

THE SPECIAL EDUCATION PROCESS

IN THE

C.O.O.R. INTERMEDIATE SCHOOL DISTRICT

A HANDBOOK FOR PARENTS

A TEAM APPROACH

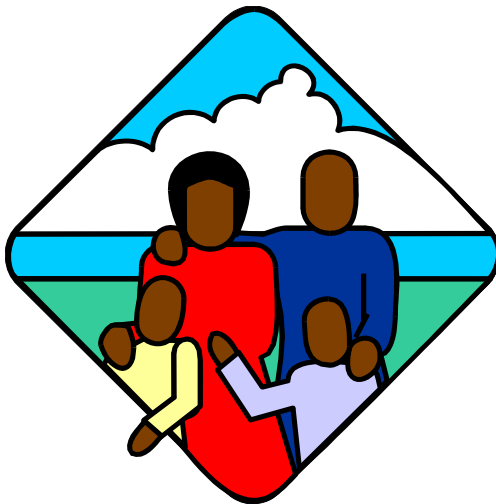
AND

PROCEDURAL SAFEGUARDS

AVAILABLE TO PARENTS OF

CHILDREN WITH DISABILITIES

Planning, Coordinating, and Providing
Services to Students With Disabilities



MY PERSONAL DIRECTORY

The administrator responsible for special education in my
child's school is:

The C.O.O.R. Intermediate School District Director of
Special Education is: Donald Adams, Ph.D. 989-275-
9555

The school district representative on the Parent Advisory
Committee is:

Patricia Wren, West Branch-Rose City Area Schools
Danielle Barnes, Gerrish-Higgins Schools
Deb Mesler, Houghton Lake Community Schools
Diana Schuman, Mio Ausable Area Schools
Sheila Spencer, Fairview Area Schools
Ruth Pilon, Crawford Ausable Schools

Introduction

Purpose of This Handbook

The purpose of this Handbook is to acquaint parents with the procedures used to provide special education programs and services to children with disabilities. The Handbook contains descriptions of procedures used to determine whether or not children have disabilities, descriptions of special education programs and services, and a list of educational rights afforded to parents under federal and state laws. It also contains a list of organizations parents may contact for assistance, a glossary or list of definitions of terms used in special education, and a list of abbreviations used by special education teachers and staff. We hope that the Handbook helps you understand the programs and services available. It is a handy reference, one that explains some of the steps taken to plan and carry out a learning program for your child.

Working Together

Providing educational services to children with disabilities is a task that cannot be accomplished by the school district alone or by the parents alone. With your help, we can provide effective instruction and therapy to children with disabilities, and assist them in reaching their greatest potential.

Parent Advisory Committee

Each local school district has a parent representative on the C.O.O.R. Intermediate School District Special Education Parent Advisory Committee. The primary purposes of the Committee are to review the intermediate school district special education plan and to provide information from the parents' perspectives to school administrators. The Committee meets regularly with the intermediate school district Special Education Technical Assistance Administrator. Members of the Committee are also available to answer any questions that are not answered in the Handbook.

Children With Disabilities

Some children have conditions that cause them to have difficulty learning. For this reason, teachers with specialized training are used to work with children with disabilities in the classroom. As children learn to apply their individual skills more effectively, they are able to grow, develop, and learn. Generally speaking, disabilities can be grouped into emotional, mental, social, or physical conditions which make learning difficult. It is important to remember that regardless of the disability, all students can be taught to apply their skills effectively. Learning to apply skills effectively is the primary goal of special education programs.

Educational Disabilities in Michigan

Michigan has been a leader in the nation in providing special education programs and services to children with disabilities, and has developed a comprehensive list of disability conditions.

Cognitive Impairment
Severe Multiple Impairment
Physical or Otherwise Health Impairment
Other Health Impairment
Specific Learning Disability
Speech and Language Impairment
Emotional Impairment
Hearing Impairment
Visual Impairment
Early Childhood Developmental Delay
Autism
Traumatic Brain Injury

The individuals evaluating your child will discuss the evaluation results with you, and indicate which type of disability, if any, your child has.

Special Education Programs

Special education programs are designed to help children with disabilities reach their maximum potential. These special programs are available to students with disabilities from birth through 25 years of age. Programs will either

be offered in the local school district or by the intermediate school district.

Because each child with a disability has unique educational needs, special education programs and services are developed by an Individualized Educational Planning Team (IEP Team), that meets to discuss the educational needs of the child. The IEP Team and the IEP Team meeting are due process procedures required by federal and state laws. As a parent, you must be invited to attend and actively participate in these meetings. If the student is over 18 years of age, the student must be invited. You must sign the first Individualized Educational Plan before any special education program or service can be provided to your child. You are not required to sign plans developed later, but the school district must always invite you to attend the IEP Team meetings where the plans are developed.

The IEP Team, of which parents are members, determines the types of programs students with disabilities receive. Examples of classroom programs are: (1) resource room: (2) educable mentally impaired classroom: (3) learning disabilities classroom: (4) emotionally impaired classroom: and (5) pre-primary impaired classroom. Examples of support services are (1) teacher-consultant: (2) speech and language therapy: (3) school social work: (4) occupational therapy: and (5) physical therapy.

The Special Education Placement Process

The process of obtaining services for children with disabilities may seem long and complicated. However, the process is controlled by federal and state laws to ensure that children are not inappropriately placed in special education. A complete description of the placement process follows.

Referral

The process of placing children with disabilities in special education programs begins when someone makes a referral. Parents often make referrals when they notice their children are having difficulties. Other individuals such as doctors, lawyers, teachers, and other school staff may also make referrals. Referrals are made when individuals believe a child is having difficulty learning or in the case of pre-school age children, participating in appropriate activities. Referrals are made by contacting the school by letter, telephone, or in person, and indicating that they want to make a referral. A Referral Form is completed, and the school begins obtaining information on the children with a suspected disability.

Evaluation Plan

After a referral has been made, and preliminary information has been obtained, the school district contacts the parents to arrange a meeting to develop an Evaluation Plan. Information about the child's suspected disability is

presented at the meeting, and the school staff recommends which evaluation instruments need to be administered to obtain more information on the child. Information concerning the child is also requested from the parents. Parents must approve the evaluation plan before any testing may occur. If parents do not agree with the Evaluation Plan, due process procedures are used. Due process is described later in the Handbook.

Evaluation

After the Evaluation Plan has been approved, the individuals responsible for evaluating the child who is suspected of having a disability administer the tests contained in the evaluation plan. Information obtained from the evaluation is organized into a Multidisciplinary Evaluation Team (MET) Report. The MET Report is presented at the IEP Team meeting.

Individualized Educational Planning Committee Meeting

An Individualized Educational Planning Committee is arranged after the evaluation has been conducted and the MET Report has been prepared. The meeting occurs at a time and place that is convenient for the parents and the school district. There are three primary purposes of this meeting. The first is to determine whether or not the child has a disability. If the child does not have a disability, the meeting stops. If the child does have a disability, the second purpose of the meeting is addressed: identify the

special education programs and services are necessary for the child to reach his or her maximum potential. The third purpose is to determine the least restrictive environment in which to provide special education programs and services. Parents and the school district must agree on the plan. If agreement cannot be reached, due process procedures are used. Due process is described in a later section.

