (MI-SAS) and extends its sincerest thanks to the Superintendent's Office for this opportunity.

The SEAC comment is framed around learning about proposed changes in the school accreditation and our focus on the needs of students with individualized educational programs (IEPs). We thank the Michigan Department of Education for supporting a presentation to the SEAC by Mr. Paul Bielawski, Special Assistant in the Office of Educational Assessment and Accountability, both in providing our members with background and context for these changes as well as focusing our attention on the interface between the accreditation system and the unique needs of students with IEPs. We believe it is essential the accreditation process be transparent and provide information that parents can readily understand and trust. We recognize the tension that may arise for schools attempting to assure that all of their students learn and achieve when some of those students, including some with IEPs, may be improving, but not at a rate or degree sufficient for the school to meet the cut scores to make Adequate Yearly Progress.

MI-SAS as proposed uses a school's AYP status as a key indicator in the determination of accreditation. For those schools with subgroups whose performance results in the school failing to make AYP, interim status is the highest level of accreditation they can be awarded. Failing to make AYP because of subgroup performance should not suggest that the school is not performing or taking actions to support all children in achieving. In fact, those schools may be working the hardest to improve subgroup performance by employing different strategies and focusing resources to meet students' needs. The process may take two to three years to see results. We believe that work like this should be celebrated in our accreditation system as opposed to simply awarding the status of interim. Adding an indicator to the dashboard so parents and the public can readily see what factors are contributing to the interim status is essential.

In a perfect world, all would use MI-SAS accreditations to celebrate the improvements in all Michigan schools and report to the public how Michigan schools work to assure high achievement. For some students with IEPs, high achievement may mean improving performance as opposed to making the cut score. For parents of students with IEPs, knowing that a school is making progress to improve the achievement of all of its students, including its students with IEPs, may be more important than knowing its accreditation, in particular if that status comes with few children with IEPs being part of the mix. At the same time, having interim status or worse yet, being unaccredited, is perceived by the public as being less desirable and can have negative consequences for the school and district when decisions are made as to what school or district a family may choose to send their child. We have no suggestion to resolve this dilemma, but believe it is critical that the dashboard provide parents with sufficient information to understand how a particular school was awarded its status.

As part of our conversation with Mr. Bielawski, we were asked if special education center programs, that is, schools serving only students with IEPs, should be accredited. Without exception, we believe that all schools, including special education center programs and alternate education programs, should be accredited. Being accredited is one way to help ensure that these programs are seen as part of the education system. Further, participating in the process is a way for the staff in these programs to feel part of the same accreditation process that all public schools in Michigan participate: mining their data to identify problems and developing solutions unique to their programs and the students they serve. Failing to be part of the accreditation system sets them apart or makes them seem expendable. We firmly believe that there are no throw away children and no throw away programs.

In some special education center programs, participation in the MI-Access alternate assessment has been determined to be appropriate for their students with IEPs. We believe that MI-Access, an alternate assessment based on alternate Michigan standards, is equivalent to the MEAP, an assessment based on Michigan standards. The alternate Michigan standards or extended grade level content expectations are aligned with the Michigan standards or grade level content expectations and, as such, should be viewed as equivalent for those individuals for whom alternate assessment based on alternate standards is deemed individually most appropriate.

Having said that, we believe that the vast majority of students with IEPs should be assessed on the Michigan standards or grade level content expectations. The fifth and sixth year option to be awarded a diploma and have that count towards the school's graduation rate provides some students with IEPs additional time to master the content, thereby completing high school while maintaining high standards. Further, we believe the personal curriculum option provides opportunity to adjust requirements based on unique individual needs while keeping standards and, more importantly, performance high.

In conclusion, the SEAC believes it is essential that all schools participate in the MI-SAS accreditation system and that the performance of all students be reflected in

the determination of that status. We have no issues with the performance levels as proposed, but rather have concerns with regard to subgroup performance negatively impacting a school's status, in particular in those cases where schools are taking specific steps to improve that performance and are showing gains in achievement. We believe that the information on the dashboard must be transparent and include more parent friendly explanations. Lastly, it is essential that information on school accreditation be available in multiple forms, so those without access to electronic information are not disadvantaged in understanding the system.

