



Parent Information Handbook

for 2009-2010

A JOINT EFFORT OF
THE MONROE COUNTY I.S.D.

and

THE MONROE COUNTY I.S.D.
PARENT ADVISORY COMMITTEE



Monroe County Intermediate School District

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OUR MISSION: The **Monroe County Intermediate School District** promotes educational excellence by serving in a visionary leadership role to collaborate and facilitate improvement of school programs and services. These efforts will be driven by pertinent research, continual assessment of needs, and coordination of community resources. As a result, county students will be prepared to live, learn, and work in an ever-changing world.

The **Monroe County Intermediate School District** does not discriminate on the basis of religion, race, color, national origin, sex, disability, age, height, weight, marital status or familial status in its programs, activities or in employment. The following person has been designated to handle inquiries regarding the non-discrimination policies: **Elizabeth J. Taylor, Assistant Superintendent for Human Resources & Legal Counsel**; 1101 S. Raisinville Road, Monroe, MI 48161. Telephone: 734.242.5799, ext. 1200.

Dear Parents,

A Special Message:

This handbook has been developed by the **Monroe County Intermediate School District Parent Advisory Committee (PAC)** to give you an introduction to the special education process and to acquaint you with special education programs and services.

Special education services are available to eligible students in the State of Michigan from birth through high school graduation or age 26, as appropriate. Understanding the special education system can help you work with your child's school and teachers to develop the program that is needed for your child to succeed.

The members of the Parent Advisory Committee are passionate about the value and significance of special education for special needs children. We believe that parents must play a major role in this venture for the process to thrive. But first, parents need to have insight about the programs and services, which make up the special education system. It's with this idea in mind that we have developed this handbook.

Our goal is to provide parents and caregivers with factual information, along with various resources, to understand and negotiate the special education process.

Always remember that you are your child's best advocate. We believe that the best possible scenario occurs when parents and teachers form a partnership placing the student's needs first.

The additional responsibilities that are placed on a parent of a child with special needs cannot be understated. However, along with the burdens and challenges come some of the greatest joys in life. Whether it is regular education or special education, children who are exposed to a wide variety of opportunities and challenges have the best chance to succeed in life. We know the special education system works! We hope this handbook will help you make the most of your child's special education experience.

May we walk together as we help our children to grow from a dependent child to an independent adult. Come, celebrate your child's educational years with us at the Monroe County Intermediate School District!

M.C.I.S.D. PAC: Parent Advisory Committee

Our Mission:

The purpose of the **Monroe County Intermediate School District Parent Advisory Committee (PAC)** is to represent the views of parents with children in special education. The **Parent Advisory Committee** provides input at the intermediate school district level. Input is focused on the ***I.S.D. Plan for Special Education Services***.

The **M.C.I.S.D. Parent Advisory Committee (PAC)** is comprised of parents representing the local school districts in Monroe County. The PAC meets on the first Tuesday of the month during the school year to receive and share information about issues related to students with special needs and to perform the advisory functions described in the ***Michigan Special Education Rules***. The PAC members are valuable resource people for other parents of children with special needs.

MEETING DATES: Call 734.242.5799 for dates.
VOICE MAIL NUMBER: 734.242.5799, ext. 4015
WEBSITE ADDRESS: <http://misd.k12.mi.us>
E-MAIL ADDRESS: PAC@misd.k12.mi.us

Activities sponsored by the PAC include:

- PAC Parent Information programs
- Newsletters
- Education services

Representation on the PAC includes parents of students with disabilities from every public school district in Monroe County.

Acknowledgments

Many individuals, through their support and assistance, contributed to the development of this handbook. We wish to thank the organizations that gave permission to use portions of their parent handbooks:

- Jackson County Intermediate School District
- Washtenaw Parent Advisory Committee
- Wayne County Parent Advisory
- Branch Intermediate School District
- Macomb County Intermediate School District



Special Education: What you should know

Monroe County residents have a longstanding belief that all children are entitled to the full benefits of a public education. State and Federal laws, such as the Individuals with Disabilities Act, known as IDEA, supports this belief. These laws recognize that every individual is unique and different, and that -- while everyone can learn -- the ability to learn and the rate at which we learn varies from one person to another.

Just as people are different, so too are disabilities. They vary from one person to another. A disability may be perceived as mild to severe. Each disability, however, has one thing in common. Whether physical, mental or emotional, disabilities may interfere with typical classroom learning. Therefore, special education programs and services are designed to help students with special needs benefit from educational instruction.

For these reasons, teachers with specialized training work with students with disabilities in school. The special education programs and services they provide are designed to meet each student's individual needs.

Michigan Law, under ACT 451 of the Public Acts of 1976, requires that special education supports be available to all eligible individuals from birth to age 26 years or graduation. Persons residing within the Monroe County Intermediate School District, and qualified to receive special education services, will be provided with appropriate programs and/or services by their local school district, the intermediate school district, or through an approved contract agreement. The types of supports provided, however, may vary for each child.

The special education process begins with you, your child's teacher, your child's doctor, or another person who contacts your local educational agency or intermediate school district in writing and asks for help for your child. With your consent, the school district begins the process of evaluation and other required steps, as outlined on the following pages. Please remember in this handbook "parent" also refers to guardian or surrogate parents. As you read through this handbook, you will want to refer to the Appendix for further clarification.

General Information

• Prior Written Notice - 34 CFR §300.503

NOTICE

Your school district (the term “school district”, as used in this Notice, includes a public school academy) must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

CONTENT OF NOTICE

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards, provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards, if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child’s individualized education program (IEP) Team considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why your school district proposed or refused the action.

USE OF INDIVIDUALIZED EDUCATION PROGRAM AS NOTICE

A public agency may use the IEP as part of the prior written notice as long as the document(s) the parent receives meet all the requirements in §300.503.

NOTICE IN UNDERSTANDABLE LANGUAGE

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; and
3. There is written evidence that #1 and #2 have been met.

• Native Language - 34 CFR §300.29

Native language, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child’s parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

• Electronic Mail - 34 CFR §300.505

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; and
3. Notices related to a due process complaint.

• Parental Consent - Definition - 34 CFR §300.9

CONSENT

Consent means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.
2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

• Parental Consent - Referral Process - 34 CFR §300.300

CONSENT FOR INITIAL EVALUATION

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading, **Parent Consent - Definition.**

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does **not** mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. Your school district will not violate its obligations to locate, identify, and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

SPECIAL RULES FOR INITIAL EVALUATION OF WARDS OF THE STATE

If a child is a ward of the State and is not living with his/her parent --

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge or a public agency with responsibility for the general care of the child has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

Ward of the State, as used in the IDEA, means a child who is:

1. A foster child, unless the child's foster parent has been assigned the right to make educational decisions on the child's behalf by a judge overseeing the child's case or a public agency with responsibility for the general care of the child;
2. Considered a ward of the State under State law;
3. Considered a ward of the court under State law: **or**
4. In the custody of a public child welfare agency.

PARENTAL CONSENT FOR SERVICES

Your school district must obtain your informed consent before providing special education and related services to your child for the first time, and must make reasonable efforts to obtain that informed consent.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use the procedural safeguards (*i.e.*, mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a FAPE available to your child for its failure to provide those services to your child; and
2. Is not required to have an IEP meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

• REVOCATION OF PARENTAL CONSENT

If you inform the school district in writing that you revoke (take back) your consent for your school district to provide special education and related services to your child, your school district:

1. May not continue to provide special education and related services to your child;
2. Must provide you with timely prior written notice, consistent with §300.503 of the IDEA regulations, of their proposal to discontinue special education and related services based on receipt of your written revocation of consent;
3. May not use due process procedures (*i.e.*, mediation, resolution meeting, or an impartial due process hearing) or order to obtain agreement or a ruling that the services may be provided to your child;
4. Is not in violation of the requirement to make FAPE available to your child for its failure to provide further special education and related services to your child;
5. Is not required to have an IEP meeting or develop an IEP for your child for the further provision of special education and related services, and
6. Is not required to amend your child's education records to remove any reference to your child's receipt of special education and related services because of the revocation of consent.

• PARENTAL CONSENT FOR RE-EVALUATIONS

Your school district must obtain your informed consent before it re-evaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's re-evaluation; and
2. You did not respond.

If you refuse to consent to your child's re-evaluation, the school district may, but is not required to, pursue your child's re-evaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's re-evaluation. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the re-evaluation in this manner.

• **DOCUMENTATION OF REASONABLE EFFORTS TO OBTAIN PARENTAL CONSENT**

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to re-evaluate, and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

• **OTHER CONSENT REQUIREMENTS**

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a re-evaluation; or
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

PROCEDURAL SAFEGUARDS NOTICE

If you have enrolled your child in a private school at your own expense or if you are home-schooling your child, and you do not provide your consent for your child's initial evaluation or your child's re-evaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures (*i.e.*, mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable services (services made available to parentally-place private school children with disabilities).



Eligibility for Special Education Services

The *Michigan Administrative Rules for Special Education* define eligibility for special education services within 13 categories of disability:

- **Autism Spectrum Disorder (ASD)**

Students with Autism Spectrum Disorder have a lifelong, developmental disability that may include disturbances in thinking, socializing, body movement and speech and language development. People with autism may have difficulty relating to others in typical ways, insist on routine, be slow to develop communication patterns, have unusual responses to sensory stimuli (hearing, seeing, touch, etc.), and/or exhibit stereotyped play patterns and repetitive movements. **Rule 340.1715**

- **Cognitive Impairment (CI)**

Students in this category were formerly named *educably mentally impaired (EMI)*, *trainably mentally impaired (TMI)*, or *severely mentally impaired (SMI)*. Students eligible as cognitively impaired have intellectual impairment, which affects their ability to understand cognitive concepts and skills. The level of impairment may vary from mild to severely impaired. Instructional activities typically focus on academic and vocational skills, daily living skills, health, and communication. **Rule 340.1705**

- **Deaf-Blindness (DB)**

Deaf-blindness means hearing impairment and visual impairment, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs without additional supports to address the unique needs specific to deaf-blindness. **Rule 340.1717**

- **Early Childhood Developmental Delay (ECDD)**

Students in this category were formerly named *pre-primary impaired (PPI)*. Students with Early Childhood Developmental Delay are children through age 7 years old whose development is significantly delayed in one or more areas, and who do not qualify under any other special education eligibility. **Rule 340.1711**

- **Emotional Impairment (EI)**

Students with emotional impairment demonstrate behavioral problems related to withdrawal, depression, low self-esteem, anxiety, physical complaints, etc., over an extended period of time that negatively affect their ability to learn. **Rule 340.1706**

- **Hearing Impairment (HI)**

Students with any type or degree of hearing loss that interferes with development or adversely affects educational performance. These persons may have mild or moderate hearing loss or be totally deaf. **Rule 340.1707**

- **Learning Disability (LD)**

Students with learning disabilities have a significant discrepancy (difference) between intellectual ability and oral language and/or academic achievement in one or more areas of learning. These students often experience difficulty with oral language, reading, writing, and/or mathematics. Social and behavioral problems may be present, but major problems are with learning in school. **Rule 340.1713**

