

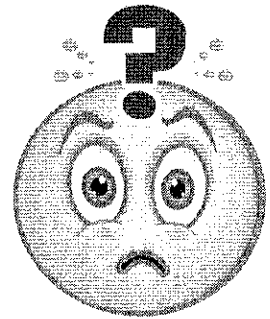
Attention

Parents & Educators:

Changes to Special Education

have been proposed. There is a very short chance to send in your comments or attend a hearing re: these changes.

Questions?



What are the changes?

A review of the changes as well as videos can be found on the State's Dept. of Education website (please take one of the info cards for the links and addresses mentioned).

What are people saying about the changes?

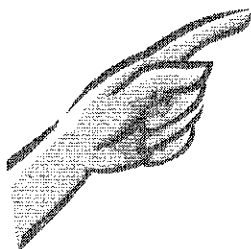
Many have spoken out against the changes. Michigan Protection and Advocacy Services has published their comments online and there is a petition on change.org asking that the Governor stop these changes.

What can I do if I have concerns?

By law you have the right to submit your comments by mail or by email. These are due by March 13th.

Is there a chance to talk to someone in person?

Yes, there are two public hearings, both are on March 10th, one in Lansing and the other in Detroit.



Please take one of the free handouts with
all the mentioned links, addresses and
dates.



Links and Important Information re:
proposed changes to Special Education

State Website with proposed changes:

http://www.michigan.gov/mde/0,4615,7-140-6530_6598-321773--,00.html

Michigan Protection and Advocacy Services:

<http://mpas.org/newsroom/mpas-submits-commentary-proposed-changes-michigan-administration-rules-special-education>

Petition Opposing Changes:

<http://www.change.org/petitions/rick-snyder-withdraw-the-proposed-rule-changes-to-special-education-immediately-marse>

How to submit Public Comment: Due by 5pm on March 13, 2014

Online at <http://ose.marse-public-comment.sgizmo.com/s3/>

Via email (include your name) at MDE-OSE-EIS-Public-Comment@michigan.gov

By Mail Public Comment Office of Special Education

Michigan Department of Education

P.O. Box 30008

Lansing, MI 48909

Public Hearings: March 10th, 2014

Lansing 4-6pm

Lansing Community College West Campus

5708 Cornerstone Drive

Lansing, MI 48917

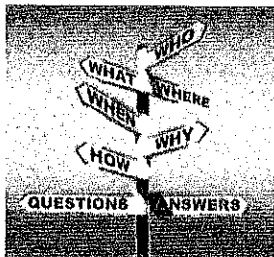
Detroit 1-3pm

Detroit School of Arts

123 Selden St

Detroit, MI 48201

Please take a moment to be heard!!



OaklandSchools

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Department of Special Education: Compliance
Michigan Administrative Rules for Special Education
proposed revisions
What you need to know

OSE Rules webpage http://www.michigan.gov/mde/0,4615,7-140-6530_6598-321773--,00.html

ASSERTION

1. Proposing to give local control to school districts to determine special education staffing annually. This will be used to explode special education teacher caseloads and class-sizes. History lesson? The MDE monkeyed around with Pres. Obama's big stimulus bill (ARRA) and allowed school districts to reduce their special education budgets by 50% of this onetime increase and shift the dollars to their general fund. Many districts did this and it has dramatically reduced the kids services.

2. Requiring a child to "be unable to make eye contact" to be eligible for special education as a student with Autism. This will make MI the state with the most restrictive criteria in the nation and leave out countless children.

FACT

The Michigan Rules that are in part 3 specify the required caseloads/class sizes for programs and some services. The language added to the ISD Plan 1832 language requires that ISDs review with districts that their staffing does indeed meet the needs of the students. It is in addition to, not a replacement of, and effectively adds an additional layer of oversight and accountability.
R 340.1832

This assertion has no basis in fact. Neither the proposed rule nor the current rule explicitly require eye contact as a single indicator that either rules in or rules out eligibility. The purposed language reads as follows:
(3)(2) A Determination that a student has autism spectrum disorder is based on documentation of for eligibility shall include all of the following:
(a) Qualitative impairments in reciprocal social interactions including at least 2 of the following areas:
(i) Marked impairment in the use of multiple nonverbal behaviors including eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction.
(ii) Failure to develop peer relationships appropriate to developmental level.
(iii) Marked impairment in spontaneous seeking to share enjoyment, interests, or achievements with other people, for example, by a lack of showing, bringing, or pointing out objects of interest.
(iv) Marked impairment in the areas of social or emotional reciprocity.
R 340.1715

3. Remove "short term objectives" in a student's IEP and have nothing but an annual goal. MDE pushed this one in 2008 and we stopped this change.

The proposed Rule language creates alignment with IDEA. The removal of this obligation in Michigan rule does not negate district obligations to follow IDEA. (300.320 / a / 2) R 340.1721e

4. Eliminate the Multidisciplinary Evaluation Team" in favor of a more generic group of experts. This is being pushed to save districts time and money and completely marginalize school psychologists.

The Multidisciplinary Team has always been a generic group of professionals. Removing the Multidisciplinary Evaluation Team language does not change the requirement that a group of professionals including, with the parent input, evaluate and identify the need(s) of a child. The specificity around which professionals form the membership of a specific evaluation team has always been found in the definition of each eligibility area. The removal of this language merely removes a step in the process.