**The Personal Curriculum and Education Development Plan:  
*A Change in How We Think and Act***

**Michigan Special Education Advisory Committee**

**June 2009**

The Special Education Advisory Committee (SEAC) is Michigan's Individuals with Disabilities Education Improvement Act (IDEA) mandated State Advisory Panel to the State Board of Education and the Michigan Department of Education (MDE). The members of the SEAC represent a broad diversity of stakeholders (administrators, providers, advocates, parents and consumers) concerned with the education of all children, including students with disabilities. Over the past three years, the SEAC has engaged in considerable learning and dialogue on the Michigan Merit Curriculum (MMC) and Personal Curriculum (PC) option.

In June 2007, the SEAC reported to the Michigan Department of Education and State Board of Education the unintended consequences of Michigan's high school reform initiatives for students with disabilities and identified ways that schools might prevent or minimize them. A major concern for the SEAC was the confusion regarding the PC option. At the request of the State Board of Education, the SEAC took up the challenge of considering the implications of the PC, in particular with regard to its use by students with disabilities. This report represents our most recent thinking and advice with regard to the PC, the Education Development Plan (EDP), and their role in the learning and achievement of students with disabilities.

**The Michigan Merit Curriculum: Higher Standards for All**

The MMC was designed to raise standards and student performance. Implementing these high standards of the MMC while simultaneously providing for the PC has the ominous feel of attempting to fly a plane while it is still in the process of being built. Local districts are earnestly building that plane: establishing processes and pathways for higher achievement and better education for all students. However, students are currently expected to achieve at these levels whether or not their earlier instruction prepared them to do so. Our concern: some students, in particular those with IEPs, will fall off the plane. In fact, for some of these students, they may be at risk of being pushed out of the plane. Said simply, will a disproportionate number of students receiving special education services not be awarded diplomas under the new graduation requirements of the MMC due to them not being held accountable for meeting higher standards until their later grades?

Preplanning is the key for districts. Preplanning involves and includes district conversations about the MMC and how to meet the requirements of the MMC. It is urgent that districts engage in proactive dialogue with all stakeholders to think through the fundamental changes required to achieve the intent of the MMC and to make decisions regarding those changes. Those conversations are necessary precursors to conversations about the PC.

## **The Personal Curriculum: Options to Achieve High Standards**

The intent of the PC was to remove barriers so that all students could participate in a more challenging curriculum. It is a means to access a more challenging curriculum, not avoid it. Further, the PC is an option for all students, no matter what their level of educational achievement. During the ongoing curriculum development and curriculum alignment with the MMC, districts are challenged to keep children, in particular children with disabilities, on a path to achieve the high standards of the MMC.

It is essential that the integrity of the MMC standards be maintained when developing a PC. The zeal to maintain curricular integrity, however, is resulting in some students, in particular those with disabilities, being left behind or out entirely and perceived as not being capable of achieving within the parameters of the MMC. We disagree with the conclusion that these students cannot or will not achieve these standards. Presently, Michigan has students approaching or in high school who lack the requisite knowledge and skills to perform at the high achievement levels of the MMC and for whom a PC, regardless of its level of personalization, will not provide sufficient adjustment to allow them to demonstrate competence in the required skills of the MMC. There must be flexibility in the PC option to meet the needs of students who have not had the benefit of prerequisite work or skill development necessary to succeed in the MMC.

### **Operationalizing the Personal Curriculum**

The legislation permitting a PC option currently infers that local school boards will determine performance parameters or cut scores for those students who exercise the PC option. Those parameters involve the establishment of cut scores or criteria to determine at what point credit for skill areas of the MMC will be awarded. Guidance on how to do that is scant at best and absent at worse. Making those determinations in the absence of specific guidance as to how to do so, and what the cut scores are, may put local school boards in the difficult situation of acting in the absence of knowing.

