

Ann Arbor Parent Advisory Committee on Special Education

December 2015 Monthly Meeting Minutes

Tappan Media Center, 7-9pm

December 7, 2015

Present: AAPAC Board: Barb Byers, Mary Duerksen, Patricia Memmott, Andreea Dersidan
Parents

Next meeting: 1/11/2016, 6-7:30 pm, Tappan Middle School Media Center
Topics: Alternative Pathways to a Diploma panel
Pre-meeting: 5:00-5:50pm, Dr. Brown and her SISS staff will be available for private conversations with parents/guardians.

I. Welcome and Sign-In

Sharing Good News: A Haisley elementary parent shared her success at getting her IEP team to start a Peer-Peer mentoring program for her mainstreamed, non-ASD, student. She is teamed with trained 5th grade students at recess who act as social models for her. At Huron, a visually-impaired 10th grade student was mainly placed in classes with teachers who place all assignments into Google Docs, and now requires significantly less TA support.

II. Speaker

The Individuals with Disabilities Education Act (IDEA) & ADA: School Rights: Debra Chopp, University of Michigan Pediatric Advocacy Clinic Director, presented info on accommodations in 504 Plans, and Individualized Education Program (IEP) meeting rights including Least Restrictive Environment (LRE) and dispute resolution. She also answered parent questions. (No handouts.)

Notes from Debra Chopp's Presentation:

- **History:** There are two federal laws that protect students with disabilities in schools. Section 504 is an antidiscrimination law which uses a broad definition of disability and protects the rights of students with disabilities to have the same access to education. An example of a 504 Plan would be a student with diabetes who needs breaks during classes to check sugars and/or eat. IDEA (which provides for IEPs for student who meet more narrow criteria for disabilities) grew out of the civil rights movement, and was created because students with disabilities were being excluded from schools. It was most recently revised in 2004.
- **Costs:** Congress agreed to cover 40% of the costs of implementing IDEA, the reality though is that schools have never received more than 16% in federal funding. 504 Plan funding comes from general education budgets. This makes the majority of IEP costs fall on states/local schools, and increases the tension between parents and schools.
- **IEP Eligibility and Evaluation Process:**
 - **13 Categories:** IDEA defines 13 categories of disabilities that make students eligible for IEPs. Debra encouraged parents to look at these more opening the

- door to what the student needs vs. getting bogged down by which category is chosen for their child.
- **Requesting an Evaluation:** Schools have a “child find” obligation to identify and evaluate children, but parents can also make the request. Parents should submit their requests in writing, including a date and signature, keeping a copy as well. In MI, the timeline is 10 days from receipt to get a signed consent from parent to evaluate, and then 30 school days from the signed consent to conduct the evaluation and hold the IEP meeting.
 - **Evaluation Measures:** Consent form should include info on what tests will be done. Parents can refuse consent for specific tests and/or request specific tests. The IEP must include someone qualified to review results with parent.
 - **Present Levels of Academic Achievement and Functional Performance (PLAAFP):** This should be the most robust/descriptive part of the IEP, and include results of all evaluations. Unless a need is detailed in the PLAAFP, the student’s IEP won’t contain goals, services and supports that target that need.
 - **Review of Existing Evaluation Data (REED):** After a student has been found eligible for an IEP, they will be reviewed every 3 years to confirm they still meet eligibility criteria. A parent who wanted to ensure their child received psych testing at an upcoming REED was encouraged to file an IEE if the outcome of the REED didn’t include psych testing.
- **Dispute Resolution Options:**
- **Independent Educational Evaluations (IEE):** If a parent disagrees with the school’s evaluation, they can file a written request for a IEE, where an outside professional evaluates the student. School districts typically won’t refuse to pay for an IEE because it is cheaper than going to a hearing to dispute allowing the IEE. There will be likely be some debate about what is a reasonable cost for the IEE. And there may still be disagreement between the school and parent about what to do with the IEE results. Schools must provide a Free and Appropriate Public Education (FAPE) which provides “some benefit.”
 - **Mediation:** The school district will pay for a mediator (AAPS uses Dispute Resolution Center) to attend IEP meetings if a parent requests one. They are trained in conflict resolution, however, not special education law specifically. More info is available at: <http://msemp.cenmi.org/>
 - **Bringing an Advocate or Lawyer to Meetings:** Having a third party does help defuse tensions between parties. If a parent hires a lawyer, the school district lawyer will also attend the meeting. Be aware that the title of “special education advocate” does not require any specific credentials.
 - **Michigan Department of Education Complaint:** If a parent thinks their school is not in compliance with IDEA (or MARSE, Michigan’s special education law), they can file a request for a state investigation. Debra indicated these are good for simple issues like not receiving OT as stated in IEP. The state has 60 days to investigate and propose a resolution. This is free, and parents can file these independently by filling out a form. These are often not filed though as some parents fear retaliation for filing. Resolutions may include compensatory services.
 - **Office of Civil Rights (OCR) Complaint:** If there is evidence that the district has discriminated against the student with a disability, the parents can file a complaint with the federal OCR office (in Cleveland for MI complaints.) A parent in the audience also reported getting a phone consult with their staff by calling with a question about a potential discrimination situation in their school.
 - **Due Process:** Court hearings will be the most expensive resolution, as there aren’t enough lawyers in the state willing to take special education cases for free/low-cost. Deb’s law center at UM serves low-income families only, mainly via referral from UM doctors and social workers that she educates in special education concerns.

- **Questions/Answers:**
 - **Anxiety/Emotional Needs:** Several parents whose children hold it together at school academically and behaviorally but exhibit anxiety, depression, school refusal, and other mental health issues at home expressed their frustrations with getting the schools to support their children more at school through 504 Plan and/or IEP services. Debra encouraged them to gather documentation such letters/reports from therapists, having therapists attend meetings via phone or in-person, and keeping data on missed school days.
 - **Least Restrictive Environment:** A parent with a placement issue shared that the AAPS teacher contract allows general education teachers to call a IEP meeting if they perceive the student should be a more restrictive environment, or another general education classroom.
 - **Whether Schools Must Provide Evaluation Reports to Parents Prior to a Meeting:** Per a follow-up email from Deb, after the meeting, the federal regulations to the IDEA provide that schools "must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP . . ." (34 CFR 300.613(a)). Thus if a parent requests the evaluation results regarding his/her child, a school must give the parent a copy prior to an IEP meeting. The statute does not specify how far in advance of the meeting, but simply states that it should happen "without necessary delay." The wrightslaw website has useful information on this question: <http://www.wrightslaw.com/blog/?p=67>
 - **Whether Accommodations for Students with Disabilities Apply to Extracurricular Activities:** Deb followed up via email, that indeed they do. The regulations to the IDEA specifically address equal opportunities for participation in extra-curricular activities (34 CFR 300.107). Accommodations can be listed in a child's IEP. Students who have 504 plans and not IEPs should also be given an opportunity to participate in extra-curricular activities. The Office for Civil Rights clarified this obligation a few years ago: <http://www.ed.gov/news/press-releases/us-department-education-clarifies-schools-obligation-provide-equal-opportunity-s>
- **Recommended Resources:**
 - For federal laws: Wrightslaw website and/or books: <http://wrightslaw.com/>
 - For state laws: Michigan Protection & Advocacy Service's "Special Education: An Advocate's Manual": <http://mpas.org/resources/special-education-manual>

(The other scheduled speaker, Carolyn Grawi from AACIL, was unable to attend at last minute. Reports were omitted due to lack of time.)