Procedural Safeguards

Federal and state special education laws include procedural safeguards that govern activities related to placing students with disabilities in special education programs. Procedural safeguards provide a sense of balance to the activities, and also provide ways of resolving disagreements. Procedural safeguards are also known as parental rights. Each of your rights is listed below.

Notice

1. The right to be notified before the school district initiates or changes or refuses to change the identification, evaluation, program, or placement of your child.
2. The right to have the notice in writing, in your native language or other principal method of communication, at a level understood by the general public.
3. The right to have the notice describe the proposed action, why it is proposed, describe the options

considered and explain why those options were rejected.

4. The right to be notified of each evaluation, procedure, test record or report the agency will use as a basis for any proposed action.
5. The right to be notified of the reason(s) and nature for an evaluation.

Consent

1. The right to consent before an evaluation is conducted and before initial placement in special education.
2. The right to revoke consent for an evaluation or initial placement in special education.
3. The right of the school district to proceed (in the absence of consent) to a hearing to determine if your child should be initially evaluated or initially placed in special education.
4. The right to protest, at a hearing, an action in the absence of consent.

Evaluation Procedures

1. The right to have a full and individualized evaluation of your child's educational needs.
2. The right to be assured that testing does not discriminate on the basis of language, culture, or race.
3. The right to have tests sensitive to children with impaired sensory, manual, or speaking skills.
4. The right to have more than one test used to determine appropriate educational programs for your child.

5. The right to have the evaluation performed by a multidisciplinary team, including a person knowledgeable in the area of suspected disability.
6. The right to have your child assessed in all areas related to the suspected disability.
7. The right to have a re-evaluation every three years or more frequently if conditions warrant.
8. The right to have additional diagnostic services at no expense to you if determined appropriate by the IEP Team.
9. The right to present information to the evaluation team.
10. The right to have a vocational evaluation before your child receives vocational education.

Independent Evaluation

1. The right to an independent educational evaluation.
2. The right to have the results of the independent educational evaluation considered in any decision made concerning the provision of services to your child.
3. The right to be told where an independent evaluation may be obtained at public expense.
4. The right to have the local school district pay for the evaluation if a hearing officer decides the evaluation performed by the local school district was not appropriate.
5. The right to be informed that a hearing officer may order an independent evaluation at public expense.

6. The right to be informed of the criteria under which an independent evaluation is obtained, including the location of the evaluation and qualifications of the examiner, shall be the same as the criteria used by the school district when it performs and evaluation.

Individualized Educational Planning Team Meeting

1. You have the right to participate in the IEP Team meeting scheduled within 30 school days after the school district receives written consent for evaluation.
2. The right to participate in every meeting of the IEP Team.
3. The right to request an IEP Team meeting at any time you believe a change in your child's plan is necessary.
4. The right to bring anyone you wish to the IEP Team meeting.
5. The right to inspect and review your child's records concerning identification, evaluation, program, educational placement, and the provision of a free, appropriate, public education.

Least Restrictive Environment

1. The right to have a child with disabilities educated with children without disabilities to the maximum extent appropriate.
2. The right to have a child with disabilities removed from the regular education environment only after supplementary aids and services were tried and found to be unsatisfactory.

3. The right to have supplementary services such as a teacher consultant or other support services to make it possible for the child to remain in the regular education classroom.
4. The right to have a continuum of alternative placements so that if full-time special education is necessary, placement will be in the least restrictive environment.
5. The right to have the special education placement in the school your child would attend if not disabled unless the individualized education plan requires some other arrangement.
6. The right to have a child with disabilities participate with children without disabilities in non-academic activities such as meals, recess, counseling, clubs, athletics, and special interest groups.
5. The right to receive a statement of the qualifications of the hearing officer.
6. The right to be accompanied to the hearing and advised by an attorney and individuals with special knowledge or training in difficulties of the disabled.
7. The right to have the student present at the hearing.
8. The right to have the hearing open to the public.
9. The right to present evidence, and confront, cross-examine, and compel the attendance of witnesses.
10. The right to prohibit the introduction of any evidence at the hearing that had not been disclosed at least five days before the hearing.
11. The right to have a written or electronic verbatim record of the hearing.
12. The right to obtain written findings of fact and a written decision within 45 days after the agency received the initial request for the hearing.
13. The right to appeal to the Michigan Department of Education and receive their decision within 30 days of the filing.
14. The right to appeal a decision from the Michigan Department of Education to the civil court(s).
15. The right to have the student remain in his/her present educational placement during the hearing unless the parent and school district agree otherwise.

Hearing

1. The right to request an impartial due process hearing to question the school district's identification, evaluation, placement, or the provision of a free, appropriate, special education.
2. The right to have the hearing conducted by the school district directly responsible for providing the child's education.
3. The right to be told of any free or low cost legal and other relevant services available.
4. The right to have the hearing conducted by a person not employed by either the local or intermediate school district.

Records

1. The right to inspect and review your child's records concerning identification, evaluation, program, educational placement, and the provision of a free, appropriate, public education.
2. The right to have a parent representative inspect and review your child's records.
3. The right to request copies of the records, paying only for the cost of reproduction.
4. The right to receive a list of all types and locations of records being collected, maintained, or used by your child's school district.
5. The right to ask for an explanation of any item in the record.
6. The right to ask for an amendment to any record on the grounds that it is inaccurate, misleading, or violates the privacy rights of you or your child.
7. The right to a hearing on the issues if the school district refuses to make a requested amendment.

Confidentiality of Information

1. The right to restrict access to your child's records by withholding consent to disclose records.
2. The right to be told to whom information has been disclosed and the nature of the information.

Destruction of Information

1. The right to be informed when information in your child's file is no longer needed to provide educational services and the school district wishes to destroy the information.
2. The right to consent before educational information about your child is destroyed.

Protection of Student Rights – Surrogate Parents

1. It is the responsibility of the local school district to assure that children with disabilities under the age of 18 have a parent or legal guardian to represent them.
2. It is the responsibility of the local school district that after reasonable efforts cannot identify or discover the whereabouts of a parent or legal guardian as defined in Rule 340.1701a(h), to notify the court of jurisdiction and request that the court take action to assure that the student has legal representation.
3. It is the responsibility of the school district to appoint someone to act as a surrogate parent if the parent cannot be identified.

Complaints

1. Anyone may file a complaint if they believe that a school district is violating, misinterpreting, or misapplying a law, administrative rule, the

Intermediate School District Special Education Plan, or the State of Michigan Special Education Plan. A complaint is a specific and signed allegation by an agency, individual, or organization stating that there is an uncorrected violation.

2. Parents have the right to assistance in filing a complaint.
3. Parents also have the right to appeal to the Michigan Department of Education if they do not agree with the complaint investigation performed by the intermediate school district.

If you suspect a violation is occurring, you should contact the C.O.O.R. Intermediate School District Special Education Technical Assistance Administrator at (989) 257-9555. This person may try to resolve the issue informally. However, this person must tell you of your right to file a formal complaint. This person will also assist you in writing your complaint and provide you with a copy of the special education rules concerning complaints.

If you file a complaint, the intermediate school district must investigate your complaint within 21 calendar days and give you a copy of the findings. The person investigating the complaint will not have administrative authority over the programs and services covered by the complaint.

Questions and Answers

Identification and Referral

Q: What should I do if I think my child has a disability?

