

STUDENTS ELIGIBLE FOR SPECIAL EDUCATION SERVICES

What the Michigan Merit Curriculum Law Says

Sec. 1278b(6) If a pupil receives special education services, his or her individualized education program, in accordance with the Federal Individuals with Disabilities Education Act, must identify the supports, accommodations, and modifications necessary to allow him or her to progress in the Michigan Merit Curriculum requirements, or in a personal curriculum, and meet the requirements for a high school diploma.

(k) If the parent or legal guardian of a pupil requests as part of the pupil's personal curriculum a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section and demonstrates that the modification is necessary because the pupil is a child with a disability, the school district or public school academy may allow that additional modification to the extent necessary because of the pupil's disability if the group under subdivision (a) determines that the modification is consistent with both the pupil's educational development plan under subsection (11) and the pupil's individualized education program. If the superintendent of public instruction has reason to believe that a school district or a public school academy is allowing modifications inconsistent with the requirements of this subdivision, the superintendent of public instruction shall monitor the school district or public school academy to ensure that the school district's or public school academy's policies, procedures, and practices are in compliance with the requirements for additional modifications under this subdivision. As used in this subdivision, "child with a disability" means that term as defined in 20 USC 1401.

Questions & Answers

1. Q: What about students who receive special education services?

A: Special Education students are general education students first, and by law must be given access to, and support for success in, the general curriculum. Studies show all students learn and achieve more when they take a challenging curriculum rather than low-level high school courses. However, some high school students are going to need support to meet the more rigorous high school graduation requirements.

All students receiving special education services in Michigan must have an Individualized Education Program (IEP) that details the appropriate education plan of support for student success. The State Board of Education firmly believes that special education students can learn and participate in the general education setting and that special education students should be given every opportunity to be successful in the Michigan Merit Curriculum.

2. Q: If a student is cognitively impaired and was not able to take the MEAP/HST or the new Michigan Merit Exam, is the student still required to complete the Michigan Merit Curriculum to earn a high school diploma?

A: Yes. The student must do so either through the general curriculum or the "personal curriculum" defined in the law. The decisions related to a student's educational program should be discussed and determined within the student's Individual Education Plan (IEP) process by the IEP Team. A decision to assess the student with the MEAP or MI-Access tests should be a subject of considerable discussion during these meetings and conclusions based on multiple factors, (present level of academic achievement and functional performance, the student's stated post school outcomes or desires, student performance on standardized, normative, criterion referenced, summative, formative or curriculum based assessments, etc.).

The standards set by the state legislature are the curriculum standards for the state and, therefore, become the foundation for educating all students in the state of Michigan. The requirement of a Free and Appropriate Public Education (FAPE) project requires that educators provide students with disabilities full access to these standards. The standard for FAPE is clear in the federal regulations that these curriculum standards must be the foundation for all instruction. However, for students with more significant disabilities, the IEP may modify content and instruction to achieve the desired outcomes for a student. Beyond curriculum modification, students also can have specific accommodations that assist them to learn within these standards. The federal Individuals with Disabilities Act (IDEA) is very clear that all students with disabilities have a right to access, participate and perform in the general education curriculum. While IDEA guarantees FAPE, it does not provide a guarantee that a student with disabilities is entitled to a diploma. Diploma granting is a local board decision, but school boards now have specific graduation requirements they must address, and these are spelled out in state law.

Additional information on personal curriculum modifications for students with disabilities is available in both the Michigan Department of Education’s Personal Curriculum Guidelines and Frequently Asked Question documents.