



Oakland Schools Parents'
Frequently Asked Questions About
Special Education

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Parent Advisory Committee (PAC)

1. What is the Oakland Schools Parent Advisory Committee (PAC)?
2. How does a parent get on the PAC?
3. Are the PAC meetings open to the public?

Evaluation

4. What do parents do when they suspect their child has a disability?
5. Are grades a factor in considering eligibility for Special Education services? What else is considered?
6. Can a school district determine a child is not eligible for Special Education services when the child has been diagnosed by a doctor?
7. Can a parent request a second evaluation at district expense?
8. Must parent-paid private evaluations be considered by an IEP team?
9. Does a district have to honor outside opinions and suggestions, especially if it comes from the doctor?

IEP Meeting

10. Can the district hold an IEP team meeting without the parent in attendance?
11. Can the district implement an unsigned IEP?
12. Is the parent voice as important as other members of the IEP team?
13. May a parent bring someone to their child's IEP team meeting?
14. How does a district determine educational placement?
15. Can IEP team meetings be taped?
16. What is the Present Level Statement and why is it important?
17. Can parents request to review the Present Level Statement prior to the IEP?
18. Can parents provide a report to the IEP Team for consideration in the development of the Present Level Statement?

Accommodations

19. What factors does the district consider when assigning a one-to-one paraprofessional?
20. Are there limitations to the accommodations that a student can receive?
21. What is the difference between an accommodation and a modification?
22. How are assistive technology services accessed?
23. Who provides assistive technology equipment and support?
24. Can an extra set of books be requested for use at home?

District Accountability

25. What is the general education and Special Education staff responsibility for a student achieving goals and objectives; is a district accountable for student progress and goal attainment?
26. What is a "Caseload" teacher?

Other

27. What is a 504 Plan?
28. What is the process for resolving a parent and district dispute?
29. What community resources are available for families who need modifications to their homes?
30. Can a student with an IEP be suspended or expelled?

Oakland Schools

Parents' Frequently Asked Questions

About Special Education

Parent Advisory Committee

1. What is the Oakland Schools Parent Advisory Committee (PAC)?

Oakland County's PAC is made up of volunteer representatives from each school district/public school academy within Oakland County.

PAC members:

- Participate in the development and review of the Oakland Schools County Plan for Delivery of Special Education Programs and Services
- Provide advisory input on matters regarding improvement of Special Education services within the Intermediate School District (ISD)
- Attend and participate at scheduled meetings
- Disseminate information and share ideas with the members, the ISD and their local school districts
- Provide families opportunities to be informed of Special Education processes
- Mentor new PAC members
- Encourage effective partnerships between families and schools

For more information on Oakland County's PAC go to:

<http://www.oakland.k12.mi.us/Departments/SpecialEducation/ParentAdvisoryCommittee/OaklandSchoolsPAC/tabid/931/Default.aspx>

2. How does a parent get on the PAC?

All parent representatives must have a child or children with an IEP who are currently receiving Special Education services. A representative must first be appointed by their local district/PSA school board and then by the Oakland Schools Board of Education. Contact your local director of Special Education to learn more about the opportunities available.

3. Are the PAC meetings open to the public?

Yes. The regular monthly meetings are held during the school year at Oakland Schools and are open to the public. The standard meeting format includes the opportunity for public comment. Oakland Schools is located at 2111 Pontiac Lake Road, Waterford, MI, 48328.

Evaluation

4. What do parents do when they suspect their child has a disability?

When parents suspect that their child has a disability, it may be helpful to contact the student's teacher to review their concerns and learn what resources the district has to support the student's learning.

School buildings often have in place “child study teams” or “student assistance teams”. The teacher presents the student’s learning and/or behavior concerns to the building team for suggestions on strategies and interventions.

If those interventions are not successful and the student’s learning and/or behavior are significantly different from same-aged peers, the parents or the teacher may make a referral for an evaluation for eligibility for Special Education services.