A: Contact the principal of the school your child attends and inform him or her why you believe your child has a disability. You should also state that you want your child to receive an educational evaluation. Keep a note of this contact. You can expect that the school district will complete the educational evaluation within 30 school days of receiving your written informed consent to conduct an evaluation.

Q: Who may refer my child for an evaluation?

A: Anyone may refer a child for an evaluation of suspected disabilities. Most referrals come from parents and teachers. School districts are not allowed to ignore referrals. The school district must contact you within 10 calendar days of receiving a referral to develop an evaluation plan and to obtain your written informed consent to conduct an evaluation.

Q: What are the ages that school districts must serve individuals with disabilities?

A: School districts must serve individuals with disabilities from birth through 25 years of age. However, once individuals graduate from high school, they are no

longer eligible to receive special education programs and services.

Evaluation

Q: How is my child evaluated?

A: Each child's suspected disability is evaluated by a multidisciplinary team consisting of at least two members and the parents. One of the team members will be a specialist in the area of your child's suspected disability. The team may include other individuals as appropriate. Other individuals include specialists in health, vision, hearing, social and emotional development, intelligence testing, academic performance, communication skills, and motor development. The team must give the parents the opportunity to provide information for the evaluation, and to approve the types of tests used in the evaluation.

Q: How do I obtain the results of my child's evaluation?

A: A member of the multidisciplinary team will report the team's findings to you at or before the first IEP Team Meeting, and provide you with a copy of the report. You will also receive a report each time your child is reevaluated. You are encouraged to ask questions if you do not understand the information contained in the report. You are encouraged to read the report because it is part of your child's educational records.

Q: What should I do if I disagree with the results of the evaluation?

A: You have the right to obtain an Independent Educational Evaluation (IEE) at public expense if you do not agree with the evaluation results obtained by the school district. The school district must provide you with information concerning where an IEE may be obtained. The school district may request a due process hearing to demonstrate that the results of its evaluation are accurate. You may still obtain an IEE if the hearing officer agrees with the school district, but the evaluation will be at your expense.

Programs and Services

Q: What are the purposes of the IEP Team?

A: The Individual Educational Planning Team appointed by the superintendent has three purposes. The purposes are: (1) to decide if your child has a disability and thus be made eligible to receive special education services: (2) determine educational programs and services that are appropriate for your child: and (3) to develop and review your child's individualized education program.

Q: Who are the members of the IEP Team?

A: Parents are the most important members of the IEP Team, and are always invited to attend. The team must also include a representative from the school district, a regular education teacher, and a provider of special education programs or services. A member of the multidisciplinary evaluation team must also be a member if the meeting is to determine if a child is eligible for special education after the initial evaluation or any reevaluation.

Q: What should I do if I disagree with the IEP Team's decision?

A: Contact the superintendent of your local school district if you disagree with the IEP Team's decision. When you express your disagreement, you may ask that a new IEP Team meeting be held. You may also indicate that you wish to participate in mediation or a due process hearing to resolve the disagreement.

Q: May the school district disagree with the IEP Team decision?

The administration of the local school district may disagree with the IEP Team decision. If a disagreement occurs, you will be notified of the school district's request to convene a new IEPT meeting, to request mediation, or a due process hearing.

Q: What is an I.E.P.?

A: An I.E.P. is an Individualized Educational Program that is developed and written so that parents and each person working with the child knows what behavioral and/or skill development goals and objectives have been developed. The I.E.P. also describes the types and amounts of special education programs and services your child will receive.

The I.E.P. must contain the following:

a statement of the disabled person's present level of educational performance;

appropriate evaluation standards, evaluation procedures, and evaluation schedules to determine if instructional objectives have been met;

and, a statement of the specific special education and related services (including the official names and rule numbers contained in the state regulation) to be provided to the child with a disability. Accessibility of facilities, transportation, and participation in extracurricular activities must also be considered.

Q: Will my child be able to be in a regular classroom?

A: Most children with disabilities spend at least part of their school days in regular classrooms. The I.E.P. Team,

of which you are a member, will determine whether or not the placement in a regular classroom is appropriate for your child.

The I.E.P. Team is also responsible for determining how much time your child will spend in special education programs and services.

Q: To whom may I speak if I am concerned about my child's performance in school?

A: Your child's classroom teacher will be one of the first individuals to contact. If your child has more than one classroom teacher, you may want to contact either the homeroom teacher, or the teacher of the subject in which your child is having the most difficulty. Some school districts encourage parents to arrange conferences with one or more teachers in order to discuss concerns and develop solutions. You may also arrange to meet with the special education staff if you believe this is appropriate.

Q: What should I do if I am not satisfied with my child's individualized educational program?

A: Most concerns about your child's education can best be resolved by the person responsible for special education in your school district. You should contact that person first. You can also request that an I.E.P. Team meeting be convened. However, if the best efforts of everyone involved do not address your concerns, you may request mediation or a due process hearing.

Q: How do I request a meeting to review my child's I.E.P.?

A: Write or telephone the director of special education in your school district. You may also write or telephone the principal of the school your child attends. If you telephone, follow up your call with a letter.

Q: Will special education benefit my child to the point where he or she will not need it in the future?

A: That is a very difficult question to answer. One consideration in answering this question is the nature of the disability. Most disabilities are presumed to have a life-long impact on a person's functioning. However, early identification may result in children being able to increase their levels of performance, and require less support as they mature. No person can predict how much a child will improve during his/her school career. Parents and others should keep in mind that the goal of special education is not to "cure" the disability. The goal of special education is to ensure that children receive appropriate education.

Q: Are special education services free of charge?

A: Yes. Special education programs and services determined appropriate by the I.E.P. Team are provided at no charge to parents.

Rights

Q: What should I do if I do not understand my rights?

A: Contact the administrator of the school your child attends. This person will provide you with an explanation. If an interpreter is needed, the school will provide one. You may also contact the organizations listed in the appendix for assistance.

Consent

Q: May my child be placed in special education without my consent?

A: No. Your child cannot be initially placed in a special education program without your knowledge and consent. The school district must obtain your written consent prior to the initial evaluation to determine if your child is eligible to receive special education programs and services. The school district must also obtain your written consent prior to the initial placement of your child in special education programs and services.

Notice

Q: Will I be notified of all meetings concerning my child?

A: You will receive a written notice when the school district receives a referral of your child and wishes to

conduct the initial evaluation, and the evaluation performed after your child has been in special education for three years. You will also receive a written notice when the school district intends to explain the results of evaluation to you, and when it is considering changing your child's educational program, release confidential information, destroy records, or request an impartial due process hearing. The notice must also state why any intended action is necessary.

Q: How do I obtain assistance in understanding notices or what occurs at the I.E.P. Team meeting?

A: If you need an interpreter or have questions about what will occur at the I.E.P. Team meeting, contact the principal of the school your child attends. It is the school district's responsibility to make sure that you understand the notice, and what is occurring at the meeting.

Independent Educational Evaluation

Q: How do I obtain an independent educational evaluation for my child?

A: If you disagree with the results of the educational evaluation provided by the school district, you may request an independent educational evaluation by contacting your local school district director of special education or the principal of the school your child attends. The school district must provide you with information concerning where the evaluation may be obtained. The

school district must also pay for the evaluation or request an impartial due process hearing to show that it's evaluation is appropriate.

Hearings

Q: How do I request an impartial due process hearing?