The idea of cut scores being set by local school boards whose members have varying levels of understanding about the MMC and what cut scores are is problematic. Given that lack of predictability as to what may result from these locally controlled processes, we can envision some families and students 'shopping' for districts with lower cut scores. This has the potential to pit district against district, districts against the State, districts against parents, and all on the backs of students, in particular students with disabilities.

Michigan needs a cultural shift with regard to how educators think about school and the awarding of credit. Credit based on seat time is inconsistent with the ideas presented in any guidance document about the PC. This presents an additional challenge for those districts that do not allow other ways of thinking other than seat time. Cut scores need to be based on goals or standards rather than on seat time

or other arbitrary factors. Districts need guidance, specific direction and support to set cut scores that make sense.

The SEAC applauds the efforts of the Michigan Department of Education to provide guidance documents and tools on the PC. Unfortunately, to date those documents have not reduced the confusion that abounds around this topic. Document information is too sketchy about what a PC is and isn't, and how to create and implement a PC. The guidelines as written are too confusing to be useful, with far too much legalese and technical jargon. Creating a PC appears to be too much an inexact science. While the current guidance affords considerable flexibility with regard to the PC, that flexibility is both a bonus and a burden. Districts must know what constitutes the essential expectations of the MMC.

### **Planning for Student Success: The EDP, the IEP and the PC**

The importance of a thoughtful and thorough EDP has never been greater in planning for student success. The decisions made in that planning are key for high school and MMC success. What happens in middle/junior high school can have a profound impact on the educational futures of Michigan youth. All stakeholders must understand the *implications* of planning decisions made years earlier *at the time of that planning*. To understand the implications requires a diverse and discrete knowledge base including knowledge of the unique needs, interests and perspectives of the individual child; clear understanding of the process elements (EDP – IEP – PC – transition plan) and how they are interconnected; and the capacity to articulate the curriculum content (GLCEs, MMC) as well as the ability to discuss the implications of the process decisions. Because these elements represent diverse and discrete knowledge and expertise, a *team* is essential.

Further there must be alignment between the EDP, the IEP and the PC. The EDP must not be a piece of paper or a hurdle that is done by students and quickly forgotten. It is not a singular event, completed and then never revisited. The EDP must be part of a dynamic planning process designed to support the student in achieving his or her own life's goal. The EDP, IEP and the MMC must be tied together intentionally. Teams need support and guidance as to how to talk about the MMC as the course of study.

The PC option is expanded for students with IEPs through Subsection K of Section 380.1278b of the Revised School Code. We wonder if the term *students with disabilities* might be a better characterization of the students for whom these broader choices and guidance apply for several reasons. There are students who were formerly identified as eligible for special education programs and services and thereby, *were* students with IEPs, who no longer need the programs and services of special education. Limiting access to additional flexibility of Subsection K to those students who have a current IEP may have the unintentional consequence of maintaining special education eligibility for some secondary students who have accessed these programs and services in the past and are now able to advocate for and use accommodations to achieve high standards.

Further, we worry and wonder about those students on the margins of achievement: those with 504 plans and those receiving English as a Second Language (ESL) services. Many of these students may benefit from different routes to achieve the high standards of the MMC. We fear that these students may be left out and consequently left behind if there are no additional provisions for them to achieve the standards via a PC. While these students fall outside of the defined responsibility of the SEAC, we believe that failing to support these students in accessing a PC may result in them being referred to special education due to school failure.

Preparation for meeting the standards of the MMC must begin early in a child's education. It is essential that parents understand how early learning leads to success at later grades. Parents may have difficulty understanding the ramifications of decisions made for their child in elementary and early middle school unless there is clear, understandable information. Guidance regarding the PC option needs to be early enough so parents can clearly see the potential consequences of early decisions on their child's preparation to perform years down the road.

Within the guidance document, a number of adverse effects from using a PC are listed. These dire warnings may scare some; however, it is critical that parents hear and know the realities when a decision to use a PC is considered. It is essential that this guidance information be *made easier for parents* to understand so they clearly understand the consequences – positive and negative – of these critical decisions.