A parent starts the referral process by making a written request to the school administrator and Special Education staff asking that their child be evaluated for Special Education services due to specific concerns.

Within ten (10) school days of receiving the request, the district will contact the parent to review their concerns, make a plan for an evaluation and request their consent to evaluate their child.

5. Are grades a factor in considering eligibility for Special Education services? What else is considered?

Yes. In all cases, the student’s ability and achievement level are considered. The IEP Team would consider grades as one source of the multiple sources of data in their review.

In order to be eligible for Special Education services, the evaluation would need to show evidence of the suspected disability being an educational handicapping condition that requires specialized instruction beyond what could reasonably be delivered through general education. The IEP Team would assure that the suspected disability adversely affected the student’s educational performance and was not due to lack of instruction in reading, math or limited English proficiency.

Michigan has thirteen areas of eligibility for Special Education services (e.g., speech & language impaired, specific learning disability, emotional impairment, cognitive impairment) and each has some factors for consideration specifically related to the type of suspected disability. The federal regulations requires each district to draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, as well as information regarding a child’s physical condition, social or cultural background, and adaptive behavior. Grades are a factor; however, grades are only one factor among many others under consideration by the IEP Team.

6. Can a school district determine a child is not eligible for Special Education services when the child has been diagnosed by a doctor?

Yes. A doctor (e.g., family physician, psychiatrist, psychologist or neurologist) can make a diagnosis identifying a medical condition that is not an educational handicapping condition. For example, the medical condition may be managed without school intervention and does not interfere with the student’s ability to be successful in school.

Examples:

- a. A doctor may diagnose Attention Deficit Hyperactivity Disorder (ADHD); however, the diagnosis by itself is insufficient for meeting the criteria for Special Education services under Otherwise Health Impaired (OHI).

- b. A student may have juvenile diabetes; however, the medical condition is managed through medication and diet with school intervention. Also, the medical condition does not interfere with the student's ability to be successful in school.
- c. A student may have been diagnosed with Pervasive Developmental Disorder (PDD) by a physician; however, the student is achieving with the expected range for his age, is participating in extracurricular activities, is completing schoolwork and passing tests.

The student has a mild issue with maintaining a preferred order in his school locker and work areas in classrooms, specific food preferences for lunch and some insistence in following routines and procedures. The student is engaging in conversation with peers and adults and is well known to the student body for his knowledge of sports facts.

The student has been provided accommodations in general education classes that meet his needs and does not require Special Education. In this case, the student has a medical diagnosis; however the student does not have an educational handicapping condition.

7. Can a parent request a second evaluation at district expense?

Yes. When the district has completed an evaluation, the results are reported to the IEP Team. A parent may believe that the results do not accurately reflect their child's abilities. In that situation, the parent may review the test results in more detail with the examiner. If the parent still thinks that the test results are different from how they see their child, the parent may request in writing to have a second evaluation. The retesting of the student by another examiner may be accomplished by a different staff person (e.g., a different speech and language therapist in the district).

A more formal process is for the parent to exercise their right to an independent educational evaluation (IEE). The retesting of the student may be done through an IEE at no cost to the parent. Parents may request an IEE whenever they disagree with an evaluation completed by the district. If the IEE is to be completed at district expense, the district will provide information regarding the criteria for credentials of qualified examiners, suggested sources and locations, procedures for reimbursement, reasonable expected costs and notification that the parent is not restricted to using the sources for an evaluation recommended by the district.

The IEE process begins by the parent making a written request stating their disagreement with the district's evaluation and asking for an IEE. There are other restrictions and requirements for an IEE that are explained in the Parent Handbook and Procedural Safeguards available from your district's Special Education office.

8. Must parent-paid private evaluations be considered by an IEP team?

If a parent chooses to share a parent-paid private evaluation with the IEP Team, the IEP Team must consider the results. The information is valuable parent input to the IEP team. If a parent chooses to share the report, it is best practice to provide the information before the IEPT meeting. This will allow the IEP Team members time to consider the information in preparation for the team meeting.