A: A form to request an impartial due process hearing is available at all I.E.P. Team meetings. If you do not attend the meeting, a form is included in the I.E.P. Team report that you receive. You may also request an impartial due process hearing by contacting the superintendent of your school district in writing. When you request an impartial due process hearing, you must tell the school district why you are requesting a hearing, and also offer solutions to the problems related to the hearing.

Records

Q: How do I make arrangements to see my child's educational records?

A: Contact the principal of the school where your child's special education program is located and ask to see the records. It is your right as a parent to review all information contained in your child's records. Students over the age of 18 who do not have guardians appointed, may follow the same procedure to examine their records.

Educational Options for Children who are Deaf or Hard of Hearing

Parents take part in determining appropriate educational programs and services for their children who are deaf or hard of hearing. To obtain information and educational services for your child, contact the special education director of your local school district, your intermediate school district, or the Michigan Department of Education at (517) 373-0923 (voice) or (517) 373-9434 (TTY). Upon receiving a request for evaluation, your local school district will determine your child's eligibility for special education programs and services. An Individualized Educational Planning Committee, which includes parents, will review the individual needs, establish goals and objectives, and determine the appropriate programs and services. The program may be operated by your local school district or contracted for with another school district or agency. It should include the services of a certified teacher of the hearing impaired. The IEPC will be reviewed annually or sooner by request of parents or educators to meet the changing needs of the child.

Michigan offers a continuum of educational programs and ancillary services which are provided as determined appropriate by the IEPC. The continuum is:

- Early Intervention Program for infants and pre-school age students
- Regular Education Classroom with supportive services
- Resource Room with part-time regular education

Self-contained classroom, full or part-time, in regular education building.

Center Program in regular education building.

Day School Program in separate building

Residential School Program

Helpful Hints

How to Prepare for the IEP Team Meeting

- Obtain as much information as you can before the meeting. Speak with your child's teachers, the individuals who evaluated your child, and read your child's educational records.
- Write your questions and concerns on a piece of paper before the meeting.
- If at all possible, arrange for both parents to attend the meetings.
- If you are having communication difficulties with the school district, maintain your own records regarding your child. Keep a copy of all letters you send. If you make a telephone call, keep a record of what was discussed, and follow the call with a letter.
- Consider contacting organizations listed in the Appendix of the Handbook.

- Meet with your child's teacher. If at all possible, observe your child in the classroom situation.

Participating at the IEP Team Meeting

- Write things down on a piece of paper that will help people from the school understand your child.
- Help other team members at the meeting understand your child by telling them how he/she behaves at home.
- Report anything you believe has been overlooked.
- Keep in mind that the views of other team members may vary. Some members see your child alone. Some see your child in large or small groups.
- Ask for explanations of things you do not understand.
- Team members will respect your right not to discuss personal family matters. Provide as much information as you believe is best. Then let them know that you do not feel comfortable sharing additional information.

How to Obtain Information About the Evaluation of Your Child's Progress in School

- Get to know the person most involved with your child's education, and keep in touch with them. If

your child is in middle school or high school, contact the school counselor.

- Familiarize yourself with the terminology used in education. Many of the terms are included in the Appendix of the Handbook.
- Be sure you understand your child's Individualized Educational Plan before you sign it.
- Find out how you can best help your child's education at home.
- Identify your child's strengths. Use your child's strengths to develop skills in which he/she has difficulty.

Administrative Policy for Student Immunizations

It is the policy of the C.O.O.R. Intermediate School District to comply with Act #360 Public Acts of 1978, Section 9208, State of Michigan, in regard to immunization of students or statements of exemption under Section 9215.

In order to insure that all students are immunized or covered under waiver, the following procedures will be followed.

1. When students enroll in the programs for the Severely Mentally Impaired or the Trainable Mentally Impaired,

it will be the responsibility of the respective classroom teachers to notify the parents/guardians of the immunization requirements and to secure the immunization records. Immunization records will then be placed in the C.O.O.R. Intermediate School District files of these students.

2. If immunizations are incomplete after 60 days of enrollment, or if the parents have not furnished proof of immunization or waiver, the C.O.O.R. Intermediate School District will deny that student the opportunity to attend the program in which they are placed. When attendance is denied, the Supervisor of the C.O.O.R. Educational Center will determine if the child should be reported as truant, or if a neglect report should be filed with Protective Services.

Medicaid Reimbursement

The C.O.O.R. Intermediate School District and local school districts bill Medical Services Administration for services provided to eligible students. Parents occasionally receive letters from the Medical Services Administration indicating that claims for services have been paid. Please be assured that the practice of school districts billing Medical Services Administration has been approved by the Michigan Department of Education. Please also be assured that school districts billing Medical Services Administration will in no way reduce benefits to children.

Parent Resources

C.O.O.R. Intermediate School District
11051 North Cut Road
Roscommon, MI. 48653

Contacts:

Donald Adams, Ph.D., Director of Special Education
William P. Wachowiak, Special Education Technical
Assistance Administrator
(989) 275-9555

Local School Districts

Crawford -AuSable School District
403 Michigan Avenue
Grayling, MI. 49738
(989) 348-7641

Contact: Ms. Mille Haug, Superintendent

Fairview Area Schools
1800 East Miller Road
Fairview, MI. 48621
(989) 848-2480

Contact: Mr. Bruce Nelson, Superintendent

Gerrish-Higgins School District
814 Lake Street
Roscommon, MI. 48653
(989) 275-5800

Contact: Mr. Donald Mick, Superintendent

Houghton Lake Community Schools

6001 West Houghton Lake Drive
Houghton Lake, MI. 48629
(989) 366-5376

Contact: Mr. James French, Superintendent

Mio AuSable Schools

P.O. Drawer 909
Mio, MI. 48647
(989) 826-3225

Contact: Mr. Patrick Bootz , Superintendent

West Branch - Rose City Area Schools

960 South M-33
West Branch, MI. 48661
(989) 345-5320

Contact: Mr. David Marston, Superintendent

Project Find

C.O.O.R. Intermediate School District
11051 North Cut Road
Roscommon, MI. 48653
(989) 275-9555

Contact: Ms. Michelle Cochrane

Office of Special Education and Early Intervention

Michigan Department of Education
P.O. Box 30008
Lansing, MI. 48909
(517) 373-9433

Michigan Protection and Advocacy Service
106 West Allegan, Suite 300
Lansing, MI. 48933-1706
800-288-5923

Citizens Alliance to Uphold Special Education
3303 West Saginaw
Lansing, MI. 48917
517-886-9167

Michigan Association for Children with Emotional
Disorders
15920 West Twelve Mile Road
Southfield, MI. 48706
(248) 552-0044

Michigan Speech, Language, and Hearing Association
855 Grove Street
East Lansing, MI. 48823
(517) 332-5691

Michigan Department of Vocational Rehabilitation
1665 West M – 32
Gaylord, MI. 49735
(517) 732-6433

Head Start for Roscommon County
Northwest Michigan Human Services Agency
Traverse City, MI. 49684
(231) 947-3780

Head Start for Crawford, Ogemaw, and Oscoda Counties
Alpena, MI. 49707
(989) 356-3474

Crawford County Health Department
Grayling, MI. 49738
(989) 348-7800

District Health Department #2
Ogemaw County Building
West Branch, MI. 48661
(989) 345-5020