- **Other Health Impairment (OHI)**

Students with chronic health conditions (*e.g.*, asthma, attention deficit disorder, epilepsy, or rheumatic fever) that adversely affect educational performance qualify in this category. They may require special materials or conditions to be successful in school. **Rule 340.1709A**

- **Physically Impaired (PI)**

Students with severe orthopedic impairments have physical challenges which affect the ability to learn and may require adapted and/or special materials or equipment. **Rule 340.1709**

- **Severe Multiple Impairment (SXI)**

Students with multiple impairments have more than one disability in intellectual, physical and/or functional abilities. They typically require intensive intervention and supports for the activities of daily living. **Rule 340.1714**

- **Speech and Language Impairment (SLI)**

Students who have difficulty with understanding or the use of language may have speech or language impairment. This may interfere with learning and/or social adjustment in school and elsewhere. Typical symptoms may include poor listening skills, unclear speech, slow vocabulary development, immature grammar, difficulties with conversation, unusual loudness or quality of voice, or stuttering. **Rule 340.1710**

- **Traumatic Brain Injury (TBI)**

Students who have an acquired injury to the brain (closed head injuries) are certified as having a traumatic brain injury impairment. **Rule 340.1716**

- **Visual Impairment (VI)**

Students who have severe problems with vision, whether partially sighted or blind, which interfere with development and learning. Characteristics may include visual acuity of 20/70 or less in the better eye after correction, or a peripheral field restricted to not more than 20 degrees. **Rule 340.1708**



■ Evaluations & Eligibility by the Multidisciplinary Evaluation Team

The first step in identifying a student with a suspected disability and in need of special education programs and/or related services is the evaluation of the student. This is done by a **Multidisciplinary Evaluation Team (MET)**. This team is made up of educational specialists with knowledge in the area of your child's suspected disability. They may be teachers, school psychologists, speech therapists, social workers, or other specialists. These persons use tests and procedures different from those basic tests given to all children in a school, grade or class. They select tests/procedures to use with your individual child based on areas of suspected need.

The MET will assess and evaluate your child's strengths and weaknesses. It also reviews and analyzes all available information about your child's suspected disability, including school records, evaluation results, medical history, and other information that only you can provide about your child. You may wish to share with the MET any outside evaluations at this time.

Once this MET evaluation is completed, a written MET report with an eligibility recommendation is presented at the **Individualized Educational Planning Team (IEPT)** meeting. **You are an important participant in this meeting.** Using this information, the IEPT determines whether or not your child is eligible for special education.

Based upon the individual needs of your child, one or more of these areas could be evaluated:

- Achievement Level - *The skill level in school subjects such as math, reading, and writing.*
- Adaptive Skills - *The skills used in the school or home environment.*
- Cognitive Ability - *The capacity to think and learn.*
- Motor Ability - *The ability to move in a coordinated, purposeful manner.*
- Personality - *The accuracy with which one perceives self, others, and the environment.*
- Social-Emotional Adjustment - *The skills to build and maintain appropriate interpersonal relationships.*
- Speech and Language Skills - *The ability to use and understand verbal and non-verbal communication.*
- Development - *The child's pattern of growth.*
- Health - *Physical conditions interfering with school performance.*

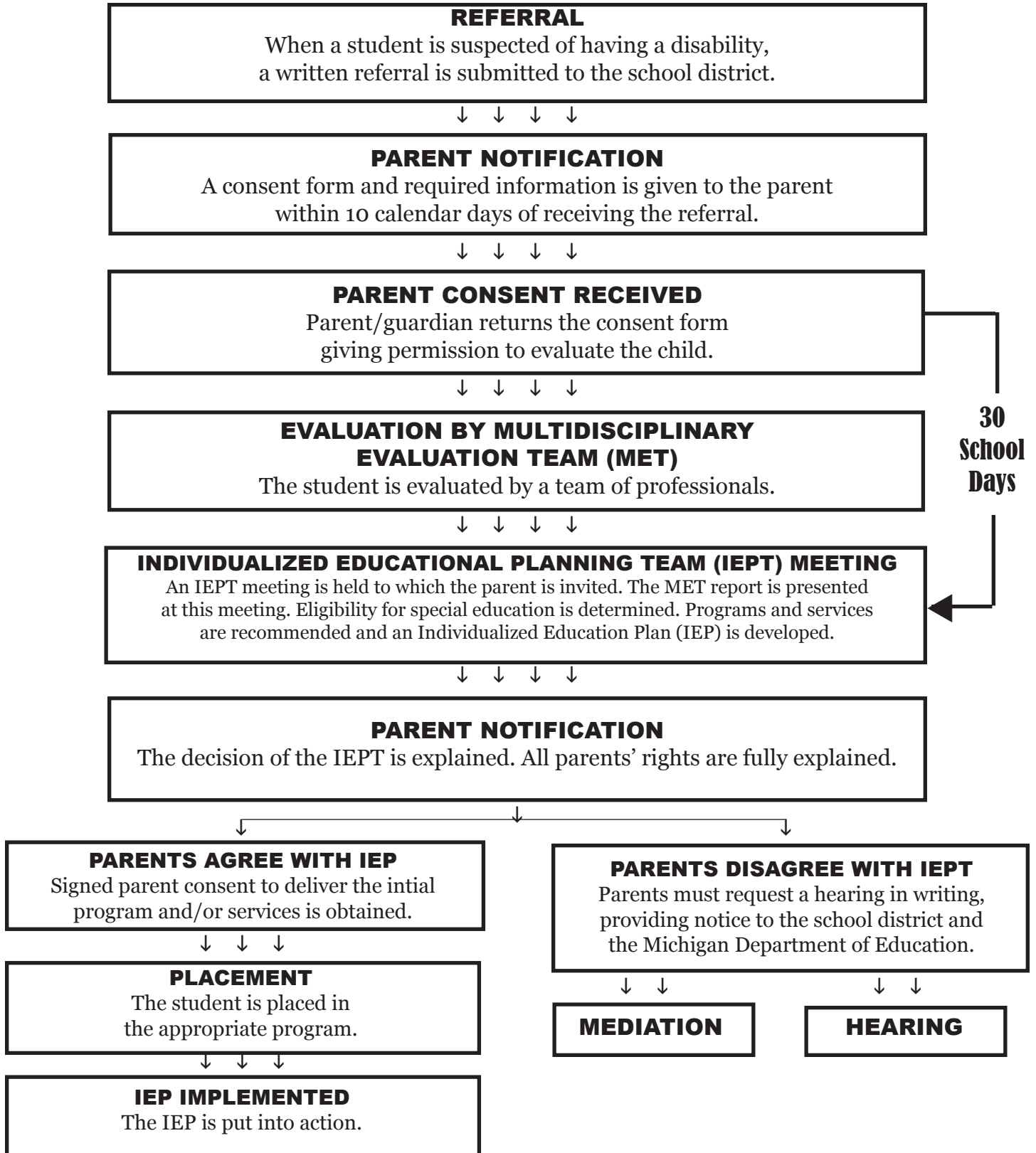
As a parent, during this MET process, you also have the right to:

- Participate in meetings.
- Have an interpreter/translator present, if appropriate.
- Have an evaluation conducted by a multidisciplinary evaluation team that includes persons knowledgeable in the area of suspected disability. This evaluation must be conducted within 30 school days after the school has received your written permission to evaluate.
- Have more than one test or evaluation procedure used to determine eligibility and the appropriate educational program, for your child.
- Be assured testing is non-discriminatory and adapted, if necessary, to meet your child's needs.
- Have any evaluations you may obtain elsewhere be considered along with the school district's evaluation data.
- Be notified of each evaluation procedure, test, record, or report the IEPT uses in determining eligibility and need for special education programs or services.
- Have a vocational evaluation before your child receives vocational education.
- A re-evaluation every 3 years, or more frequently if needed, to determine if your child is still eligible.

Remember: The MET evaluation is very important. Make sure to offer the team all the information you can, concerning your child.

The Special Education Process

Local school districts and public school academies follow the same general procedure in evaluating special education students and planning their education programs. The following is a brief outline of the process. Each step is explained in the following pages.



■ Referral: The Process

A special education referral is a written statement that an individual may have a suspected disability that interferes with learning.

Most often, a referral comes from a teacher. However, anyone who is concerned, including social workers, parents, or a representative of an agency may refer a person suspected of having a disability.

A referral is the first step in the special education process. After a referral is made, the school personnel will evaluate the child. As a parent, you have the right to receive a written notice before the school evaluates your child for the first time. This notice must be in writing and in your native language or other principal mode of communication that is understandable to you. In addition, the notice must describe the proposed action and explain why an evaluation is proposed. ***It is important that you ask questions at this stage of the process.*** Don't be afraid to ask school personnel about the process. ***Ask*** about the referral. ***Ask*** about the evaluation process.

Within 10 calendar days of receipt of the referral, the school district shall notify you in writing and request your permission to evaluate your child. This notice must be in your native language and must be understandable to you. This notice also needs to explain why an evaluation is proposed. You should respond to this request within 7 calendar days because the school district cannot proceed with the evaluation without your written consent. If you decline permission to evaluate your child, the school district may not provide special education services.

**Remember: A referral is the starting point of the special education process.
It does not guarantee special education placement.**

• Special Rules for Initial Evaluation of Wards of the State

If a child is a ward of the State and is not living with his/her parent:

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge or a public agency with responsibility for the general care of the child has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

Ward of the State, as used in the IDEA, means a child who is:

1. A foster child, unless the child's foster parent has been assigned the right to make educational decisions of the child's behalf by a judge overseeing the child's case or a public agency with responsibility for the general care of the child;
2. Considered a ward of the State under State law;
3. Considered a ward of the court under State law; **or**
4. In the custody of a public child welfare agency.

■ Independent Educational Evaluations

34 CFR §300.502

• GENERAL

As a parent, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the school district's criteria that apply to IEEs.

• DEFINITIONS

IEE means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each state to use whatever state, local, federal, and private sources of support are available in the state to meet the requirements of Part B of the Act.

• PARENT RIGHT TO EVALUATION AT PUBLIC EXPENSE

You have the right to an IEE of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you submit a written request for an IEE of your child at public expense, your school district must respond, in writing, to the request within seven calendar days of the receipt of the request, indicating the district's intent to **either**:
 - (a) provide the IEE at public expense; **or**
 - (b) file a due process complaint to request a hearing to show that its evaluation of your child is appropriate.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an IEE, but not at public expense.
3. If you request an IEE of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the IEE of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.
4. If an IEE that you obtain does not meet the school district's criteria, the school district may file a due process complaint. If the final decision in the hearing is that the evaluation did not meet the school district's criteria, public reimbursement of the expense of your IEE may be denied.

• PARENT-INITIATED EVALUATIONS

If you obtain an IEE of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for IEEs, in any decision made with respect to the provision of a FAPE to your child; and
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

• REQUESTS FOR EVALUATIONS BY AN ADMINISTRATIVE LAW JUDGE

If an administrative law judge (ALJ) requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

• SCHOOL DISTRICT CRITERIA

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an IEE).

Expect for the criteria described above, a school district may not impose conditions or timelines related to obtaining an IEE at public expense.