9. Does a district have to honor outside opinions and suggestions, especially if it comes from the doctor?

As discussed in the above questions, at the next IEP Team meeting, the district will accept input from the parent and that may include medical reports, private therapist reports or input from other agencies. The IEP Team will consider input from sources outside of the district. The information contributes a perspective for the IEP Team in their development of the student's IEP. This information will be reviewed for its relevance to the student's needs in an educational setting.

IEP Meeting

10. Can the district hold an IEP team meeting without the parent in attendance?

Yes. The requirement is for the district to appoint (invite) a team of qualified individuals to attend the IEP team meeting. The district must arrange for this meeting at a mutually convenient time and place. If neither parent can attend and other creative means to ensure participation are exhausted (such as video conferences or conference calls), the district has the authority to hold the meeting.

An IEP team meeting may be conducted without the parent in attendance if reasonable efforts to include them have been documented.

The rules governing Special Education require the IEP team meeting to proceed on behalf of the student in order to assure their protection and right to a free appropriate public education (FAPE).

11. Can the district implement an unsigned IEP?

There are two different responses to this question depending on the purpose of the IEP team meeting.

If it is an initial IEP, the answer is no. A district does not have the authority to implement an initial IEP without parent consent (signature). A parent signature is required for an initial IEP to be implemented.

If it is not an initial IEP (i.e., Review/Revise IEP, Reevaluation, Other), the answer is yes. Once a student is eligible for Special Education services and has an IEP, the district is required to offer a free appropriate public education (FAPE) which is done through the IEP. It is important to understand that a parent signature is not required once the initial IEPT Report has been signed.

12. Is the parent voice as important as other members of the IEP team?

Yes. There are three references to this in rule and regulation.

1. The obligation of the public agency (district) to ensure that the IEP team for each student with a disability includes the parent(s)
2. The district requirement to *consider* parent input

3. The provision of *prior notice* where a district must provide a parent with a copy of the IEP before initiating or changing the identification, evaluation, educational placement or the provision of FAPE

The parent voice is heard throughout the IEP process by attending, participating and signing on the commitment page.

13. May a parent bring someone to their child's IEP team meeting?

Yes. It is permissible for a parent to invite other individuals who have knowledge or special expertise regarding the student to an IEP team meeting.

A parent may choose to bring someone to act as a support to them in the meeting. It is recommended that all participants of an IEP team meeting be made known to both parents and the district prior to the meeting.

14. How does a district determine educational placement?

Educational placement is made based on considering the least restrictive environment for the student. Identifying the least restrictive environment is made based on the student's needs and occurs through discussion of the IEP team. Parents as IEP Team members contribute to the discussion. Factors that contribute to an educational placement decision include the academic, developmental and functional needs of the student.

Placement is a need-based decision not a disability-based decision. For example, a student with an eligibility of Autism Spectrum Disorder (ASD) may have their educational needs met in a variety of settings such as, general education classroom, resource room or classroom for students with ASD. The needs of the student determine the educational setting.

15. Can IEP team meetings be taped?

Yes, as long as the district and parents both give permission. It is important to note that taping without mutual consent (district and parent), would be a violation of the rights and privacy of participants.

16. What is the Present Level Statement and why is it important?

The Present Level Statement is known as the Present Level of Academic Achievement and Functional Performance (PLAAFP). This is the section where student needs are identified. The Team then works to meet those needs through goals and objectives, supplementary aids and services, programs and services, or transition services and activities.

A PLAAFP includes 4 components:

1. Identified area(s) of need (e.g., math calculation, reading fluency, self-care, behavior, speech articulation)
2. Baseline data
3. Narrative summary of the baseline data in understandable terms
4. Description of the disability's impact on the student's involvement and progress in the general education curriculum

17. Can parents request to review the present level statement prior to the IEP?

Yes, if designated as a DRAFT. The present level statement is the basis of all other considerations in the IEP process; therefore, team development is critical and required. It is important to maintain the integrity of the IEP process as a written agreement for each student with a disability that is developed, reviewed and revised in a meeting.