Oscoda County Health Department
Mio, MI. 48647
(989) 826-3970

Roscommon County Health Department
500 Lake Street
Roscommon, MI. 48653
(989) 275-5193

Crawford County Judge of Probate
200 West Michigan Avenue
Grayling, MI. 49738
(989) 348-2481

Ogemaw County Judge of Probate
West Branch, MI. 48661
(989) 345-0145

Roscommon County Judge of Probate
Roscommon, MI. 48653
(989) 275-5221

Crawford County Family Independence Agency
Grayling, MI. 49738
(989) 348-7691

Ogemaw County Family Independence Agency
806 West Houghton
West Branch, MI. 48661
(989) 345-5135

Roscommon County Family Independence Agency
Roscommon, MI. 48653
(517) 275-5107

AuSable Valley Community Mental Health
Serving Ogemaw and Oscoda Counties
511 Griffin
West Branch, MI. 48661
(517) 345-5571

North Central Community Mental Health
Serving Crawford and Roscommon Counties
2715 Townline Road
Houghton Lake, MI. 48629
(517) 366-8550

Lawyer Referral Service
306 Townsend
Lansing, MI. 48909
(517) 482-8816

Association for Retarded Citizens
Ogemaw County
(517) 345-5571

Shriners' Hospital for Crippled Children
(800) 237-5055

Glossary

Ancillary Services: services especially designed to meet unique needs of an individual from birth to 25 years of age. Ancillary services include: audiology: medical: psychiatric: speech therapy: occupational therapy: physical therapy: recreational therapy: music therapy: orientation and mobility: transportation: school psychology: and school social work.

Annual Goal: A set of general statements which represent expected achievement over a one year period of time for individuals with disabilities enrolled in special education programs and services.

Complaint: A written and signed allegation that there has been a specific violation, misinterpretation, or misapplication of any provision of special education rules.

Comprehensive Evaluation: An evaluation conducted for the purposes of determining present level of educational performance, and eligibility for special education programs and services.

Consent: A written agreement to perform an activity after being fully informed in one's native language or mode of communication, of all information concerning the activity. Consent is voluntary, and may be revoked at any time.

Child With Disabilities: A person determined by an individualized educational planning team to have a characteristic or set of characteristics as defined in the following list of disabilities: autistic: emotionally impaired: hearing impaired: mentally impaired: physically or otherwise health impaired: severely multiply impaired: learning disabled: speech and language impaired: and visually impaired.

Independent Educational Evaluation: An evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the student.

Individualized Educational Program: A program containing long-term goals, short-term objectives, and

special education programs and services developed by an Individualized Educational Planning Team. The program shall be reviewed at least annually.

Individualized Educational Planning Team: Individuals appointed and invited by the superintendent to determine eligibility for special education programs and services. If the person is found to be eligible and in need of special education programs and services, the committee must develop an Individualized Educational Program.

Multidisciplinary Evaluation Team: A team consisting of a minimum of two individuals responsible for evaluating students suspected of having a disability. The team also reevaluates students with disabilities at least once every 36 months.

Normal Course of Study: A regular education curriculum leading to a high school diploma. The term also indicates a special education curriculum approved in the intermediate school district leading to a high school diploma. A special education curriculum shall include physical education, personal adjustment, pre-vocational and vocational training.

Parent: The father, mother, or legally designated guardian of an individual with disabilities. Parent also applies to the individual with disabilities when that person reaches 18 years of age if a legal guardian has not been appointed by appropriate court action.

Parent Advisory Committee: A committee of parents of students with disabilities in an intermediate school district. Parents are appointed to serve on the committee by intermediate and local school district boards of education.

Public Expense: An activity paid entirely by a public agency. Activities typically paid at public expense include evaluations, programs and services, and transportation.

Short-Term Objectives: Statements written in measurable terms which relate to annual goals developed for individuals with disabilities. Short-term objectives represent expected achievement levels over several weeks or months, but not more than one year.

Special Education: Specifically designed instruction, provided at no cost to parents, to meet the unique needs of an individual with disabilities. Special education includes classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. Instruction provided through special education is designed to develop the maximum potential of the individual with disabilities.

PROCEDURAL SAFEGUARDS AVAILABLE TO PARENTS OF CHILDREN WITH DISABILITIES

Introduction

This document provides parents/guardians of children with disabilities from birth through 26 years of age, an overview of their rights concerning special education. Parents must be given an opportunity to participate in meetings concerning identification, evaluation, educational placement, and the provision of a Free, Appropriate, Public Education (FAPE).

Procedural Safeguards Notice

A Procedural Safeguards Notice shall be provided to parents on

1. An initial referral for evaluation.
2. Each notification of an Individualized Educational Planning Committee meeting.
3. Reevaluation of the child
4. Registration of a due process complaint.
5. Before the date on which the decision to take disciplinary action involving a change of placement.

Parent Consent

Consent means: (a) the parent has been fully informed of all information relevant to the activity for which consent is sought in his/her native language or other mode of

communication: (b) the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom and (c) the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. However, if a parent revokes consent, that revocation is not retroactive.

The public agency must obtain informed consent before conducting a preplacement evaluation, and reevaluation, or initially placing a child with disabilities in a program providing special education and related services. If a parent fails to respond to a request for reevaluation, the educational agency may conduct a reevaluation if it can demonstrate reasonable measures to obtain parental consent have been taken.

To conduct an initial evaluation, the district must seek parental consent and provide notice which includes:

1. The reason(s) and nature for an evaluation.
2. A description of the types of special education programs and services available within the intermediate school district.
3. A list of organizations, including addresses and phone numbers, available to assist parents in understanding special education programs.
4. A statement of a parent's right to examine all records and to participate in meetings with respect to

identification, evaluation, program, educational placement and provision of FAPE.

5. A statement that the parent may be accompanied to and Individualized Educational Planning Committee meeting by anyone the parent desires.
6. The right to obtain an independent educational evaluation (IEE) if the parent disagrees with the agency's evaluation.
7. A statement of the opportunity for the parent to provide the multidisciplinary evaluation team (MET) with information about the child's suspected disability, and the opportunity to present information at the IEPC meeting.
8. The public agency may use hearing procedures in Michigan's Revised Administrative Rules for Special Education (Rules) 340.1724 to 340.1724b to determine if the person may be evaluated or initially provided special education programs and related services without parental consent.

If the hearing officer upholds the agency, the agency may evaluate or initially provide special education and related services to the child without the parents' consent subject to the parents' rights under Rule 340.1725 (administrative appeal) and rule 340.1725(a) (civil action) and to have the child remain in his or her present educational placement during the pendency of any administrative or judicial proceeding.

Prior Notice To Parents

The public agency must provide prior written notice to the parents of a child with disabilities each time it proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. This notice must include:

1. A list of sources that parents may contact to obtain assistance in understanding the content of the prior notice.
2. or refuses to take the action, and a description of any options the agency considered and the means why those options were rejected.
3. A description of each evaluation procedure, test record, or report the agency uses as a basis for the proposal or refusal.

Parent Involvement

Parents must be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of a FAPE

The notice must be written in language understandable to the general public, and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the educational agency shall have the notice translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. The district must maintain written evidence that these requirements have been met.