Under the Current MARSE process, the MET conducts evaluations and recommends eligibility to the IEP team. Then an IEP team is convened to determine eligibility. The proposed Rule language will allow the group of qualified professionals (which requires inclusion of the parent) to complete the evaluation to identify the child's needs, determine eligibility, and secure parental consent for the provision of services in a single step. This clearly supports greater participation by parents in the entire process.

Look at the evaluation rules for the 13 specific areas of eligibility. The inclusion of those individuals required to participate in the evaluation is still specified, school psychologists included and deletion of potential evaluation team members has been suggested. MI has Rules that identify who is required to be part of the evaluation team depending on the focus of the evaluation. This change in language will remove an unnecessary procedural step only. R 340.1701b

5. Require parents to give written consent for special education prior to the IEPT determining eligibility. IDEA 300.306 recognizes parents are members of the team that determines their child's eligibility. This revision is virtually the equivalent of writing a contract blind.

In the proposed Rules, evaluation, eligibility and identification of need are linked in a single process. Once this is completed, the IEP team can then construct an IEP based on identified needs and recommendations from the evaluators and parents. IDEA is very clear: at 300b(3)(iii) If the parent refuses or does not provide consent for initial services, the school is not obligated to convene an IEP. Here's the exact language from the IDEA:

(3)If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public agency--

(i) May not use the procedures in subpart E of this part (including the mediation procedures under Sec.300.506 or the due process procedures under Sec.Sec.300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;
(ii) Will not be considered to be in violation of the

requirement to make FAPE available to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent; and

(iii) Is not required to convene an IEP Team meeting or develop an IEP under Sec.Sec.300.320 and 300.324 for the child.

This procedural requirement of the IDEA mandates that schools ask for and obtain initial consent to provide services prior to convening the initial IEP. This is a change from current practice in Michigan and it is an example of how the intent of this revision to MI's rules will create enhanced alignment with the IDEA.

Procedurally, it is not yet clear how districts will address this change but it is hard to imagine that a discussion about evaluation results, eligibility and educational needs will not include conversation about the resources available to support the student's access to and support for achievement in school. Following such a discussion, the parents are in a position to make an informed decision if they want to further pursue this option or not. Parents make that choice. Once consent for services is provided, the IEP team (which includes the parent) can get to work on designing the individualized program of supports the student will need.
R 340.1721b

6. Removing all transparency from ISD Alternate Special Education Plans. A "Plan" that overrides the state rule. Since 2002, ISDs have used this rule (R 340.1832e) to create cross categorical mish mosh programs and explode special education program sizes. This is all budgetary. ***The brutal reality is that the outcomes for students with IEPs are egregiously poor. Only 52.8 percent graduated last year with a diploma and many earning D's in every content class. This is a counterfeit diploma.**

7. It is wrong to lower the requirements for VI and HI teachers and simply because there is a shortage.

8. It is wrong to set the lowest bar of expectations and only require paraprofessionals to have a high school diploma.

ISD plans will continue to be the vehicle for creating unique alternate services for students. Results of graduation of students with IEPs are lower than the state target. Might there be a different way to get better results? We still have program rules from the 1980s yet we have learned so much about specialized instruction for students with disabilities.
R 340.1832

Nevertheless, there is a shortage and students need services. Much like the medical community has turned to physician assistants and nurse practitioners to meet health care demands, schools would be remiss in their FAPE obligation to students if they let needed services go unfulfilled simply because state rule artificially constrains their ability to access the services the student needs.
R 340.1784 & 1785

Paraprofessionals are intended to support the educational professional in delivering special education services to a student, not supplant them in their instructional role. A high school diploma is a typical bar of expectation for many jobs that require similar skill levels. This is a minimal educational requirement which has to date been established

through each ISD Plan.
R 340.1832

9. It is wrong to change the definition of a student with a Disability to give school Districts permission to ram them through the high school credits. Those who need a 5th and 6th year of high school deserve that opportunity and additional years in school to earn a MEANINGFUL diploma.

There is no proposed change to the definition of a student with a disability. In statute and regulations of the IDEA, the following conditions end a student's eligibility for special education: 1) Student graduates with a regular high school diploma, 2) Student is evaluated and determined to no longer be eligible, 3) Student exceeds the age of eligibility, 4) the student's death, and 5) when the parent revokes consent for special education.

The IDEA has, at least since its last reauthorization in 2004, been explicit – the purpose of special education is to support a student's access to and progress in the general curriculum towards the achievement of a regular high school diploma. A student in Michigan with an IEP has extended opportunities to earn that diploma.

From the IDEA's statutory language:

601(c)(5) Findings of Congress

(5) Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible, in order to—

(i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and

(ii) be prepared to lead productive and independent adult lives, to the maximum extent possible;

What is being made explicit in the proposed rule language is that students, who have attained a high school diploma by successfully completing the rigorous requirements of the Michigan Merit Curriculum, have effectively completed their public education.

R 340.1702

10. It is wrong to allow Physician's Assistant to determine a child's eligibility for an OHI, PI, TBI and. Hearing-Vision Impairment. Not enough training and further eliminates school psychologists.

These are organic impairments that require a medical condition diagnosis from a medical professional. The medical community determines the impairment. The medical community also determines which medical personnel are certified to diagnose.

School staff is required to establish the need for special education services, of which psychologists may be a part. The determination of eligibility remains with the group of qualified professionals and the parent, one of the potential qualified professionals may be a PA's input/documentation. The determination of eligibility by a single person is not compliant.

R 340.1709 & 1709a