18. Can parents provide a report to the IEP Team for consideration in the development of the present level statement?

Yes, a written report provided by the parent at the time of the IEP team meeting would constitute input. As a team member, a parent may provide a report describing their child's needs. The information will be considered by the IEP Team.

Keep in mind that any written report becomes a part of the child's educational record.

Accommodations

19. What factors does the district consider when assigning a one-to-one paraprofessional?

The IEP Team has the responsibility to identify specific and individualized student needs and generate multiple and workable options for meeting those needs, some of which may require extra and temporary paraprofessional assistance.

There may be rare circumstances in which educational needs as determined by the IEP Team necessitate some level of paraprofessional staff support beyond what the Michigan rules provide. The goal of utilizing paraprofessional staff is to support the student toward greater independence while teaching the student new routines and utilizing environmental supports.

In Michigan, paraprofessional staff are described in the Michigan Revised Administrative Rules for Special Education. By rule, programs for students with

- Cognitive Impairment (R 340.1738-1740)
- Severe Multiple Impairment (R 340.1748)
- Early Childhood Developmental Delay (R 340.1754)
- Autism Spectrum Disorder (R 340.1758)

include mandated student/instructional aide ratio. One factor to consider is the current student to staff ratio.

There is a caution in using paraprofessional services in a one-to-one capacity. Risks related to 1-to-1 paraprofessional support include:

- Dependence on adults
- Separation from classmates
- Loss of personal control
- Gender sensitive self-care issues
- Negative impact on teacher/student relationship

Some of the other factors an IEP Team considers includes: assistance needed to support learning for academics and functional skills, self-care needs, communication needs, health-

related needs, behavior needs, and needs related to safety concerns.

20. Are there limitations to the accommodations that a student can receive?

Accommodations are limited to the extent that the student has genuine needs for support. “Supplemental aids, services and personnel supports” is the section in the IEP where the team discusses the need for accommodations. The accommodations are based on research to the extent practicable and are provided in general education classes or other education-related settings to enable students with disabilities to be educated with students without disabilities. These supplemental aids, services and supports may include peer tutoring, interpreters, and paraprofessional staff.

Examples of accommodations include: use of calculators, digitally recorded books, notes, note-taking, tape recorders and other technology devices and services. These aids may be provided either through general education or Special Education. A specific listing of any and all accommodations does not exist.

21. What is the difference between an accommodation and a modification?

Accommodations are supports to the student that assist learning the general education curriculum. Accommodations do not change the content of what is being taught. Accommodations change “how” something is taught to the student and how the student demonstrates understanding of what is taught.

Modifications are changes to the content of the general education curriculum. When course content is modified, the student is not on track for a high school diploma. A modification in the content for required courses results in the student earning a certificate of completion.

22. How are assistive technology services accessed?

“The need for assistive technology devices or services” is one of the 11 factors that the IEP Team discusses in order to provide a Free and Appropriate Public Education (FAPE). In discussing this factor, the team may conclude a need for an assessment of the student’s need for assistive technology. The IEP Team considers the unique needs of the student regarding assistive technology and then determines how to address those needs. For instance, there may be technology devices from low tech (e.g., adaptive pencil grip) to high tech (communication device) that would be recommended through the “supplemental aids, services and personnel supports.”

There may be an IEP recommendation or a written parent request for an assistive technology evaluation. Evaluation is the responsibility of the local district.

23. Who provides assistive technology equipment and support?

Local districts may provide service and equipment through district staff, contracted staff or by referring to the ISD. Sometimes the assistive technology equipment is on loan from the ISD, and district staff is trained to work with the equipment, the family and the student. It may be necessary to change equipment due to technological advances or due to changes in student skills. An ongoing collaborative relationship in the IEP process helps all staff, family members and students stay current on the student’s needs for assistive technology.