Evaluation Procedures

Evaluation means procedures used in accordance with Section 1414 of the IDEA. An evaluation will determine whether or not a child is a child with a disability, the nature and extent of the special education and related services that the child needs, and provide information relating to the child's involvement and progress in the general curriculum. Preschool children must also be assessed to determine participation in appropriate activities. The term also means procedures used selectively with an individual child and does not include basis tests administered to or procedures used with all children in a school, grade, or class.

The parent has the right to:

1. Have an interpreter/translator present if the primary language is not English or if the student is deaf/hearing impaired or visually impaired, unless it is clearly not feasible to do so.
2. Be assured that testing does not discriminate on the basis of race, language, or cultural background.
3. Be assured that materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills.
4. Have evaluation instruments validated for the specific purposes for which they were intended and administered by trained personnel in conformance with the instructions provided by the producer.
5. Have the child assessed in all areas of suspected disability using instruments that assess specific areas of educational need and do not produce merely a single intelligence quotient (IQ) score. No single procedure is to be used as the sole criterion for determining an appropriate special education program for the child.
6. The use of evaluation instruments and procedures adapted for children with impaired sensory, physical,

or speaking skills, and consideration of age, socioeconomic, and cultural factors.

7. Have the evaluation made by a MET which includes a teacher or person knowledgeable in the area of the suspected disability, including, where appropriate, health, vision, hearing, social, and emotional skills, behavioral factors, general intelligence, academic performance, communicative skills, and motor ability. The evaluation shall be sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified.
8. Provide the M.E.T. with information about the child's suspected disability, along with any evaluation the parent may have obtained for the child.
9. Be assured that a variety of assessment tools and strategies are used to gather relevant functional and developmental information related to enabling the student to be involved in and progress in the general curriculum.
10. Have an initial evaluation conduct by a MET within 30 school days after the school has received the written permission to evaluate.
11. Expect a reevaluation every three years to determine if the child is still a child with a disability and eligible for special services.

evaluation or ensures that the evaluation is otherwise provided at not cost to the parent.

The parent of a child with a disability or suspected disability has the right to obtain an IEE of the child as

12. Request reevaluations more frequently than every three years if it appears appropriate.
13. Be notified of each evaluation procedure, test record, or report the IEP Team used in determining eligibility, and the need for special education programs and services.
14. Have a vocational evaluation if the child is to receive vocational education. The vocational evaluation must include and assessment of:
 - a. The student's personal adjustment skills.
 - b. The student's aptitudes.
 - c. The student's interests.
 - d. The student's academic achievement.

The evaluation must also include special information regarding the child's disability and is to be conducted by personnel qualified to administer and interpret the evaluation.

Independent Education Evaluation

Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. IEE at public expense means that the public agency either pays for the full cost of the defined in Rule 340.1701a(a). A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a due process hearing under

Rule 340.1724 to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an IEE, but not at public expense. If the parent obtains an IEE at their own expense, the results of the evaluation will be considered by the public agency in any decision made with respect to the provision of a FAPE to the child, and may be presented as evidence at a due process hearing regarding the child.

If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at public expense. Each public agency shall provide to parents, on request, information about where an IEE may be obtained. When 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, shall be the same as the criteria, which the public agency uses when it initiates an evaluation. The associated costs shall be reasonably in accord with those identified by the public agency.

Mediation

Mediation is available to all parties whenever a hearing is requested. The IDEA mediation requirements are:

1. Mediation is free and voluntary.
2. Mediation cannot be used to deny a parent's right to a due process hearing.

3. Mediation must be conducted by a qualified and impartial mediator.
4. The state must maintain a list of individuals who are qualified mediators and knowledgeable about the laws and requirements on special education.
5. Mediation shall be scheduled in a timely manner in a convenient location.
6. Mediators are subject to mutual agreement by all parties.
7. An agreement reached by the parties must be set forth in a written mediation agreement.
8. Discussions occurring during mediation must be confidential and may not be used as evidence in subsequent due process or civil proceedings.
9. Parties to mediation may be required to sign confidentiality pledges before the mediation process begins.

Impartial Due Process Hearing

A parent or a public agency may initiate a hearing regarding the public agency's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.

Parents must give notice to the public agency, as appropriate, when filing a request for due process. The notice request must contain the following information.

1. The name of the child, address of residence of the child, and the name of the school the child attends.
2. A description of the nature of the problem, including related facts.
3. A proposed resolution of the problem, to the extent known and available to parents at that time.

The notice must remain confidential.

A model form is available at the intermediate school district to assist parents in filing due process requests.

person having a personal or professional interest which would conflict with his or her objectivity in the hearing. A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

Each public agency shall keep a current list of individuals who serve as hearing officers; the list is developed and distributed by the Michigan Department of Education (MDE). This list shall be provided to the parent upon any request for a hearing. The list must include a statement of the qualifications of each of these individuals.

The public agency shall ensure that a final hearing decision is reached and mailed to the parties within 45 calendar days after the receipt of a request for a hearing, unless the hearing officer grants a specific extension at the request of either party.

A hearing will be conducted by the public agency directly responsible for the education of the child.

The public agency shall inform the parent of any free or low-cost legal and other relevant services in the area if the parent requests the information, or if the parent or agency initiates a due process hearing.

A hearing may not be conducted by a person who is an employee of a public agency involved in the education or care of the child, or by any

The decision made in a due process hearing is final, unless a party to the hearing appeals the decision under the procedures for impartial administrative appeal described below.

Due Process Hearing Rights

Any party to a hearing has the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to 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, including evaluations, at the hearing that has not been disclosed to that party at least five calendar days before the hearing.

4. Obtain a written or electronic verbatim record of the hearing or obtain alternate forms of the verbatim record to be provided in the parent's native language at no cost to parents.
5. Obtain written or electronic findings of fact and decisions at no costs to the parents. After deleting any personally identifying information, the public agency shall transmit these findings and decisions to the state advisory panel and make them available to the public.

Parents involved in hearings must be given the right to have the child who is the subject of the hearing present, and to open the hearing to the public.

Each hearing must be conducted at a time and place which is reasonably convenient to the parents and child involved.

Administrative Appeal: Impartial Review

Any party aggrieved by the findings and decisions in the hearing may appeal to the Michigan Department of Education (MDE). If there is an appeal, the MDE shall conduct an impartial review of the hearing. The official conducting the review shall:

1. Examine the entire hearing record.

2. Ensure that the procedures at the hearing were consistent with the requirements of due process.
3. Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the hearing rights described above apply.
4. Afford the parties an opportunity for oral or written argument or both, at the discretion of the reviewing official.
5. Make an independent decision on completion of the review.
6. Give a copy of written or electronic findings of fact and the decision to the parties.
7. Conduct reviews involving oral arguments at a time and place which is reasonably convenient to the parents and child involved.

Civil Action

Any party aggrieved by the findings and decision made in an administrative review has the right to bring a civil action in federal court.

Child's Status During Proceedings

During the pendency of any administrative hearing or judicial proceeding, the child involved in the hearing must remain in his or her present educational placement, unless the public agency and the parents of the child agree otherwise.

If the hearing involves an application for initial admission to public school, the child with the consent of the parents,

shall be placed in the public school program until the completion of the proceedings.

Subsequent to a disciplinary action taken by the public agency, a parent may request a hearing to challenge an interim alternative educational setting. The child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the interim setting.

A court may award attorney's fees to the parent of a student with a disability who prevails in court or a due process hearing. The fees must be consistent with those for similar legal services in the community.