Educational Planning

Individualized Educational Planning Team (IEPT)

The **Individualized Educational Planning Team (IEPT)** is required by law and is one of the most important committees in your school. You are an important member of this committee. It is a special committee formed to review the specific needs of your child. It assures that your child's learning program meets your child's particular needs.

An IEPT must be convened to develop an **Individualized Education Program (IEP)** for every student currently receiving -- or who will receive -- special education services. The IEPT determines the student's eligibility, and the appropriateness of programs and/or services to be provided. The IEPT reviews relevant information and recommendations provided by the MET.

• Who attends the Individualized Education Planning Team meeting?

Participants in an IEPT meeting shall, at a minimum, include the following:

- By law, parents must be invited as active participants in the meeting. ***As a parent, you should take this invitation very seriously and try your best to attend.*** If the IEPT time and place are inconvenient, it is your right to request a more agreeable time and place. You, as a parent are a member of the IEPT and have a right to be involved in any decision made about your child's educational program. As a committee member, you are assured that no one person is acting alone to develop and decide on the school services for your child.
- The student should be invited, if appropriate. If the student is 16 years old or older, s/he must be invited.
- A representative of the school district, other than the student's teacher, who is qualified to provide or supervise the provision of special education (*i.e.*, principal, special education director, special education teacher).
- The student's teacher or, if the student is not previously enrolled, a teacher who is appropriate for the student's age and ability. If the child is enrolled in regular education, at least one of the participants must be a regular full-time teacher to whom the student is assigned.
- A member of the Multidisciplinary Evaluation Team (MET) will present the team's written report at the initial IEPT meetings and any other IEPT meetings preceded by a MET re-evaluation.
- The parent or school district may invite other participants.

• How often does the Individualized Education Planning Team meet?

The IEP must be reviewed annually, and may be revised at any time it appears a change may be needed. The IEPT meeting shall be held at a ***mutually agreed upon*** time and place. If you are unable to attend the meeting, you have the right and responsibility to provide input in other ways.

The IEPT discusses the following and prepares a written report:

- Your child's present level of educational performance and functional performance.
- Present level of educational performance and functional performance includes how the disability affects involvement and progress in the general curriculum and -- for preschoolers -- participation in appropriate activities.
- Eligibility for special education (at those meetings when a MET report is presented).
- Annual goals and short-term instructional objectives (STOs), specific to your child's educational needs.
- STOs should also relate to involvement and progress in the general curriculum.
- Appropriate objective criteria, evaluation procedures and schedules for determining whether the instructional objectives are being achieved.
- Special education and related services (see *Special Education Services*, pages 9 - 11) needed [including the name and rule numbers], giving consideration to the accessibility of physical facilities, transportation, adaptive devices, aides or restraints, and communication needs.
- The projected dates for initiation of programs and services and their anticipated duration.
- The extent, if any, to which your child is not able to participate in regular education programs with non-disabled children.
- The extent of participation in state or district-wide assessments and necessary modifications and how your child's progress towards goals will be reported to you.

- Program and service options in terms of the least restrictive environment.
- For any student 16 years and older, if appropriate, a statement of necessary transition services.
- One year before your child reaches the age of majority, a statement of his/her adult rights.

You and the other members of the IEPT, working together, develop the student's program. If there are differences of opinion at the IEPT, it is not necessarily a bad sign. Differences of opinion may be a sign that both you and the school are sincerely concerned about the student. It is important to continue working toward a consensus agreement. However, if at the end of an IEPT meeting all the parties are not in agreement, you as the parent have a right to appeal the recommendation through the mediation or hearing process.

• **Additional considerations:**

As a parent, during the IEPT process, you also have the right to:

- Be notified before an Individualized Educational Planning Team meeting is convened and have the purpose of the meeting explained to you.
- Invite a person(s) to accompany you to the meeting.
- Request that a representative of your resident school district be invited to any 3-year re-evaluation IEPT meetings conducted by the operating district.
- Request that your child attend the meeting, if this is appropriate.
- Review written evaluations prior to the IEPT with your child's special education teacher or other qualified individual from the school district.
- Receive a copy of the Individualized Education Program at the conclusion of the IEPT meeting.

• **IEP Addendum**

The purpose of the IEP Addendum is to make minor changes to the IEP during the year it is in effect. If substantial or comprehensive changes need to be made to a student's IEP, an IEP Team meeting should be convened to develop a new, complete IEP Team Report.

The IEP Addendum may **not** be used for the following purposes:

1. To determine or redetermine any special education eligibility;
2. To change the type of program for the student; *or*
3. To exit the student from special education.

The parent must participate in the development of the addendum, as well as other required members of the IEP team. A formal meeting is not required. The student's current IEP will remain in effect until the next review or reevaluation date. The IEP Addendum cannot be implemented if the parent refuses consent, and the parent is entitled to a full review of the IEP upon request.

Because an addendum to an IEP is never an initial IEP placing a student into special education, the parent's signature on the IEP Addendum form is not required to implement the IEP. However, the parent must have the opportunity to sign the IEP Addendum in disagreement before it is implemented, following the conditions and timelines at R 340.1722a.

Helpful Hints:

Making the Most of the IEPT Process

Before the IEPT Meeting:

- Obtain as much information as you can before the IEPT meeting. Talk with your child's teacher, the people who evaluated your child, and read your child's records.
- If possible, meet with your child's teacher and observe your child in his/her present program.
- Call your local special education office for the location of specific programs under consideration as appropriate for your child. Have your special education department arrange visits to proposed programs prior to your IEPT meeting.
- If your child has received services from another agency, collect as much information as you can and share it with the school.
- If possible, both parents should plan to attend the IEPT meeting. You may also want to bring someone else with you for support or a friend or relative who is familiar with your child.
- Familiarize yourself with terminology used in IEPT meetings. (*See Terms & Definitions on pages 26 - 28 and Special Education Acronyms on page 25.*)
- Write down your questions and concerns to take to the meeting.
- Make a list of goals and objectives you feel are appropriate to be included in your child's IEP.
- If your child has had previous IEPT meetings, bring the most recent IEP with you.

At the IEPT Meeting:

- Participate fully in the meeting, sharing your opinions and ideas about the educational needs and programs for your child.
- Ask for an explanation of any terms that are new to you.
- Ask about the advantages and disadvantages of various programs proposed.
- Ask for the reasoning behind a suggestion if you don't understand it.
- Ask what related services (*e.g.*, school social work, speech, etc.) your child needs.
- Ask what you can do at home to help your child reach educational goals.
- Be sure you understand the contents of the IEP before you sign it. If you are uncertain, ask for a copy of the IEPT report, take it home and think about it for a day or two before signing, and return it to the district.
- The length of an IEPT meeting can vary. The meeting should take as long as necessary to discuss your child's needs and complete an appropriate IEP. Reconvening the meeting is sometimes necessary to adequately address individual needs.

Remember: This is a legal contract. After the initial IEP, the IEP will go into effect when signed or at the end of 15 school days if unsigned.

After the IEPT Meeting:

- Keep the IEPT report and all other pertinent special education records together and place them in a safe location. You might want a special notebook or file for this purpose.
- You are an important part of your child's educational team. Visit the school. Get to know your child's teacher and principal.
- Keep positive communication channels open between school and home. Share unexpected information that may affect your child's behavior (*i.e.*, illness, divorce, a new baby, etc.)
- Do not hesitate to request a conference with your child's teacher any time you have questions or concerns.

Remember: In most cases, the evaluation done by the school MET will be sufficient. Most parents do not opt for an independent evaluation. But should you feel you need one, you have the right to request it. After the initial IEP, and within a specified time period, an unsigned IEP implies consent.



Communication: If you have a problem

Remember that communication is the key to any successful program. Regular meetings with your student's teacher and team of school personnel can keep things running smoothly. ***It is essential that you become a part of your student's team.*** If a problem does develop, try to work on it as soon as possible. Listen to what the other members of the team have to say and communicate your point of view calmly and clearly.

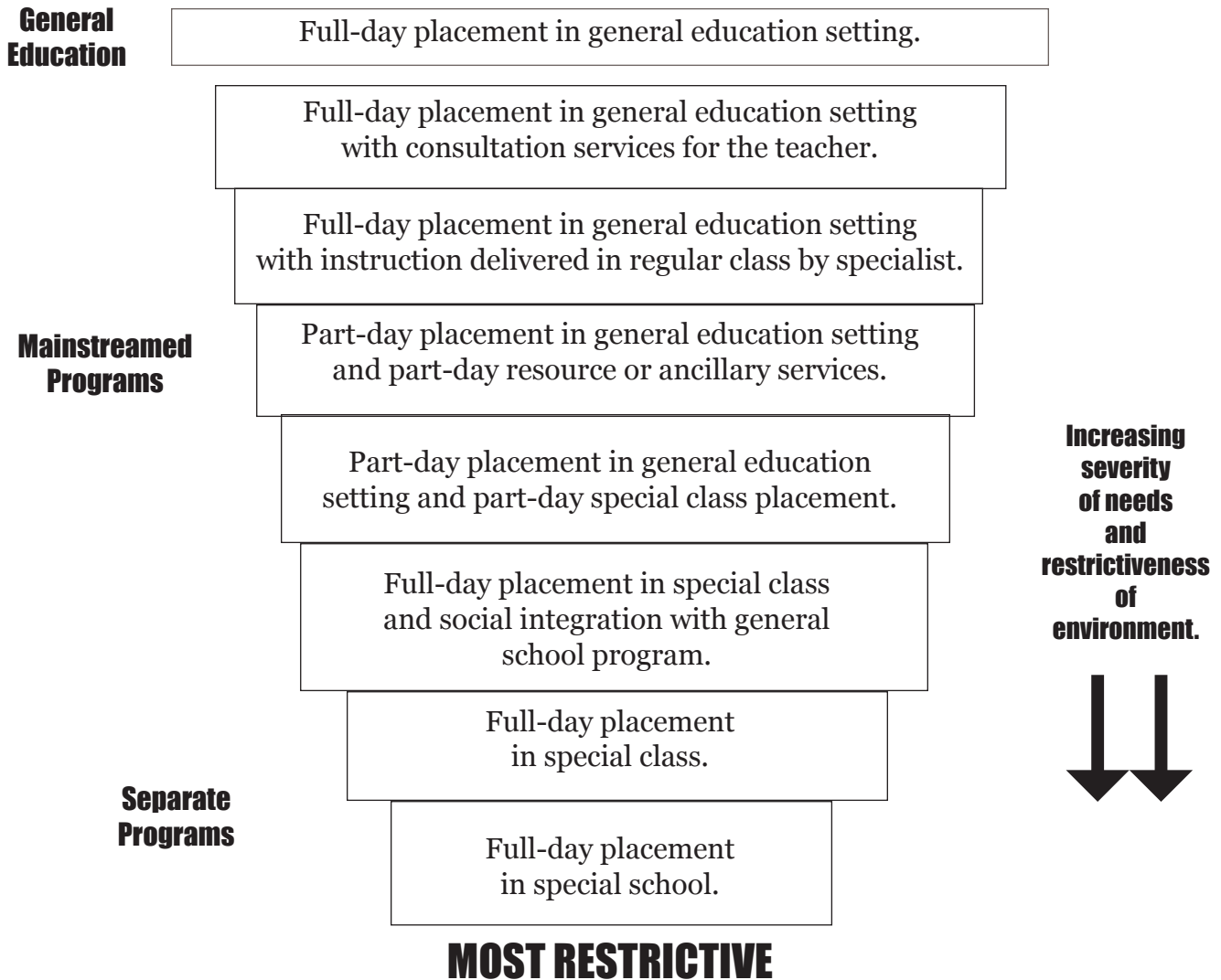
- Your first step may begin with scheduling a meeting with your student's teacher(s) and therapist(s). Talk to them first, identify the problem(s), discuss options and look for a solution.
- The school district or teacher consultant, social worker, psychologist and/or other team members would be the next set of people to get involved in trying to reach a solution.
- The next step would be to discuss the situation with the administrators at the school.
- If the principal cannot resolve a problem to your satisfaction, you may contact the Special Education Regional Supervisor or district Superintendent.
- If the problem is still unresolved, you may contact the M.C.I.S.D. planner/coordinator or the M.C.I.S.D. special education director for help.
- If all of these steps have been tried, and your child's IEP is not being implemented, you may file a complaint with the Intermediate School District (M.C.I.S.D.).

