

The Arc Michigan Education Committee
Meeting Minutes
4/6/2022

Meeting came to order at 3:35pm via Zoom.

Present: Maggie Kolk, Michelle Driscoll, Kenya Harper, Debbie Whitford, Sue Lind Darlene Heard-Thomas, Deb Moffat

Meeting Minutes from March 2 were previously sent out to committee members. Meeting Minutes were approved with no changes.

SEAC Report -Kenya Harper

Rebecca McIntyre, Interim Deputy Director, MDE Office of Special Education (OSE) reviewed the MDR process in preparation for a due process case that SEAC members will be discussing.

A Manifestation Determination Review (MDR) is an individual entitlement, for a student with an individualized education program (IEP), who has experienced a change of placement due to a violation of a district's code of student conduct.

Change of Placement

More than 10 consecutive school days in a school year

More than 10 cumulative school days in a school year that constitute a pattern of removals due to:

- substantially similar behaviors,
- length of each removal,
- the total amount of time the student has been removed, and
- the proximity of the removals to one another

MDR: When and Who

- Within 10 school days of the decision to make a change of placement
- The parent and relevant members of the IEP team (as determined by the parent and the district) must be included in the review

What an MDR Entails?

Participants complete a thorough review of the students file and carefully consider the following:

- Contents of IEPs,
- Grades and progress reports,
- Teacher and related service provider observations and anecdotal notes, etc.,
- Information received from the parent.

The review of relevant information is intended to present a picture of the whole child and not a specific focus on the category of eligibility

The Determination

The participants must determine whether the conduct in question, which resulted in a change of placement, was a manifestation of the student's disability.

- Was the conduct in question caused by, or did it have a direct and substantial relationship to, the student's disability?
- Was the conduct in question the direct result of the district's failure to implement the student's IEP?

The Behavior WAS a Manifestation

The district must immediately:

Return the student to the prior placement, unless:

- the parent and district agree on a change of placement as part of the behavior intervention plan (BIP)
- the conduct in question involved weapons, drugs, or serious bodily injury.

Conduct a functional behavior assessment (FBA) if one does not already exist, and create, review or revise a BIP OR remedy the deficiencies of the IEP implementation.

The Behavior WAS NOT a Manifestation

- Same discipline procedures in the same manner and for the same duration as nondisabled students.
- Provision of educational services to allow participation in general curriculum and progress on annual goals.
- Consideration of IEP revision to reflect interim alternate education setting where educational services will be provided.
- Consideration of an FBA, when one has not already been completed, and the development of a BIP.

PC Self-Assessment Survey

The mission of the Special Education Advisory Committee (SEAC) is to promote positive outcomes for all Michigan students with disabilities by gathering, sharing and disseminating information on a state and national level, communicating with a diverse group of stakeholders, identifying unmet needs.

SEAC members were asked to give suggestions to improve the Personal Curriculum Self-Assessment Survey that school districts would be asked to fill out. The districts had three priorities to address.

Priority 1

Understand and develop advice regarding viable, additional diploma track options which will in turn improve graduation rates for special education students while also providing options for those at risk of dropping out.

Priority 2

Discover and share practical solutions to obtaining and retaining special education teachers, paraprofessionals and ancillary staff which work for all schools regardless of economic status.

Priority 3

Create advice for schools and parents in using a Personal Curriculum to improve outcomes for special education students

Legislative Update-Dr. Sheryl Kennedy, MDE Legislative Liaison

The education budget will be passed soon by the end of September, will also address the teacher shortage.

Senate Bills (dyslexia package, two bills are approved and two are pending)

The bills will hopefully improve students' readiness and teacher preparation to help students regardless of whether they have an IEP or not. The bills will also change the language for dyslexia and how it will be identified or become eligible for sp. Ed. Services.

- **SB 380** - Special Education (Irwin) provides screenings of students for characteristics of dyslexia and follow-up supports. (This bill is approved)
- **SB 381** - (Theis) Teacher Preparation Institutions must provide a course in the science of reading. (This bill is pending)
- **SB 382** (Polehanki) - requires reading credit requirements for recertification for teachers of reading. (This bill is pending)
- **SB 383** (Runestad) - The bill would create a dyslexia advisory committee to MDE. (This bill is approved)

House Bills

- **HB 5934** - Dyslexia Prescreening, **HB 5935** - Dyslexia Resources, **HB 5936** - Teacher Preparation, **HB 5937** - Teacher Certification.
- **HB 5777** - Requires parents to identify the mode of communication for early language development screening.
 - This bill helps the deaf and hard of hearing child and parents identify the mode of communication that is preferred by their child and that the child is assess using those modes of communications. The child is assess using theses milestones modes of communication. Theses assessments will require training at the ISD and local level to lean to do the assessments in American Sign Language or other mode of communication.

Discussion

The webinar below was helpful to understand rights of students who have disabilities/had an IEP before entering juvenile justice system. A lot of juvenile justice system staff forget about/don't know the student's educational rights when they enter the system.

- **Education for Students with Disabilities in the Juvenile Justice System** is an Arc@School webinar presented in March 2022 by National Disability Rights Network.
- Below is the link to watch the webinar-
<https://thearc.org/resource/education-for-students-with-disabilities-in-the-juvenile-justice-system/>

- Link to the PowerPoint
<https://thearc.org/wp-content/uploads/2022/04/Slides-Education-for-Students-With-Disabilities-in-the-Juvenile-Justice-System.pptx.pdf>
- This is a link to the 2016 Dear Colleague Letter (U.S.DOE) that explains the LEA's proactive role to address behavioral needs mentioned during the webinar: [Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education Programs \(PDF\)](#).
- Additional information-
Michigan Alliance for Families – Juvenile Justice webpage
<https://www.michiganallianceforfamilies.org/juvenile-justice/>
- **Michigan Department of Education, Office of Special Education**
[FAPE in the County Jail](#)

Continued discussion regarding current discipline issues (suspensions/expulsions) for students with disabilities, including preschool age children. These young children missed opportunities to learn social skills when preschools closed down.

Maggie will check with Sherri regarding position statements that may need to be updated.

The next meeting will be on Wednesday, May 4th from 3:30-5.

This is the standing link for this meeting-

Join Zoom Meeting

<https://us02web.zoom.us/j/83174727390?pwd=V1k5RlhyNHM2WkxRNGNwdkxUUST1Zz09>

Meeting ID: 831 7472 7390

Passcode: 806939

The meeting adjourned at 4:30pm

Respectfully Submitted,
Michelle Driscoll