In hearings and in court, reimbursement of attorney's fees are prohibited if:

1. The district makes a written offer of settlement more than ten days before the proceeding begins; and
2. The offer is not accepted within ten days; and
3. The relief granted to the parent in a hearing or by the court is not more favorable than the offer of settlement.

If a court finds the parent was substantially justified in rejecting a settlement offer and the parent prevails in the hearing or court case, then attorney's fees may be awarded.

If a parent chooses to challenge a proposed change in placement (after the expiration of an interim alternative placement) the child shall remain in the current placement (the placement prior to the interim alternative educational setting). A child shall remain in this placement during the hearing process unless a hearing officer orders another placement.

Award Of Attorney Fees

The court may reduce attorney's fees if it finds that:

1. The parent has unreasonable delayed the final resolution of the controversy; or
2. The attorney's fees exceed the prevailing hourly rate in the community for similar services; or
3. The time spent and legal services furnished were excessive considering the nature of the case; or
4. The attorney representing the parent did not provide the district the appropriate information in a due process hearing.

The reduction of attorney's fees listed above do not apply if the court finds that the state or school district:

1. Unreasonable delayed the final resolution of the dispute; or
2. Otherwise violated the procedural safeguards of the parent.

Attorney's fees will not be awarded to the parent for any meeting of the IEP Team unless;

1. The meeting is directed by the court or by an administrative proceeding; or
2. At the discretion of the state, the meeting is for mediation conducted prior to the filing for a request for a due process hearing.

Discipline

Removals That Are Not A Change of Placement

School personnel may order a removal of a student with a disability just as it would for students who are not

After ten accumulated school days of removals in a school year, the school must provide services that allow the student to progress in the general curriculum, as well as advance in the goals of the IEP. The services are determined by the school personnel in consultation with the student's special education teacher.

Functional Assessment and Behavior Intervention Plan

Not later than ten business days after first removing the student for the 11th accumulated school day in a school year, the school must do the following:

1. If the local school district has not already conducted a functional behavioral assessment and

disabled, for not more than ten school days for violations of school rules. Additional separate removals are permissible for ten school days, or less in the same school year for incidents of misconduct as long as these removals do not constitute a change of placement.

Change of Placement

A change of placement occurs if a pattern of removals cumulate to more than ten school days in a school year. Factors in determining a pattern may include the length of each removal, the total amount of time removed, and the proximity of the removals to each other.

implemented a behavior implementation plan, the IEP Team shall meet to develop an assessment plan to address the problem behavior. The assessment plan shall be conducted as soon as practicable and presented at an IEP Team meeting to determine an appropriate behavior intervention plan to address the behavior.

2. If the student already has a behavioral intervention plan, the IEP Team shall meet to review the plan and modify it, as necessary, to address the problem behavior.
3. If the student is subject to further removals during the school year, the school shall contact the IEP team to determine if another IEP Team meeting is needed to review the plan. If any member of the

IEP Team requests a review, the IEP Team shall meet to review the behavior intervention plan.

General Change of Placement

For the purposes of this document, a general change of placement is:

1. A pattern of removals that are a change of placement as described above;
2. A single removal longer than ten consecutive school days (except for removals under Change of Placement: Drugs and Dangerous Weapons or Change of Placement: Other Dangerous Conditions)

For removals that are a general change in placement, all of the following must occur:

1. On the day on which the decision is made to remove the student, the parents shall be notified of the decision and of all procedural safeguards.
2. **Manifestation determination review:** Immediate, but no later than ten school days after the day on which the decision is made to remove the student, and IEP Team must meet to determine the relationship between the student's disability and the behavior subject to discipline. All relevant information must be considered including:

If the IEP Team determines that the behavior subject to discipline was not a manifestation of the disability, the

- a. Evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the student; and
- b. Observations of the student; and
- c. The student's IEP and placement.

It may be determined that the behavior was not a manifestation of the disability only if the IEP Team determines that all of the following are true:

1. in relation to the behavior subject to disciplinary action, the IEP and placement were appropriate, and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the IEP and placement; or
2. the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to discipline; or
3. the student's disability did not impair the ability of the student to control the behavior subject to discipline.

For a general change of placement, within ten business days for the day on which the decision is made to remove the student, the IEP Team must also develop or review, as appropriate, a behavior intervention plan. relevant disciplinary procedures applicable to students without disabilities may be applied in the same manner to the student, except that programs and/or services must be

continue as determined by the IEP Team. The programs and services shall allow the student to progress in the general curriculum and advance in the goals of the IEP. If the IEP Team determines that the behavior subject to discipline is a manifestation of the disability, then the removal is terminated and the IEP Team must take immediate steps to remedy any deficiencies in the IEP or placement found during the manifestation determination review.

If the student's parent disagrees with the determination that the student's behavior was not a manifestation of the disability, the parent may request an expedited hearing from the MDE. During the appeal, the student's placement is in the setting given in the last uncontested IEP.

Change of Placement: Drugs and Dangerous Weapons

A change in placement for a student with a disability to another educational setting may be made by school personnel for not more than 45 calendar days if the student possesses, uses, sells, or solicits illegal drugs, or possesses or carries a weapon to a school function.

An illegal drug means a controlled substance, but does not include a substance that is legally possessed by the student or used under the supervision of a licensed health-care professional.

A dangerous weapon is defined as 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 pocketknife with a blade of less than two and one-half inches in length.

For removals involving drugs or dangerous weapons, all of the following must occur:

1. On the day on which the decision is made to remove the student because of violations involving weapons or drugs, the parents shall be notified of the decision and of all procedural safeguards.
2. A manifestation determination review must be conducted.
3. The IEP Team must develop or review, as appropriate, a behavior intervention plan.
4. Programs and services and the interim alternative educational setting are subsequently determined by the IEP Team. The IEP Team must determine what programs/services or modifications are needed to maintain progress in the general curriculum, progress toward IEP goals, and help prevent the recurrence of the behavior subject to discipline.
5. If the behavior subject to discipline is not a manifestation of the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student with a disability, except for the continued services designed to maintain progress in the general

curriculum, progress toward IEP goals, and help prevent the recurrence of the behavior subject to discipline.

6. If the IEP Team determines that the behavior subject to discipline is a manifestation of the disability, the removal (up to 45 calendar days) may be completed. The IEP Team must take immediate steps to remedy any deficiencies in the IEP or placement found during the manifestation determination review. Programs and services must be provided to maintain progress in the general curriculum, progress toward IEP goals, and help prevent the recurrence of the behavior subject to discipline.
7. If the parent requests a hearing regarding disciplinary actions for drugs or weapons to challenge the interim alternative educational setting court decision. The parent and school may also agree to an extended interim placement.

Change of Placement: Other Dangerous Situations

In changes of placement not involving weapons or drugs, the student may be assigned to an interim alternative educational setting (not to exceed 45 calendar days) if either a hearing officer or court

and/or the manifestation determination, the student shall remain in the interim alternative educational setting for up to 45 calendar days as assigned.

8. At the end of the period of removal, the student returns to the placement in effect prior to the interim alternative setting. If the school proposes to change the student's placement after the expiration of the long-term removal for drugs or weapons, and if the parent appeals such a placement, the pendent placement during the appeal is the placement in effect prior to the interim alternative setting.