Remember: You may request a new IEPT meeting at any time. Coming to a satisfactory solution by compromising and/or negotiating with your student's school team may be the most effective method of problem-solving.

Special Education Continuum of Services

The **Monroe County Intermediate School District** provides a full continuum of services for students with special needs.

LEAST RESTRICTIVE



• Special Education Classroom Programs

Some of the special education classroom programs currently supporting students with staffing and management by local education agencies and/or the M.C.I.S.D. include:

- Autism Program (AP)
- Emotionally Impaired (EI)
- Learning Disabled (LD)
- Hearing Impaired (HI)
- Resource Rooms (RR)
- Early Childhood Special Education (ECSE)
- Mildly Cognitive Impaired (MiCi)
- Moderately Cognitive Impairment (MoCI)
- Physically or Otherwise Health Impaired (POHI)
- Severe Cognitive Impairment (SCI)

The majority of these programs are staffed per state requirement by disability category and are “cross-categorical” in nature. This means that students with a variety of special education eligibilities may be placed in similar programs to meet their unique needs. The classroom programs may be located in a local school district building or on the campus at the M.C.I.S.D.

Other Important Considerations

• 3-YEAR RE-EVALUATIONS

Every student with eligibility for special education services qualifies to receive a comprehensive re-evaluation at least every three years.

• TRANSITION PLANNING TO ADULT LIFE

Transition (as defined by the IEP) refers to an organized set of activities designed to help a student with disabilities prepare for adult roles and responsibilities. It begins at age 16, when the IEP Team must consider the need for transition services. This is documented on the transition page of the IEP and must include a statement of transition service needs of the student, including the student's post-secondary vision planning focused on the student's course of study (whether the student will participate in classes leading to a diploma or a certificate of completion). Referral(s) should be considered for needed transition services, such as the Michigan Department of Career Development/Rehabilitation Services. The local educational agency must invite the student and a representative of any agency that is likely to be responsible for providing post-secondary transition services. If the student does not attend, the student's preferences and interests must be considered. If an invited agency does not attend, the school district should take other steps to ensure the agency's participation in transition planning. A written transition plan should be part of the IEP every year beginning at age 16. Transition plans should address all aspects of a student's life including high school and post-secondary education, vocational training, daily living skills, housing, recreation, community involvement and employment.

• GRADUATION

In Michigan, a student with disabilities, who is eligible, can receive services from the public school agency until age 26, **unless** that student fulfills the graduation requirements of the agency. If graduation requirements are fulfilled and the student receives his/her diploma, the student is no longer eligible for services from the agency or the Intermediate School District. Remember, there is a difference between participating in a graduation ceremony and the actual awarding of the diploma. Your student may wish to participate in all senior activities, even if s/he will continue in a young adult program within the Intermediate School District.

• REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS AT PUBLIC EXPENSE - General 34 CFR §300.148

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a FAPE available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose special education needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under *34 CFR §§300.131 through 300.144*.

- Reimbursement for Private School Placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or an ALJ may require the agency to reimburse you for the cost of that enrollment if the court or ALJ finds that the agency had not made a FAPE available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. An ALJ or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the MDE and school districts.

- Limitation on Reimbursement

The costs reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent IEP meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or

(b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child its intent to evaluate your child from the public school, you did not give written notice to the school district of that information;

2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you, or its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation;

or

3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice;

(b) You had not received notice of your responsibility to provide the notice described above; or

(c) Compliance with the above requirements would likely result in physical harm to your child; and

2. May, in the discretion of the court or an ALJ, not be reduced or denied for the parents' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or

(b) Compliance with the above requirements would likely result in serious emotional harm to the child.

• TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY - 34 CFR §300.520

When a student with a disability reaches the age of majority (*age 18 in Michigan if a legal guardian has not been appointed by the court*), the public agency must provide any notices required under Part B of the IDEA to both the student and the parent and all rights accorded to the parent under Part B of the IDEA transfer to the student. All rights accorded to the parent also transfer to students who have reached the age of majority and who are incarcerated in an adult or juvenile federal, state, or local correctional institution.

• SURROGATE PARENTS

Sometimes a school district is unable to identify or discover the whereabouts of parents whose child may need special education services. Also, at times, a child may have been made a ward of the state through legal means or if the student is an unaccompanied homeless child or youth.

In such cases, the school district will appoint a surrogate or “stand-in” parent. This appointed individual will then, in the absence of parents, represent the child.

The district can then deal with this surrogate parent in matters regarding identification, evaluation and educational placement of the child, and the provision of a free, appropriate public education for that child.

When appointing such an individual, the school district will make sure that the person has no interests that conflict with the best interest of the child. An individual will be chosen who has the knowledge and skills to adequately represent the child. Such an individual will not be an employee of the school district or agency that is involved with the care of the child. The surrogate parent should be assigned to represent the child within 30 days of determination by the school district that the child needs a surrogate. The surrogate parent may represent the child in all matters related to identification, evaluation, educational services and the provision of a free and appropriate public education (FAPE).

• EDUCATION RECORDS

Michigan law requires that school districts maintain records on all students enrolled in or receiving special education from the public schools. These records include such factual data as date of birth, residence, health records, attendance and achievement in school.

Students enrolled in special education programs have records including this data plus factual information on required special education procedures: referrals, evaluations, and educational planning team meetings.

In regards to your child’s education records, you have the right to:

- Receive, upon request, a list of the types of education records kept on your child.
- Expect that your child’s records, including information stored on computers, will be kept confidential.
- Inspect and review any of your child’s records.
- Receive copies of the records. You may be charged for the cost of duplication.
- Have someone at your child’s school explain any item you do not understand. Have a person of your choosing inspect and review the records.
- Ask for a change in any record on the grounds that it is inaccurate, misleading, or violates privacy rights.
- Request a formal administrative review on the issue of the district refuses to make a change.
- Receive notice when the personally identifiable information collected, maintained, or used is no longer needed. The information must be destroyed at your request.

• CONFIDENTIALITY OF INFORMATION - Definitions 34 CFR §300.611

As used under the heading, *Confidentiality of Information*:

• **Destruction** means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

• **Education records** means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Education Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)). FERPA defines “education records” as records that are directly related to a student and maintained by an educational agency or by a party acting for the agency.

• **Participating agency** means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

• Personally Identifiable Information 34 CFR §300.32

Personally identifiable means information that has:

- (a) Your child’s name, your name as the parent, or the name of another family member;
- (b) Your child’s address;
- (c) A personal identifier, such as your child’s social security number or student number; or
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

• Notice to Parents 34 CFR §300.612

The Michigan Department of Education (MDE) must give notice to parents that the MDE has procedures and policies that are adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and children regarding this information, including the rights under the FERPA and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers of other media, or both, with circulation adequate to notify parents throughout the State of the activity to locate, identify, and evaluate children in need of special education and related services.

• Access Rights CFR §300.613

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by the participating agency under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on you child without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

• Record of Access 34 CFR §300.614

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

• Records of More Than One Child 34 CFR §300.615

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

• List of Types and Locations of Information 34 CFR §300.616

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

• Fees 34 CFR §300.617

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

• Amendment of Records at Parent's Request 34 CFR §300.618

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing as described under the heading, *Opportunity For A Hearing*.

• OPPORTUNITY FOR A HEARING 34 CFR §300.619

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

• Result of Hearing 34 CFR §300.620

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

• Consent for Disclosure of Personally Identifiable Information 34 CFR §300.622

Unless disclosure of personally identifiable information contained in education records (without parental consent) is authorized under the FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

• Safeguards 34 CFR §300.623

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding Michigan's policies and procedures regarding confidentiality under Part B of the IDEA and the FERPA.

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

• Destruction of Information 34 CFR §300.624

Your resident school district must inform you when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to your child. The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

• Student Rights 34 CFR §300.625

Under the regulations for FERPA, the rights of parents regarding education records are transferred to the student at age 18. The rights of parents under Part B of the IDEA regarding education records are also transferred to the student at age 18. However, a participating agency must provide any notice required under Part B of the IDEA to both the student and the parents.

• EXTENDED SCHOOL YEAR (ESY)

The need for extended school year (ESY) services must be considered for every student at his/her Individualized Education Program Team (IEP TEAM) meeting. ESY services must be provided if the IEP Team determines that such services are necessary to the provision of a **free appropriate public education** to the student.

The IEP Team's consideration for ESY services must address the following standards:

- I. Regression/Recoupment

- Will the student substantially regress in critical skills as a result of an interruption in instruction?
- Will the student likely require significant time to recoup lost skills?

- II. Nature and/or Severity of Disability

- Will the student require more consistent and highly-structured programming techniques due to the severity of the disability?
- Will the student struggle significant loss of skills or behavior in areas deemed to be crucial to reaching the ultimate goal of independence?

- III. Critical Stages and Areas of Learning

• Will the student's degree of progress in any of the critical life skills identified by the IEP Team (including, but not limited to, self-sufficiency, independence from caretakers, development of motor and/or communication skills, etc.) be jeopardized by an interruption in instruction?

PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

• Authority of School Personnel 34 CFR §300.530

- Case-by-Case Determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

- General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative education setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (*see Change of Placement Because of Disciplinary Removals for the definition, below*). Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading, **Services**.

- Additional Authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (*see Manifestation Determination, below*) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would be children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's IEP Team determines the interim alternative educational setting for such services.

- Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed. Michigan does not require services to students who are non-disabled who have been removed for disciplinary reasons.

A child with a disability who is removed from the child's current placement for **more than 10 school days** must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; **and**
2. Receive, as appropriate, a functional behavioral assessment (FBA), and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and if the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (*see definition below*), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (*see definition below*), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

- Manifestation Determination

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the parent and the school district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

- Determination that Behavior Was a Manifestation of the Child's Disability

If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a FBA, unless the school district had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the child; or

2. If a BIP already has been developed, review the BIP, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading, **Special Circumstances**, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the BIP.