The future for Michigan's children hangs in the balance between our ability as educators, parents and advocates to support the achievement of high standards while providing different paths to demonstrate that achievement. The PC holds great promise as a tool for alternate means to demonstrate mastery. It is a component of a long-range plan for student success that formally begins with the EDP and, for students with disabilities, includes their IEP and transition plan. The SEAC will continue its dialogue around issues related to the implementation of the MMC and the PC and looks forward to the day when all of our students achieve the high standards we have articulated for them.

### ***Recommendations***

These recommendations emphasize activities, innovative ways of thinking, and restructuring to carry out the work that must be accomplished in the months and years ahead. As such, the recommendations may not necessarily require additional budget allocations, but rather a change in how we think about the requirements of the MMC and the PC.

1. *The MDE and SBE provide technical assistance to districts in understanding proficiency, as well as the process for the establishment of "cut scores":* Given the existing knowledge base about the PC and the determination of what constitutes sufficient performance for the awarding of credit, we believe

that additional guidance and support is critical. Fully appreciating Michigan's long tradition of local control of education, we fear that in the absence of more direction with regard to cut scores, inherent inequities between districts will emerge. Some districts may set floors for cut scores so low that they do not change practice. Others may attempt to establish them, but not clearly understand how. If the intent of the MMC was to increase the likelihood that Algebra I in the Copper Country is equivalent to Algebra I in Bloomfield Hills, we need help with the establishment of cut scores.

2. *The MDE provide technical assistance on the intentional connection between the PC and the following elements:*
  - a. *EDP*
  - b. *IEP*
  - c. *MMC*
  - d. *Transition plans*
  - e. *Career crosswalks/Career and Technical Education*
3. *The MDE review and simplify all information and guidance with regard to the PC: The SEAC is most appreciative of the guidance and guidance documents. We believe the information in the guides, while critical, needs to be simplified so everyone can understand what a PC is, who can get one, when a student can get one, and why a student might need one. One idea is to organize all material into a comprehensive guide. An outline of such a guide is found in Appendix A.*
4. *The MDE facilitate technical assistance and the provision of training through the federally funded Parent Training Information Centers on the elements described in this report. The request for or suggestion of a PC requires informed parents. Our fear is that in the absence of a clear and easy way to understand information about the PC, some parents may ask how to get one for their child (and how soon) without really knowing what it is, or worse yet, what it means. While we hope that the new guidance documents will allay some of these concerns, we believe technical assistance and training for parents of students with disabilities is critical. Further, we believe all parents need access to this information.*
5. *The SBE support legislation that would allow students with 504 plans, ESL services, or who previously had an IEP, access to the Subsection K provision of the PC.*
6. *The SEAC continue to study and keep current on the PC options and guidance to support implementation of this option. We believe it is essential that the PC stay on our 'radar screen' so we can advise the SBE and MDE on issues that may arise.*

## Appendix A: Outline: Comprehensive Document on the Personal Curriculum

- I. Purpose of PC = diploma
- II. Chart of Michigan Merit Curriculum Requirements
- III. Who can get a PC
  - A. Accelerated
  - B. 504 student
  - C. IEP student
    1. Subsection K
  - D. ESL student
  - E. Transfer students
  - F. Algebra II from 1.0 credit to .5 credit
- IV. Steps to access a PC
  - A. Forms to fill out
  - B. Structure of PC team (counselor or designee, principal, psychologist, child/parent)
  - C. Role of superintendent
- V. Sections by role
  - A. Local school board: cut scores, forms, development frame for cut scores, definitions,
    1. Ideally cut scores might be done at an ISD level to minimize shopping for lower cut scores
  - B. MS/HS principal – setting up teams/designees
  - C. MS/HS counselor – Develop PC with parent/student, develop EDP with students
  - D. Parents – request PC
  - E. Students (if 18 years of older)
  - F. Special education/general education teachers – designee for counselor
  - G. School psychologist – role for special education
  - H. Superintendent – approval or not
- VI. Questions and answers