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Oxford Foundation  
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To Whom It May Concern,

MAASE is a statewide professional educational organization affiliated with the National Council of Administrators of Special Education and the Council for Exceptional Children. The Mission of MAASE is to provide leadership for the development and implementation of quality programs and services for students with disabilities within the total education community. MAASE members' work is dedicated to enhancing the achievement, worth, dignity, and potential of each unique child and youth in Michigan.

Children and youth who receive special education services possess basic rights and responsibilities, including the right to a free appropriate public education (FAPE). As MAASE members, we believe that all aspects of education, including education finance, must be examined carefully in light of FAPE.

In alignment with our belief, MAASE offers this comment on the potential impact of the proposed rewrite of the School State Aid Act in regard to serving students with Individual Educational Plans (IEPs).

**Section 1606 DEFINITIONS**

(4) Proposed changes in how membership would be counted results in a change in the reimbursement received by districts. The .05% impact from the performance count would impact special education reimbursement to districts based on the adjusted calculation for added costs and the Section 22b payments for students receiving special education.

(10) Proposed definition defines a pupil as being 'In kindergarten through grade 12'. This excludes preschool and post-high school students to age 26 that are eligible for enrollment in special education programs and services. [P.34]

(12) Language speaks to a 'pupil regardless of age, who has not received instruction for 15 consecutive school days shall be dropped from the roll and classified as withdrawn'. Among the population of students with disabilities that public schools serve, there are students who are medically fragile as well as those more susceptible to illness, both of which may lead to prolonged, unanticipated absences. This language could cause districts to use additional resources for the unenrollment and reenrollment process as well as result in loss of revenue for the period that elapses between WITHDRAWN and reenrolled. [P. 39]

**Section 1606E - Performance Count Day**

Federal law requires that states must provide an alternate assessment for students with IEPs whose disability precludes them from participating in the general assessment approved by the MDE. For each assessment chosen there would then be a requirement for an alternate assessment to be provided for the designated students with IEPs. At this time Michigan has 4 levels of alternate assessment for the state performance MEAP measurement. Michigan is also involved in the Dynamic Learning Maps consortia to develop a "new" alternative assessment. The proposed language change could result in a potentially challenging, and expensive requirement for districts/ISDs to provide the necessary alternate assessments. It also could be very subjective and not meet the rigor that would be desired for any student assessment.

For many students with IEPs, their cognitive impairments would influence the expected rate of skill growth over the period of a year. Language within (6) would penalize districts/ISDs for students who did not make a

full one year's growth. This creates an unrealistic expectation for the most severely impaired students in this population. [P. 44]

### **Section 1606(F) – ENROLLMENT DISTRICT**

Within the state of Michigan it is required that each student with an IEP be provided with the appropriate special education programs and services that the IEP team determines necessary. Not all districts are required to provide all programs resulting in districts sharing programs or an ISD designing a continuum of programs it chooses to operate. The additional cost that MDE provides to the districts/ISDs for provision of these programs is based on the operating costs to the district/ISD that provides the program. With proposed language a student could potentially receive different programs and services across multiple districts that could result in uncoordinated efforts to the detriment of the student's achievement. Additional specialized transportation costs could also be incurred. [P. 45]

(2)(A) Currently there are private schools within the state of Michigan boundaries that are serving student that do not reside within the state. According to rule and regulation, if the student qualifies for special education services, then the district within the boundary of which the private school resides is responsible for provision of such. If the proposed language adopted, there is question as to the responsibility and impact for local districts. [P. 46]

(2)(E) At this time there is a data-reporting requirement for discipline incidents of students with IEPs. With the responsibility of that reporting placed on the 'enrollment district,' it becomes an issue of process for ensuring that such data is accurate and timely. Significant decisions are made from calculations of this data that impact LEAs/ISDs in terms of finance, use of human resources and resulting operational decisions. With data potentially coming from multiple locations where the student is served, it may result in complexity of coordination, communication and disaggregation of the data that again requires that districts expend more resources in this area. Beyond reporting requirements there are implications for meeting the federal regulation requirement for students whose discipline removes them from school for specified lengths of time. This 'enrollment district' requirement may place responsibility for all actions and services due to the impact of the disciplinary actions upon that district, even though the disciplinary action did not occur within that district.

All data and related actions result in calculations of performance of a SYSTEM vs. student level through the state of MI required special education monitoring system. Districts receive rankings, percentages, and reports on their performance within discipline actions. Again, the 'enrollment district' could potentially be ranked on behavior that did not occur within their realm of responsibility. [P.46]

(2)(F&G) Personal curriculum options are at the discretion of each district's board of education. Use varies greatly in the application of such for students with IEPs. Proposed language requires districts to accept credits earned in other districts and apply them to the local diploma they award. The establishment of whose personal curriculum policy would hold for the student is in question. [P. 46]

### **Section 1618 Application of Money**

(6)(7): Providing the necessary data for the MDE to meet this new obligation will require districts to report data for the program and state code level, which is not currently required. This additional burden cannot be required of districts without funding to allow for its additional resource costs. [p. 87]

### **Section 1621f**

A student with an IEP may be in need of accommodations/ special technology to be successful in an on-line educational option. Given the premise of having an 'enrollment district' and the fact that an on-line option could be provided by a different entity, the responsibility of who will bear the cost and provision of the accommodation(s) is in question. The actual determination of the needed accommodations, the appropriate equipment and/or software for that accommodation, the training for the child and other involved adults, are all considerations that must be addressed. [p. 112]

### **Sections 1624, 1651a, 1651b, 1651c, 1652, 1653, 1654 and 1658**

These sections of the Act refer in their current language to membership and foundation allowance. The implication of this section referring to 'the district' and the potential for change in other sections to 'enrollment district' gives rise to concern of potential conflict. [p. 144]

### **Section 1622 (additional special education payment), Section 1624, and Section 1653**

The foundation payment and the calculation will not work for any categorical programs that are paid on an added cost basis.

### **SECTION 105**

Proposed action to rescind 105c negates the district's requirement to have an agreement with a non-resident student's district/ISD to provide for the additional costs of educating students with IEPs. With the current

language, districts have the obligation to dis-enroll the student if an agreement cannot be established. With elimination of this requirement districts would be required to accept and pay for all special education costs regardless of residence. Local tax millage dollars are restricted in their use for students residing within the county placing additional financial burden on use of the district general fund dollars. Resulting discrimination against these students may occur. [p. 256]

Thanks you for the opportunity to provide this comment.

For the Executive Board,

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