- Special Circumstances

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

1. Carries a weapon to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the MDE or a school district;

2. Knowingly has or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the MDE or a school district; or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the MDE or a school district.

- Definitions

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code. (See Attachment A.)

Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 or title 18, United States Code. (See Attachment A.)

- Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

• Change of Placement Because of Disciplinary Removals CFR §300.536

A removal of a child with a disability from the child's current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**

2. The child has been subjected to a series of removals that constitute a pattern because:

a. The series of removals total more than 10 school days in a school year;

b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

• Determination of Setting 34 CFR §300.531

The IEP Team must determine the interim alternative education setting for removals that are **changes of placement**, and removals under the headings, **Additional Authority** and **Special Circumstances**, above.

• Appeal 34 CFR §300.532

- General

The parent of a child with a disability may file a due process complaint (*see above*) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; or

2. The manifestation determination described above.

The school district may file a due process complaint (*see above*) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

- Authority of an Administrative Law Judge

An ALJ that meets the requirements described under the sub-heading, **Impartial Administrative Law Judge**, must conduct the due process hearing and make a decision. The ALJ may:

1. Return the child with a disability to the placement from which the child was removed if the ALJ determines that the removal was a violation of the requirements described under the heading, **Authority of School Personnel**, or that the child's behavior was a manifestation of the child's disability; or

2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the ALJ determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings, **Due Process Complaint**, **Hearings on Due Process Complaints**, except as follows:

1. The MDE arranges for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.

2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.

A decision made in an expedited due process hearing is final, except that any party involved in the hearing (you or the school district) may bring a civil action, as described under the heading "**Civil Actions, Including The Time Period In Which To File Those Actions.**"

• **Placement During Appeals 34 CFR §300.533**

When, as described above, the parent of school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the MDE or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading, *Authority of School Personnel*, whichever occurs first.

• **Protections for Children Not Yet Eligible for Special Education and Related Services 34 CFR §300.534**

- **General**

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may asset any of the protections described in this notice.

- **Basis of Knowledge for Disciplinary Matters**

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory of administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
3. The child's teacher, or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or to other supervisory personnel of the school district.

- **Exception**

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or has refused special education services; or
2. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

- **Conditions That Apply If There Is No Basis of Knowledge**

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings, *Basis of Knowledge for Disciplinary Matters* and *Exception*, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors. However, is a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

• **Referral to and Action by Law Enforcement and Judicial Authorities 34 CFR §300.535**

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
2. Prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.

- **Transmittal of Records**

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the FERPA.

• **ATTACHMENT A - FEDERAL DEFINITIONS**

Serious Bodily Injury

18 USC 1365(h)

(3) The term "serious bodily injury" means bodily injury which involves --

- (A) a substantial risk of death;
- (B) extreme physical pain;
- (C) protracted and obvious disfigurement; or
- (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

(4) The term "bodily injury" means --

- (A) a cut, abrasion, bruise, burn, or disfigurement;
- (B) physical pain;
- (C) illness;
- (D) impairment of the function of a bodily member, organ, or mental faculty; or
- (E) any other injury to the body, no matter how temporary.

Weapon

18 USC 930(g)

(2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

MEDIATION

• Mediation 34 CFR §300.506

- General

The MDE has established procedures to make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B or Part C of the IDEA, including matters arising prior to the filing of a state complaint or a due process complaint. Thus, mediation is available to resolve disputes under Part B or Part C of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading, **Filing A Due Process Complaint**.

- Requirements

The procedures ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B or Part C of the IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; and
2. Who would explain the benefits and encourage the use of the mediation process to you.

The MDE must maintain a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The MDE must select mediators on a random, rotational, or other impartial basis.

The State is responsible for the cost of the mediation process, including the costs of meetings. These services are provided by the Michigan Special Education Mediation Program at <http://www.cenmi.org/msemp>.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any federal court or state court of a state receiving assistance under Part B or Part C of the IDEA.

- Impartiality of Mediator

The mediator:

1. May not be an employee of the MDE or the school district that is involved in the education or care of your child; and
2. Must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.



STATE COMPLAINT PROCEDURES

• Difference Between Due Process Hearing Complaint and State Complaint Procedures

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B or Part C requirement by a school district, the MDE, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a FAPE to the child. While staff of the MDE generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an ALJ must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 calendar days after the end of the resolution period, as described in this document under the heading, **Resolution Process**, unless the ALJ grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

• Adoption of State Complaint Procedures 34 CFR §300.151

- General

The MDE must have written procedures (see *Administrative Rules for Special Education, Rule 340.1701a, 340.1851-1853*) for:

1. Resolving any State complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint.
3. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

- Remedies for Denial of Appropriate Services

In resolving a State complaint in which the MDE has found a failure to provide appropriate services, the MDE must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; and
2. Appropriate future provision of services for all children with disabilities.

• Minimum State Complaint Procedures 34 CFR §300.152

- Time Limit; Minimum Procedures

The MDE, through the Office of Special Education and Early Intervention Services (OSE/EIS), will include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the MDE determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum:
 - (a) at the option of the agency, a proposal to resolve the complaint; and
 - (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; and
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
 - (a) findings of fact and conclusions; and
 - (b) the reasons for the MDE's final decision.

- Time Extension; Final Decision; Implementation

The MDE's procedures described above also must:

1. Permit an extension of the 60-calendar day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; or (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation.
2. Include procedures for effective implementation of the MDE's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; and (c) corrective actions to achieve compliance.

- State Complaints and Due Process Hearings

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading, **Filing a Due Process Complaint**, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the MDE must inform the complainant that the decision is binding.

A complaint alleging a school district' or other public agency's failure to implement a due process hearing decision must be resolved by the MDE.

• Filing a State Complaint 34 CFR §300.153

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated:
 - a. Any current provision of the administrative rules for special education;
 - b. 1976 PA 451, MCL 380.1 et seq., as it pertains to special education programs and services;
 - c. The individuals with disabilities education act of 2004, 20 U.S.C., chapter 33 §1400 et seq., and the regulations implementing the act, 34 C.F.R. part 300, and 34 C.F.R. part 303;
 - d. An intermediate school district plan;
 - e. An individualized education program team report, hearing officer decision, or court decision regarding special education programs or services; or
 - f. The state application for federal funds under the IDEA.
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific child:
 - a. The name of the child and address of the residence of the child;
 - b. the name of the school the child is attending;
 - c. In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
 - d. A description of the nature of the problem of the child, including facts relating to the problem; and
 - e. A proposed resolution of the problem to the extent known and available to the party filing and complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received by the MDE or the ISD. The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the OSE/EIS.

The MDE has developed a model form to aid in the filing of a State complaint. The model form is available at www.michigan.gov/ose-eis. You are not required to use the model form. However, the complaint must contain the required information for filing a State complaint (*See 1-4 before mentioned*).

• **DUE PROCESS COMPLAINT PROCEDURES**

• **Filing A Due Process Complaint 34 CFR §300.507**

- **General**

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a FAPE to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; or
2. The school district withheld information from you that it was required to provide you under Part B or Part C of the IDEA.

- **Information for Parents**

The school district must inform you of free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process complaint.

• **Due Process Complaint 34 CFR §300.508**

- **General**

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must file a due process complaint with the MDE, and provide a copy to the other party. The complaint must contain all of the content listed below and must be kept confidential.

- **Content of the Complaint**

The due process complaint must include:

1. The name of the child;
2. The address of the child's residence;
3. The name of the child's school;
4. If the child is a homeless child or youth, the child's contact information and the name of the child's school;
5. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

- **Notice Required Before a Hearing on a Due Process Complaint**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney), properly files a due process complaint that includes the information listed above. A due process complaint is properly filed when it has been received by the MDE and the other party.

- **Sufficiency of Complaint**

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above unless the party receiving the due process complaint (you or the school district) notified the ALJ and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the ALJ must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

- **Complaint Amendment**

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or
2. The ALJ grants permission for the changes, not later than five days before the due process hearing begins.

If the complaining party (you or the school district) make changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days or receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

- School District Response to a Due Process Complaint

If the school district has not sent a prior written notice to you, as described under the heading, **Prior Written Notice**, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's IEP Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

- Other Party Response to a Due Process Complaint

Except as stated under the sub-heading immediately above, **School District Response to a Due Process Complaint**, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

• Model Forms 34 CFR §300.509

The MDE has developed a model form to help you file a due process complaint. You are not required to use the MDE model form. However, the due process complaint must contain the required information for filing a due process complaint. The model form is available at www.michigan.gov/ose-eis.

(Note: Use of the model form does not guarantee that an ALJ would find the complaint sufficient if the other party objects to the sufficiency of the complaint.)

• The Child's Placement While the Due Process Complaint and Hearing Are Pending 34 CFR §300.518

Except as provided below under the heading, **Procedures When Disciplining Children with Disabilities**, once a due process complaint is filed with the MDE and received by the other party, your child must remain in his or her current educational placement during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

• Resolution Process 34 CFR §300.510

- Resolution Meeting

The school district must convene a resolution meeting with you and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in your due process complaint. The resolution meeting must be convened within 15 calendar days after the due process complaint is filed with the MDE, and received by the school district. The due process hearing cannot begin until the resolution meeting is conducted. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; and
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not required if:

1. You and the school district agree in writing to waive the meeting; or
2. You and the school district agree to use the mediation process, as described under the heading, **Mediation**.

- Resolution Period

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you do participate in a meeting.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that an ALJ dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed record of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place or employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint, or fails to participate in the resolution meeting, you may ask an ALJ to order that the 45-calendar-day due process hearing timeline begin.

- Adjustments to the 30-Calendar-Day Resolution Period

If you and the school district agree in writing to waive the resolution meeting, the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district later withdraws from the mediation process, the 45-calendar-day timeline for the due process hearing starts the next day.

- Written Settlement Agreement

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; and
2. Enforceable in any state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a district court of the United States.

- Agreement Review Period

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

• HEARINGS ON DUE PROCESS COMPLAINTS

• Impartial Due Process Hearing 34 CFR §300.511

- General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, after following the procedures described in the ***Due Process Complaint*** and ***Resolution Process*** sections.

- Impartial Administrative Law Judge

At a minimum, an ALJ:

1. Must not be an employee of the MDE or the school district that is involved in the education or care of the child.
However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as an ALJ;
2. Must not have a personal or professional interest that conflicts with the ALJ's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and federal and state regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and state courts; and
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

ALJs are State classified civil service employees who are attorneys and who are employed by the State Office of Administrative Hearings and Rules (SOAHR). The MDE (through the SOAHR) keeps a list that includes a statement of the qualifications of those persons who serve as ALJs.

- Subject Matter of Due Process Hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

- Timeline for Requesting a Hearing

You or the school district must file a due process complaint within two years of the date you or the school district knew or should have known about the issue(s) addressed in the complaint.

- Exceptions to the Timeline

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
2. The school district withheld information from you that it was required to provide to you under Part B or Part C or the IDEA.

• Hearing Rights 34 CFR §300.512

- General

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or at your option, electronic findings of fact and decisions.