If school personnel maintain that is to dangerous for the student to return to the placement that was in effect prior to the interim alternative educational setting, the school may request an expedited hearing or seek a

1. Determines that the school has demonstrated substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or others; and
2. Considers the appropriateness of the current placement; and
3. Considers whether the school has made reasonable efforts to minimize the risk of harm in the current placement including the use of supplementary aids and services; and
4. Determines that a proposed educational placement will enable the student to maintain progress in the general curriculum, progress toward IEP goals, and

help prevent recurrence of the behavior subject to discipline.

In discipline procedures involving an order from a court or hearing officer, all of the following must occur:

1. On the day on which the decision is made to remove the student, the parents shall be notified of the decision and of all procedural safeguards.
2. A manifestation determination review must be conducted. Regardless of the outcome of that determination, the removal must be completed as ordered, and the IEP Team must take immediate steps to remedy deficiencies (if any) found in the IEP or placement during the manifestation determination review.
3. Within ten business days from the day on which the decision is made to remove the student, the IEP Team must develop or review, as appropriate, a behavior intervention plan.
4. Programs and services in the interim alternative educational setting are determined by a court or hearing officer in response to proposals by school personnel. The personnel must determine what programs and services or modifications are needed to maintain progress in the general curriculum, progress toward IEP goals, and to help prevent recurrence of the behavior subject to discipline.
5. At the end of the period of removal, the student returns to the placement in effect prior to the interim alternative setting.

Protections for Students Not Yet Eligible for Special Education and Related Services

A student who has not been determined to be eligible for special education and who has engaged in behavior subject to discipline procedures may assert any of the protections in these Procedural Safeguards if the school had knowledge that the student was a student with a disability before the disciplinary action occurred.

The school shall be deemed to have prior knowledge that the student is a student with a disability if:

1. The parent has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the student is in need of special education and related services.
2. The behavior or performance of the student demonstrates the need for these services in accordance with a disability as defined in the Rules.
3. The teacher of the student or other personnel of the school has expressed concern about the behavior or performance of the student to the director of special education or other personnel in accordance with the school's established Child Find or special education referral system.
4. The parent of the student has requested an evaluation for special education.

The school would not be deemed to have prior knowledge of a disability if, as a result of receiving information as listed immediately above, the school:

1. Conducted an evaluation; and
2. Found the student to be ineligible for special education; and
3. Provided notice to the parent of this determination.

If a request for an evaluation is made during the time period in which the student is subjected to disciplinary procedures:

1. The evaluation must be completed in an expedited manner.
2. Until the evaluation is completed, the student remains in the educational placement determine by school authorities, which may include removal and expulsion without educational services.
3. If the student is found to be a student with a disability, the school shall provide special education and related services.

If the school, according to the provisions of this section, does not have knowledge prior to taking disciplinary actions against the student, the student may be subject to the same disciplinary measures as applied to students without disabilities who engaged in comparable behaviors.

Students Enrolled In Private Schools

A local education agency may not be required to pay for the cost of education (including special education and related services) if:

1. The parents do not inform the IEP Team before removing their child from the public school that they are rejecting the proposed placement of the IEP Team;
2. If the parents do not make the student available for evaluation; or
3. The action is determined to be “unreasonable: by the judicial system.

The parents must inform the IEP Team, in writing, of their concerns and intent to enroll their child in a private school at public expense. The notice must be received by the public agency ten business days prior to the removal of the student and enrollment in a private school.

Transfer of Parental Rights at Age of Majority

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 shall provide notice to both the individual and the parents that all rights accorded to the parents transfer to the student. All rights accorded to parents transfer to students who are incarcerated in an adult or juvenile federal, state, or local correctional institution.

Surrogate Parents

Each public agency shall assign an individual to act as a surrogate parent to protect the education rights of a student when:

1. No parent can be identified.
2. The public agency, after reasonable efforts, cannot discover the whereabouts of a parent.
3. The student is a ward of the state under the laws of the state.

The method for determining whether a student needs a surrogate for the parent and for assigning a surrogate for the parent to a student is the responsibility of the public agency.

Public agencies appointing a surrogate parent to a student ensures that the person:

Access to Records

Each public agency shall permit parents to inspect and review all records relating to their child with respect to the identification, evaluation, and educational placement of the student, and the provision of a FAPE to the student, which are collected, maintained, or used by the agency under this part. The agency shall comply with a request without unnecessary delay and before any meeting regarding an IEP or hearing relating to the identification, evaluation, or placement of the student, and in no case

1. Has no interest that conflict with the interests of the student that he/she represents.
2. Has knowledge and skills to adequately represent the student as identified I the Michigan Special Education Plan.
3. Is not an employee of the public agency which is involved in the education or care of the student.
4. A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

The surrogate for the parent may represent the student in all matters relating to: the identification, evaluation, and educational placement of the student, and the provision of a FAPE to the student.

more than 45 days after the request has been made. Parents requesting records for use at an IEP Team meeting, hearing, or an appeal shall be given access to the requested records immediately.

The right to inspect and review educational records under this section includes:

1. The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records.

2. The right to have a representative of the parent inspect and review the records.
3. The right to request that the agency provide copies of the records containing the information, if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.

An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

If any educational record includes information on more than one student, the parents of each 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. Each agency shall provide parents, on request, a list of the types and locations of educational records collected, maintained, or used by the agency.

Fees for Searching, Retrieving, and Copying Records

A participating agency may not charge a fee to search for or to retrieve information from the student's educational record. An agency may charge a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

Record of Access

Each public agency shall keep a record of parties obtaining access to educational records collected or maintained, except access by parents and authorized employees of the participating agency. Records of access shall include the name of the party, date access was given, and the purpose for which the party is authorized to use the records.

Amendment of Records at Parent's Request

A parent who believes that information in educational records collected, maintained, or used is inaccurate or misleading, or violates the privacy or other rights of their child, may request the participating agency which maintains the information to amend the information.

The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of the request. If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal, and advise the parent of the right to a hearing under Rule 340.1868.

The agency shall, on request, provide an opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

If, as a result of the hearing, the agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other

rights of the student, it shall amend the information accordingly and so inform the parent in writing.

If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent of the right to place in the educational records maintained on the student, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency. Any explanation placed in the records of the student under this section must be maintained by the agency as part of the records of the student as long as the record or contested portion is maintained by the agency. If the records of the student or the contested portion are disclosed by the agency to any party, the explanation must also be disclosed to the party.

Complaints

A formal complaint is a specific written and signed allegation that there is an uncorrected violation, misinterpretation, or misapplication of the Rules, Public Act 291 of 1995, the IDEA, or the ISD's/public agency's special education plan. The violation must have occurred not more than one year prior to the date that the complaint is received unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior

to the date the complaint is received. Any citizen may file a complaint with the ISD or MDE.

Should the parent suspect a violation, the parent should contact the ISD's director of special education or the superintendent's designee. The person may attempt to resolve the concerns informally, but the parent must be told of his/her right to file a formal complaint. The parent must also be given a copy of the Rules dealing with complaints (Part * of the Rules), and a copy of the Complaint Procedures for Special Education. The complainant may request assistance in writing a formal complaint.

Rule of Construction

Nothing in this title shall be construed to restrict or limit the right, procedures, and remedies available under the Constitution, Americans with Disabilities Act of 1990, title V or the Rehabilitation Act of 1973, or other federal laws protecting the rights of students with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.