24. Can an extra set of books be requested for use at home?

Yes, through the IEP Team discussion in the “supplemental aids, services and personnel supports” the request for an extra set of books can be reviewed. The team discussion may reveal other options that all may agree with or may determine which specific books need to be available to the student at home. If the team decides that an extra set of books is required, it will be written in this section of the IEP Team Report.

District Accountability

25. What is the general education and Special Education staff responsibility for a student achieving goals and objectives; is a district accountable for student progress and goal attainment?

The general education teachers and Special Education staff provide access to instruction as identified in supplementary aides, services and personnel supports, goals and objectives, and transition services and activities of the IEP. Teachers have the responsibility to identify the interventions that support goal attainment and to report on student progress.

Reports are required which describe the student’s progress toward meeting their annual goals; however, goal achievement is not guaranteed.

26. What is a “Caseload” teacher?

A caseload teacher serves as the teacher of record assigned to a student at the building level. The caseload teacher is responsible for overseeing the students’ instruction, performance and progress reporting.

Caseload also refers to the number of students a teacher may be responsible for as determined by Michigan Administrative Rules for Special Education under program or personnel rules. Michigan Administrative Rules are available in the folder of Laws, Regulations and Rules at: <http://www.oakland.k12.mi.us/Services/SpecialEducation/Services/ComplianceSupportServices/tabid/341/Default.aspx>

Other

27. What is a 504 Plan?

“504 plan” refers to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act which specifies that no one with a disability can be excluded from participating in federally funded programs or activities including elementary, secondary or postsecondary schooling.

A student who has a physical or mental impairment which substantially limits one or more major life activities may need a written plan developed by a team that outlines necessary accommodations such as extended time for testing or access to a glucometer. It is a general education plan.

28. What is the process for resolving a parent and district dispute?

There are several options a parent and a district have when facing disagreement. These options may be either informal or formal dispute resolution.

Informal dispute resolution includes options such as:

- Actively checking for common understanding of the issue
- Requesting an IEPT meeting
- Adjourning a meeting
- Requesting additional information
- Inviting others who have special knowledge/expertise
- Requesting an IEP facilitator

Formal dispute resolution includes options such as:

- Mediation
- State Complaint
- Due Process Hearing Complaint
- Court of competent jurisdiction

For specific direction on how to access these options, refer to the procedural safeguards provided by your local district.

The Procedural Safeguards provided by your local district explains dispute resolution. Crucial to any process is maintaining open communication for student-centered outcomes. For more information regarding informal dispute resolution, go to:

<http://www.oakland.k12.mi.us/Portals/0/SpecialEd/Oakland%20County%20Parents%20guide%20for%20disput%20resolution.pdf>

29. What community resources are available for families who need modifications to their homes?

Modifications to homes, while important, do not fall within the responsibility of public education. Resources may be available through community agencies or social service organizations. For resources available in your area, consult your district parent handbook.

30. Can a student with an IEP be suspended or expelled?

Yes. Students with disabilities can be suspended or expelled as all students are responsible to follow the student code of conduct. Removals from school are considered a change in placement for students with IEPs when they exceed 10 school days. Ten school days occur in two ways: 10 consecutive school days or a total of 10 school days that constitute a pattern of removals.

Before the 11th day of suspension or expulsion, a student with an IEP must have a manifestation determination review (MDR). A team determines whether the behavior is a result of the student's disability during an MDR meeting. This meeting is recorded on a form which directs the process. The outcome of an MDR is an IEP team meeting. If the student's behavior was not a result of a disability, the school's code of conduct is applied.

In the IEP Team meeting, the members determine what Special Education services will be provided while the student is suspended or expelled.

The team may decide that the behavior was a manifestation of the student's disability. If so, they will review and revise the IEP in response to identified student needs.

For more information on manifestation determination review go to:

http://www.oakland.k12.mi.us/portals/0/SpecialEd/eLibrary/Discipline/Focus_on_Results_Expulsion_9-04.pdf