- Additional Disclosure of Information

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing. An ALJ may prevent any party that fails to comply with his requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

- Parent Rights at Hearings

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

• Hearing Decisions 34 CFR §300.513

- Decision of Administrative Law Judge

An ALJ's decision on whether your child received a FAPE must be based on substantive grounds.

In matters alleging a procedural violation, an ALJ may find that your child did not receive FAPE only if the procedural inadequacies:

1. Impeded with your child's right to a FAPE;
2. Significantly impeded with your opportunity to participate in the decision-making process regarding the provision of a FAPE to your child; or
3. Caused a deprivation of an educational benefit.

- Construction Clause

None of the provisions described above can be interpreted to prevent an ALJ from ordering a school district to comply with the requirements in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

- Separate Request for a Due Process Hearing

Nothing in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

- Findings and Decision to Advisory Panel and General Public

The MDE, after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing to the State special education advisory committee; and
2. Make those findings and decisions available to the public.

• APPEALS

• Finality of Decision: Appeal; Impartial Review 34 CFR § 300.514

- Finality of Hearing Decision

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

• Timelines and Convenience of Hearings 34 CFR §300.515

The MDE must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, not later than 45 calendar days after the expiration of the adjusted time period as described under the sub-heading, **Adjustments to the 30-Calendar-Day Resolution Period:**

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

An ALJ may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party.

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

• Civil Actions, Including the Time Period in Which to File Those Actions 34 CFR § 300.516

- General

Any party (you or the school district) who does not agree with the findings and decisions in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

- Time Limitation

The party (you or the school district) bringing the action shall have 90 calendar days from the date of the decision of the ALJ to file a civil action.

- Additional Procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

- **Jurisdiction of District Courts**

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

- **Rule of Construction**

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (*i.e.*, the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

• **Attorneys' Fees 34 CFR §300.517**

- **General**

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing state educational agency or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing state educational agency or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase to cost of the action or proceeding.

- **Award of Fees**

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
 - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing, at any time more than 10 calendar days before the proceeding begins;
 - b. The offer is not accepted within 10 calendar days; and
 - c. The court or ALJ finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the IEP Team unless the meeting is held as a result of an administrative proceeding or court action.
4. Fees also may not be awarded for a mediation as described under the heading, **Mediation**.
5. A resolution meeting, as described under the heading, **Resolution Meeting**, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading, **Due Process Complaint**.

However, the court may not reduce fees if the court finds that the state or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

Remember: A complete list of your child's education rights is available to download on the Parent Advisory Committee (PAC) webpage on the Monroe County Intermediate School District website at misd.k12.mi.us or in the Procedural Safeguards booklet.

Remember: Even if the school district finds that your child is ineligible for special education services, he or she may still be eligible for accommodations under Section 504. For more information, contact one of the advocacy agencies listed in Appendix F of this handbook.

Family Educational Rights and Privacy Act (FERPA)

Annual Notification of Student and Parent Rights Under the Family Educational Rights and Privacy Act

The **Family Educational Rights and Privacy Act (FERPA)** affords parents and legal guardians (“*parents*”) and students over 18 years of age (“*eligible students*”) certain rights with respect to the student’s education records.

These rights are outlined below:

1. The right to inspect and review the student’s education records within 45 days of the date the District receives a request for access. Parents or eligible students should submit to the school principal or program supervisor a written request that identifies the record(s) they wish to inspect. The principal or supervisor will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Upon request of the viewer, a record shall be reproduced unless the record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the Monroe County Intermediate School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records, including disciplinary records, without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Monroe County Intermediate School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202-4605

5. **Directory Information:** Monroe County ISD may disclose appropriately designated “directory information” without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the MCISD to include this type of information from your child’s education record in certain school publications such as:
 - Annual yearbook
 - Honor roll or other recognition lists
 - Graduation programs
 - Sports activity sheets, such as for wrestling, showing height and weight

Directory Information is information which would not generally be considered harmful or an invasion of privacy if released can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to companies that manufacture class rings or publish yearbooks. **The district will not disclose directory information requested for the purpose of surveys, marketing or solicitation unless the district determines that the use is consistent with the educational mission of the district and is beneficial to the affected students.**

In addition, two federal laws require local education agencies to provide secondary student names, addresses and phone numbers, if listed, to the armed forces of the United States and to service academies of the United States unless the parent objects to such release and notifies the district within 10 days of distribution of this notice.

Upon receipt of a request for information, the Monroe County Intermediate School District will disclose the following types of information without notification or consent from the student or parents unless a written objection form the parent to the release has been delivered to the student’s school within **10 days** of the distribution of this notice:

(i) name, (ii) address, (iii) date and place of birth, (iv) participation in officially recognized activities and sports, (v) weight and height of members of athletic teams, (vi) dates of attendance, (vii) degrees and awards received, and (viii) photograph.

6. Both parents have a right to see the school records of their child unless there is a certified copy of a court order on file at the school that specifically denies the right to access to school records. Copies of school records are available for a minimum copying charge.

Please contact your school office at 734.242.5799 if you have any questions about these rights.

Medicaid Overview for Parents

■ THE MEDICAID SBS PROGRAM

Michigan's **School Based Services (SBS)** program has its legal basis in the 1988 amendment to the **Social Security Act [42USC1396b(c)]**. This Act allows for partial reimbursement to schools for health services. These are provided to Medicaid eligible students with disabilities who qualify under the federal **Individuals with Disabilities Education Act (IDEA)**.

Nationally, more than 25 million children rely on Medicaid for health care and 43 states participate in the SBS program. In Michigan, nearly 900,000 children rely on Medicaid for health care. **All 57 Michigan intermediate school districts participate in the SBS program.** The Monroe County Intermediate School District and the local school districts have participated in the program since 1994.

■ WHAT THE SBS PROGRAM PROVIDES

In Michigan, The Medicaid School Based Services program:

• Provides partial reimbursement for services such as

- Occupational therapy
- Physical therapy
- Speech therapy
- Psychological services
- Social work services
- Personal care services
- Orientation and mobility services
- Transportation
- Nursing services
- Case management
- Assistive technology services

• **Does not affect a family's Medicaid insurance benefits or the family's private health insurance benefits.** There is **NO COST** to the family, now or in the future. No private insurance companies will be billed for reimbursement for school-based health services.

• **Helps school districts** because it offsets some of the costs of health care that schools provide to children and students.

• **Is voluntary and requires parents/guardians to provide written consent** to release information about their child in order to bill Medicaid. This consent may be revoked at any time by the parent or guardian.

■ CONFIDENTIALITY

Only authorized school personnel will be advised of your child's Medicaid eligibility or personal information.

■ NEW REGULATIONS

New regulations -- which became effective in October, 2006 -- require school districts to obtain parent/guardian consent to release information to bill the Medicaid program. The M.C.I.S.D. requests this consent at the time of your child's IEP.

• REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS AT PUBLIC EXPENSE

• General 34 CFR §300.148

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a FAPE available to your child and you choose to place the child in a private school or facility.

However, the school district where the private school is located must include your child in the population whose special education needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

• Reimbursement for Private School Placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or an ALJ may require the agency to reimburse you for the cost of that enrollment if the court or ALJ finds that the agency had not made a FAPE available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. An ALJ or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the MDE and school districts.

• Limitation on Reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

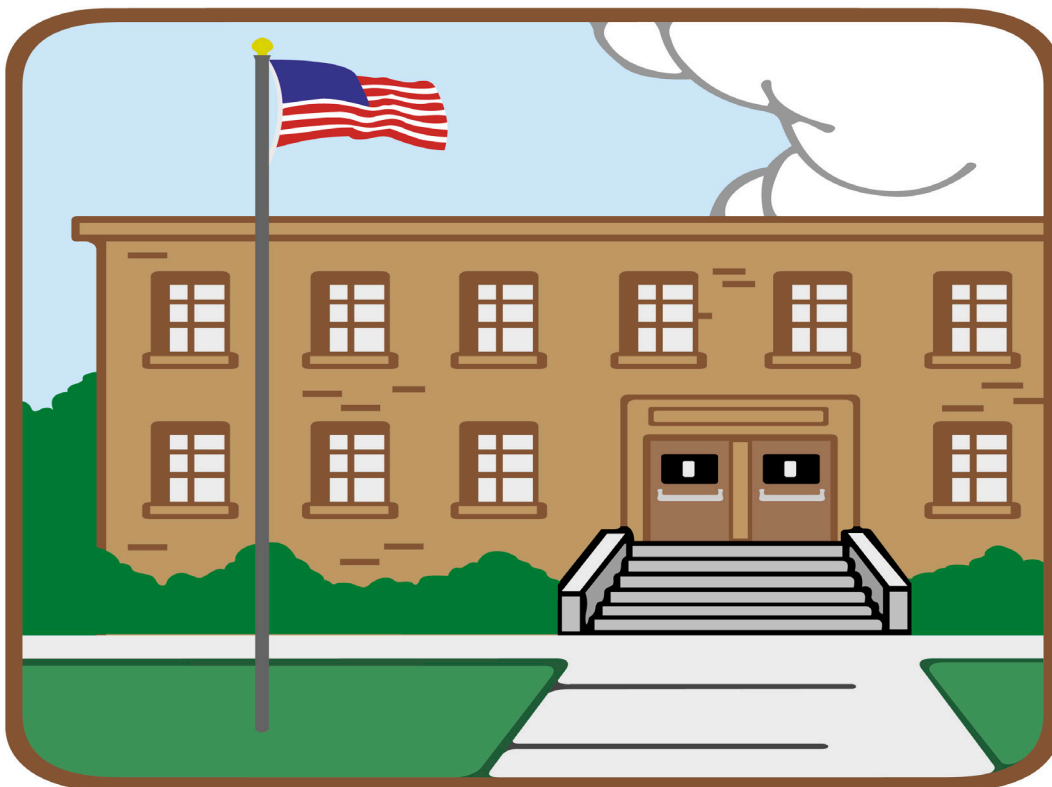
1. If: (a) At the most recent IEP meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; **or**
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the above requirements would likely result in physical harm to your child; and
2. May, in the discretion of the court or an ALJ, not be reduced or denied for the parents' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or (b) Compliance with the above requirements would likely result in serious emotional harm to the child.

• Transfer of Parental Rights at Age of Majority 34CFR §300.520

When a student with a disability reaches the age of majority (*age 18 in Michigan if a legal guardian has not been appointed by the court*), the public agency must provide any notices required under Part B of the IDEA to both the student and the parent and all rights accorded to the parent under Part B of the IDEA transfer to the student. All rights accorded to the parent also transfer to students who have reached the age of majority and who are incarcerated in an adult or juvenile federal, state, or local correctional institution.



Appendix A: Special Education Laws

• IDEA & MICHIGAN LAW

The “**Individuals with Disabilities Education Act**”, or **IDEA**, is one of the laws affecting a student’s participation in special education. IDEA is the federal law (Public Law 105-17) that sets national standards for educating students with disabilities. IDEA is administered under the United States Department of Education through regulations. IDEA was reauthorized by the United States Congress in 1997 and again in 2004; Congress made some changes in the original law. **IDEIA 2004**, the “**Individuals with Disabilities Improvement Act**”, was signed into law by President Bush on December 4, 2004. The law became effective on July 1, 2005. IDEA continues to work to “improve educational results for children with disabilities” from birth to age 21.

IDEA requires local school districts to provide free appropriate public education (FAPE) for children with disabilities in the least restrictive environment (LRE). IDEA addresses appropriate evaluations, eligibility for special education, and a child’s Individual Education Plan (IEP) as well as many other special education related areas. It strengthens the role of families in their children’s education and ensures such children’s access to and involvement in the general curriculum to the maximum extent possible. Service aids and supports are provided in the regular classroom, whenever appropriate. (**Note:** *This parent handbook was written to help families understand the special education process and the IEP.*)

In addition to IDEA, Michigan has its own law for the education of students with disabilities. Public Act 451 is Michigan’s Mandatory Special Education Act. It is part of a larger Michigan law called the “**Michigan School Code of 1976**” and is administered through Michigan Administrative Rules for Special Education. Michigan’s law provides educational services to students with disabilities to age 26. (**Note that this is a higher standard than is required by IDEA [age 21] and that Michigan school districts must meet this higher standard.**) Michigan schools must also comply with the federal laws such as IDEA.

Copies of these laws, regulations, and rules are available at libraries, intermediate or local school districts, through state or federal offices of special education, through state or federal legislators, or on the Internet. Remember that both federal and state laws undergo periodic review and reauthorization. Please see the **Resources for Parents, Appendix F**, in this handbook for addresses, phone numbers, and Michigan OSE/EIS websites. See the inside back cover for who to contact at your local school district for information about special education services.

• SECTION 504

Section 504 of the **Vocational Rehabilitation Act of 1973** is a civil rights law that prohibits discrimination against persons with disabilities in any program that receives federal financial assistance. Because schools in Michigan receive money from the federal government, they must comply with Section 504. In many respects, Section 504 is similar to the special education laws discussed in this handbook. However, Section 504 provides some important additional rights that may affect your child.

All children eligible for special education are automatically protected under Section 504. In addition, some children who do not qualify for special education may still qualify for Section 504 accommodations. For example, children with the following conditions (as well as many others) may qualify for 504 accommodations: AIDS, ADD/ADHD, allergies, asthma, diabetes, hemophilia, a broken leg, prenatal alcohol or chemical dependency, obesity, etc.

Section 504 requires that a school district make “reasonable accommodations” for the special needs of a child with a disability or health condition. This means the school must try, within reason, to make all the services, programs, and activities that are available to non-disabled students accessible to students with disabilities as well. For example, a child using a wheelchair might need accommodations that allow him or her barrier-free access to school restrooms, or to the playground at recess. You can play a central role in asking for specific accommodations to make sure your child’s needs are met.

Appendix B

Special Education Acronyms

This is a partial listing of some of the acronyms with which you may come in contact during your child's education.

ADA	Americans with Disabilities Act	LEA	Local Education Agency
AD(H)D	Attention Deficit (Hyperactivity) Disorder	LRE	Least Restrictive Environment
AG	Annual Goal	MAPS	McGill Action Planning System/ Making Action Plans
ALJ	Administrative Law Judge	MCISD	Monroe County Intermediate School District
AS	Asperger's Syndrome	MDE	Michigan Department of Education
ASD	Autism Spectrum Disorder	MET	Multidisciplinary Evaluation Team
BIP	Behavior Intervention Plan	OHI	Other Health Impairment
CBE	Community Based Education	O&M	Orientation and Mobility
CI	Cognitive Impairment	OSE/EIS	Office of Special Education and Early Intervention Services
COACH	Creating Options and Accommodations for Children	OT	Occupational Therapist
CP	Cerebral Palsy	PAC	Parent Advisory Committee
DD	Developmental Disability/Delay	PECS	Picture Exchange Communication System
ECDD	Early Childhood Developmental Delay	PI	Physical Impairment
EI	Emotional Impairment	PT	Physical Therapist
ESY	Extended School Year	SEAC	State Special Education Advisory Committee
FAPE	Free Appropriate Public Education	SLI	Speech and Language Impairment
FBA	Functional Behavioral Assessment	SOAHR	State Office of Administrative Hearings and Rules
FERPA	Family Educational Rights & Privacy Act	SSW	School Social Worker
FTE	Full Time Equivalency	STIO	Short Term Instructional Objective
HI	Hearing Impairment	SXI	Severe Multiple Impairment
IDEA	Individuals with Disabilities Education Act	TBI	Traumatic Brain Injury
IEE	Independent Education Evaluation	TC	Teacher Consultant
IEP	Individualized Education Program	TSLI	Teacher of Speech and Language Impairment
IEPT	Individualized Education Program Team	VI	Visual Impairment
IFSP	Individualized Family Service Plan		
ISD	Intermediate School District		
LD	Learning Disabled/Disability		

PROCEDURAL SAFEGUARDS NOTICE

The Individuals with Disabilities Education Act (IDEA) requires schools to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations. A copy of these procedural safeguards must be given to parents only one time per school year, except that a copy must also be given to the parents under additional circumstances: (1) upon initial referral or parent request for evaluation; (2) upon receipt of the first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year; (3) when a decision is made to take a disciplinary action that constitutes a change of placement; and (4) upon parent request. [34 CFR §300.504(a)] This procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §300.148 (unilateral placement at private school at public expense), §§300.151 through 300.153 (State complaint procedures), §300.300 (consent), §§300.502 through 300.503, §§300.505 through 300.518, and §§300.530 through 300.536 (procedural safeguards in Subpart E of the Part B regulations), and §§300.610 through 300.625 (confidentiality of information provisions in Subpart F).

Appendix C

Special Education Terms and Definitions

Ancillary and Other Related Services: Services specially designed to meet the unique needs of persons with disabilities to age 26, including the following: audiological, medical, psychiatric, psychological, speech and language, or educational evaluation; occupational, physical, recreational, music, art, or other therapy; accommodations and modifications; assistive technology devices and services; mobility and orientation services; transportation; school psychological, school social work, and instruction provided by special education teachers designed to assist regular education students who are homebound, hospitalized, or place in juvenile detention facilities.

Annual Goals: A set of general statements, which represent expected achievement over a year's time for persons with disabilities enrolled in special education programs and services.

Assistive Technology Devices and Services: Items that increase, maintain or improve functional capabilities of students with disabilities, or services that help staff use these items.

Behavior Plan: A plan developed by a team to address situations when behavior problems interfere with learning.

Certificate of Completion: A certificate awarded to a student at the completion of a secondary special education program signifying the achievement of IEP goals.

Complaint: A specific written and signed allegation by an agency, private individual, or organization that there is an unresolved violation, misinterpretation or misapplication of the law, the State or ISD Plans, an individualized education plan, or hearing officer or court decision.

Comprehensive Evaluation: A series of assessments and observations, formal and informal, conducted for the purpose of determining eligibility for special education and related services and for determining the current level of educational performance.

Comprehensive Re-evaluation (also known as “3-year re-evaluation”): A three-year review of a student's special needs, progress, and current level of educational performance.

Consent: An agreement in writing to carry out an activity after being fully informed in one's native language of all information relevant to the activity.

Departmentalize: A delivery system in which two or more special education teachers group special education students by instructional content areas.

Disability, Person With: A person determined by an individualized educational planning team (IEPT) or a hearing officer to have a characteristic or set of characteristics as defined in the descriptions of the disability (autistic; emotionally impaired; hearing impaired; cognitively impaired; physically and otherwise health impaired; early childhood developmentally delayed; severely multiply impaired; specific learning disability; speech and language impaired; and visually impaired) and who, because of the disability, needs special education supports.

Dissenting Report: A written report that is attached to an IEP, which provides a perspective other than the consensus perspective.

Education Records: Confidential written information about a student with a disability; record is stored in a central location.

Appendix C

Special Education Terms and Definitions

Evaluation Review: An IEP team meeting to decide questions related to evaluations.

Free Appropriate Public Education (FAPE): The requirement is federal law that each student with a disability must receive a publicly funded education that is individually designed to meet that student's unique needs.

Functional Behavior Assessment: An assessment of the factors that affect a student's behavior, typically including a review of the environment and the student's needs.

Inclusion: The placement of a student with a disability in a regular classroom with his/her peers, and with the supports necessary for his/her educational experiences. A plan is designed to meet his/her individual needs.

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner(s) who is not employed by the public agency responsible for education of the student. A contracted agent for the purpose of conducting an independent evaluation is not considered an employee of the public agency.

Individuals with Disabilities Education Act (IDEA): The federal law that sets national standards for educating students with disabilities.

Individualized Education Plan (IEP): A plan developed by an individualized educational planning team. The individualized education plan shall be reviewed annually.

Individualized Education Planning Team (IEP Team): Persons appointed and invited (including parents) by the superintendent or designee to determine a student's eligibility for special education and, if eligible and in need of special education, to develop an individualized education plan. The IEP team also addresses decisions related to additional evaluations or re-evaluations, as well as student discipline.

Individualized Family Service Plan (IFSP): A plan of service developed by a team for a student with a disability between the ages of 0 and 3; emphasized interagency collaboration.

Least Restrictive Environment (LRE): The requirement that each student with disabilities be educated as much as possible with non-disabled peers.

Manifestation Determination: An IEP team meeting to address the relationship between behavior problems and disability.

Mediation: A process to help parents and school districts resolve disagreements.

Mobility and Orientation: Support to help a student with a visual impairment move in a school-related environment.

Multidisciplinary Evaluation Team: A minimum of two persons who are responsible for evaluating students suspected of having a disability.

Normal Course of Study: A regular education curriculum leading to a high school diploma, or the special education curriculum approved in the Intermediate School District Plan leading to a high school diploma. The special education curriculum shall include physical education, personal adjustment, and prevocational and vocational training.

Appendix C

Special Education Terms and Definitions

Parent: The mother, father, surrogate, or legally designated guardian of the person with a disability. Parent also means the affected person with a disability when the person reaches the age of 18 years, if a legal guardian has not been appointed by appropriate court proceedings.

Parent Advisory Committee (PAC): A committee made up of parents of students with disabilities from each local educational agency within the Intermediate School District, appointed by the ISD Board. The PAC is responsible for participating in the development of the ISD Plan and advising the ISD Board on matters relating to special education.

Positive Behavior Support (PBS): Positive Behavior Support is a systematic positive approach that helps student learn to assume responsibility for themselves.

Procedural Safeguards (also known as “Rights” or “Due Process”): Regulations designed to protect students with disabilities.

Public Expense: The public agency either pays for the full cost of the evaluation, program, or services, including transportation and room and board, or ensures that such is provided at no cost to the parent.

Resource Room: A special education classroom setting.

Short-Term Instructional Objectives (STIO): Objectives written in measurable terms that relate to the annual goals and represent expected achievement over several weeks or months, but not more than one year.

Special Education: Specially designed instruction, at no cost to the parents, to meet the unique educational needs of the special education students; designed to develop the maximum potential of the special education student. All of the following are included in the definition of special education:

1. Special education classroom instruction
2. Instruction in physical education
3. Instructional services such as preprimary, teacher consultant, speech and language, homebound and hospitalized, and juvenile detention facilities
4. Ancillary and other related services such as occupational, physical, recreational, music, art or other therapy, mobility and orientation, school psychological and school social work services.

Special Education Advisory Committee: A committee appointed by the State Board of Education to advise the State Board of Education on matters relating to the delivery of special education.

Teacher Consultant: A certified teacher with teacher consultant approval who provides instructional support to students with disabilities. Instructional services are supportive of a general or special education teacher.

Transition: A set of decisions which an IEP team can make to prepare students with disabilities for life after school; emphasizes interagency collaboration.

Appendix D: IEP Preparations

The IEP should help determine how your child gets from “here to there”.

- **First and foremost, come prepared.** Discuss your thoughts with the teacher/team prior to the IEP. A plan should be pretty well decided by the time of the IEP. The IEP meeting should be the time to put that pre-plan in writing! When possible, include your child in the planning and IEP to promote self-advocacy.
- Begin to think about **LIFE SKILLS**, not only the assists needed in the school for your child to succeed each day . . . but where are we headed? What do we need to do to plan to get there?
- Start with **TRANSITION** planning! Example: Where do you see your child at age 22? Start working towards achieving those goals and expectations now.
- Once the IEP is completed, be sure to monitor activities stated within the plan, such as number of speech therapy visits per month.
- Ask how you can work on skills at home with your child to achieve the stated goals.
- Consider challenges or concerns you have. If possible, address these **PRIOR** to the IEP so teachers can be prepared.
- Take a few minutes and review previous IEPs and/or progress reports.
- Review what your expectations are for your child’s education.
- Review the need for a behavior intervention plan.
- Review or reconsider what your child’s strengths are.
- When thinking of your child’s needs, don’t be limited by what you think may or may not be available at the school. It’s called an IEP because each program must be individualized for each student.
- If your child takes medication, review any changes in medication with the teacher.

Ten Questions to Ask at the IEP

1. Did my child make the expected progress this past year?
2. If not, why not?
3. Did any particular challenge(s) occur at school this last year? What data was collected with regard to the challenges?
4. What are the school’s recommended goals for this next year?
5. How will these goals be measured?
6. To what extent will my child be included with general education students?
7. Are transition services necessary at this point?
8. Are there any other services my child needs to be successful in school?
9. Is my child getting along with his/her peers?
10. What can I do at home to support my child’s progress at school?

Appendix E: Resources for Parents

The M.C.I.S.D. PAC provides this list of resources for your use,
but does not endorse any organization or website.

ADVOCACY

Child Advocacy Network of Monroe County
Citizens Alliance to Uphold Special Education (CAUSE)
Consortium for Citizens with Disabilities (CCD)
The Council of Parent Attorneys and Advocates (COPAA)

734-240-1760
800-221-9105 <http://www.causeonline.org>
202-783-2229 <http://www.c-c-d.org/>
410-372-0208
<http://www.copaa.org/find/index.php>
800-288-5923 <http://www.mpas.org/>
202-408-9514 www.napas.org
952-838-9000 <http://www.pacer.org>
www.wrightslaw.com

Michigan Protection and Advocacy Service (MPAS)
National Disability Rights Network
Parent Advocacy Coalition for Education & Rights
Wrightslaw

EDUCATION

Center for Educational Networking (CEN)/Newsline
Council for Exceptional Children (CEC)
ERIC Clearinghouse on Disabilities & Gifted Education
Head Start
Great Lakes Area Regional Resource Center (GLARRC)
IDEA '97
IDEA Practices
Monroe County Intermediate School District
MCISD PAC
Michigan Alliance for Families

800-593-9146 <http://www.mde.state.mi.us/off/sped>
888-232-7733 <http://www.cec.sped.org/>
800-328-0272 <http://ericec.org>
734-240-3850
614-447-0844 <http://www.glarrc.org/index.cfm>
<http://www.ed.gov/offices/OSERS/IDEA/>
877-232-4332 <http://www.ideapractices.org/>
734-242-5799
734-242-5799, ext. 4015
800-552-4821
<http://michiganallianceforfamilies.org>
734-241-5277
888-320-8384 (available from 8:00 a.m. to 12:00 p.m.)
<http://www.mde.state.mi.us/off/sped/index.html>

Monroe County Library System
State of Michigan Office of Special Education
and Early Intervention Services (OSE/EIS)

EMPLOYMENT

Michigan Department of Career Development
Monroe County Employment & Training/Michigan Works!

734-241-2440
734-240-7973

FINANCIAL RESOURCES

Michigan Department of Community Health
Family Support Subsidy Program

517-335-9480

HEALTH

Family Independence Agency (FIA)
Michigan Department of Community Health (MDCH)

734-243-7200 <http://www.lmichigan.gov/fia>
517-373-3500 or 800-539-3722
<http://www.mich.gov/mdch>
888-988-6300
http://www.mdch.state.mi.us/msa/mdch_msa/miindex.htm

MI Child

Monroe County Community Mental Health
Monroe County Health Department
The National Organization for Rare Disorders (NORD)
United Way's First Call for Help

734-243-3371
734-240-7800
800-999-6673 <http://www.rarediseases.org/>
734-242-4357 or 800-423-1958 (available 24 hours)

HOUSING

Monroe Housing Commission

734-242-5880

Appendix E: Resources for Parents

MEDIATION/LEGAL

Citizens Alliance to Uphold Special Education
Legal Services of Southeastern Michigan, Inc.
Office for Civil Rights (OCR), Department of Education

800-221-9105 or 517-9167
734-241-8310
216-522-4970 or 800-420-3481
<http://www.ed.gov/ocr/>

ORGANIZATIONS AND SUPPORT GROUPS

Advocacy, Rights and Citizens (ARC) of Monroe County
The Arc Michigan
Autism Society of Michigan (ASM)

734-241-5881
<http://www.arcmi.org/>
800-223-6722 or 517-882-2800
Fax: 517-882-2816 <http://www.autism-mi.org/>
800-233-4050 <http://www.chadd.org/>

Children 7 Adults with Attention-Deficit/
Hyperactivity Disorders (CHADD)
Easter Seal Society of Michigan, Inc.
Epilepsy Foundation of Michigan

800-292-2729
800-377-6226
<http://www.epilepsyfoundation.org/michigan/>
<http://www.ldonline.org/>
<http://www.ldaamerica.org>
888-597-7809
800-482-9534
810-356-2566

LD Online
Learning Disabilities Association (LDA)
Learning Disabilities Association (LDA) of Michigan
Mental Health Association in Michigan
Michigan Association for Children with
Emotional Disorders

800-968-7327 <http://www.madhs.org>

Michigan Association for Deaf, Hearing and
Speech Services

800-760-4610
800-288-5923 <http://www.mpas.org>
1-800-223-MSAC
800-695-0285 <http://www.nichcy.org/>

Michigan Disability Rights Coalition
Michigan Self-Help Clearinghouse
Michigan Society for Autistic Citizens
National Information Center for Children and Youth
with Disabilities (NICHCY)

734-242-5799, ext. 1868
517-374-9496 (voice/TDD) or 800-828-2714 (voice/TDD)

Special Olympics of Monroe County
United Cerebral Palsy of Michigan

TECHNOLOGY

Abledata (Information on Assistive Technology)
Able Net
Apple Computer - Special Needs
Internet Resource for Special Children
Michigan Assistive Technology Clearinghouse (MATCH)
Michigan's Assistive Technology Resource (MATR)

800-227-0216 <http://www.abledata.com/>
800-322-0956 <http://www.ablenetinc.com/>
<http://www.apple.com/disability/>
www.irsc.org
800-760-4600 <http://www.match.org>
800-247-7426 <http://www.matr.org>

TRAININGS AND CLASSES FOR PARENTS/ADULTS

Michigan Protection and Advocacy (MPAS) Trainings
Partners In Policymaking

800-288-5923 <http://www.mpas.org/>
<http://www.partnersinpolicymaking.com>

TRANSITION

Michigan Department of Career Development/
Rehabilitation Services (MDCD/RS)
Social Security Administration (SSA)

800-605-6722 <http://www.mrs.state.mi.us>
800-772-1213 <http://www.ssa.gov/>

TRANSPORTATION

Lake Erie Transit

734-242-6672

Appendix F: My Personal Directory

My child's eligibility for special education/disability is: _____

School:

Building _____

Phone _____

Principal _____

Counselor _____

Teacher _____

Phone _____

Speech Therapist _____

Phone _____

Occupational Therapist _____

Phone _____

Physical Therapist _____

Phone _____

Social Worker _____

Phone _____

Teacher Consultant _____

Phone _____

My child's bus driver is: _____

Phone _____

The bus garage number is: _____

Special Transportation: _____

Other names, numbers, and addresses that are important to me include:

• Name _____

Phone _____

Address _____

E-mail _____

• Name _____

Phone _____

Address _____

E-mail _____

• Name _____

Phone _____

Address _____

E-mail _____

• Name _____

Phone _____

Address _____

E-mail _____

Appendix G

Contacting your local school district for information about special education services

- **Airport Community Schools**
Wagar Middle School
11270 Grafton Road
Carleton, MI 48117
Special Education North Regional Director
734-654-3427 or 734-242-5799
Website: airport.k12.mi.us
- **Bedford Public Schools**
Administrative Offices
1623 W. Sterns Road
Temperance, MI 48182
Special Education Southwest Regional Director
734-850-6000 or 734-242-5799
Website: bedford.k12.mi.us
- **Dundee Community Schools**
Administrative Offices
420 Ypsilanti Street
Dundee, MI 48131
Special Education Southwest Regional Director
734-529-2350 or 734-242-5799
Website: dundee.k12.mi.us
- **Ida Public Schools**
3145 Prairie Street
Ida, MI 48140
Special Education Southwest Regional Director
734-269-9003 or 734-242-5799
Website: ida.k12.mi.us
- **Jefferson Schools**
2400 N. Dixie Highway
Monroe, MI 48162
Special Education North Regional Director
734-289-5550 or 734-242-5799
Website: jefferson.k12.mi.us
- **Mason Consolidated Schools**
2400 Lakeside Road
Erie, MI 48133
Special Education East Regional Director
734-848-5475 or 734-242-5799
Website: eriemason.k12.mi.us
- **Monroe Public Schools**
1275 N. Macomb Street
Monroe, MI 48162
Special Education East Regional Director
734-265-3000 or 734-242-5799
Website: monroe.k12.mi.us
- **New Bedford Academy**
P.O. Box 286
Lambertville, MI 48144
Special Education Southwest Regional Director
734-854-5437 or 734-242-5799
Website: www.newbedfordacademy.com
- **Summerfield Schools**
17555 Ida West Road
Petersburg, MI 49270
Special Education Southwest Regional Director
734-279-1035 or 734-242-5799
Website: summerfield.k12.mi.us
- **Triumph Academy**
3000 Vivian Road
Monroe, MI 48162
Special Education North Region Regional Director
734-240-2610 or 734-242-5799
Website: www.heritageacademies.com
- **Whiteford Agricultural Schools**
6655 Consear Road
Ottawa Lake, MI 49267
Special Education Southwest Regional Director
734-856-1443 or 734-242-5799
Website: whiteford.k12.mi.us

Notes

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