

The Arc Michigan Education Committee
Meeting Minutes
Nov. 7, 2024

The meeting came to order at 10:03 am via Zoom.

Present: Kelsey Biswanger, Michelle Driscoll, Kim Faiman, Hayley Cason Grobbel, Emily Henderson, Lynn Kovalik, Sue Lind, Katherine Mills, Margarita Rodriguez-Curry, Debbie Whitford

Approval of Meeting Minutes: October meeting minutes were sent via email for members to review.

Governmental Affairs/Legislative Update:

Emily Henderson, Governmental Affairs Consultant and Lobbyist for Arc Michigan with McCall Hamilton.

Michigan is still waiting for election results for the state level. The senate is split 19/19, with Lt. Governor making the tie-breaking vote. The house is split 58/52, with republicans taking control. Governor Whitmer is still in office. There is a vacant senate seat until the special election next year.

There is optimism that some smaller things may get done; items that don't follow political lines. The house and senate need to work together. There probably won't be any big ticket items done. There are some calls from progressive democrats to change rules to the caucus. Different parts of the party cannot come together. We will learn more in the weeks ahead about what priorities are and what bills will be taken on. Funding needs to be in the budget for the 2026 school year.

Dyslexia Bills (Reading For All law): Governor Whitmer signed SD 567 and SB 568 into law. Reading assessments in place. MDE has to approve and validate assessment by Jan 2026. MDE requirement to create reading program and plans for schools to implement. Concerns for costs of screenings and hiring Literacy Coach, MDE would require more funding.

[Summary as Reported from House Committee \(9/25/2024\)](#)
[Michigan 2024 Election Results](#)

SEAC Report Summary:

Kelsey Biswanger, Michigan Alliance for Families SEAC Alt Representative

Summary of MDE OSE Help Line from July 1 to October 31, 2024. 954 contacts, 464 parents, 348 school personnel, 59 other, 25 advocate/attorney, 11 government, and 3 MAF. Most common questions: special education eligibility, complaint info, child find (3-5), placement, IEP implementation.

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Summary of Due Process cases from July 1 to October 2024. There were 27 Due Process complaints filed: 17 standards, 10 expedited, 10 dismissed, 4 withdrawn, 2 final decision and order and 11 pending. MDE noted that there was an increase in expedited (discipline related) cases earlier in the school year than in the past.

Review of recent Due Process case where it was suggested to have increased technical assistance on school avoidance, what "considering" an IEE entails, and MTSS for mental health

SEAC's Three Priorities for 2024/25:

Priority 1: SEAC will provide ongoing feedback and input about the MDE OSE cohort model for FAPE in the LRE Capacity Building activities as part of monitoring ISDs over a six-year cycle.

Priority 2: Further the knowledge and broaden the understanding of SEAC members regarding virtual schools and virtual programming for fully supporting students in their least restrictive environment (LRE) in a virtual setting.

Priority 3: Remaining aligned with the ESSA 1% CAP requirements, SEAC members will concentrate on the development of recommendations regarding the Michigan Department of Education State Plan to increase the participation of students with disabilities in statewide assessments and ensure only those students with the most significant disabilities are participating in the alternate state assessment.

Shared the State Performance Plan/Annual Performance Report Part B:

[State Performance Plan/Annual Performance Report \(SPP/APR\) Part B.pdf - Google Drive](#)

Detroit OCR Presentation Summary:

Hayley Cason Grobbel, Michigan Alliance for Families Regional Parent Mentor

OCR Presentation, October 24 in Detroit hosted by Michigan Parent, Advocate & Attorney Coalition <https://mipaac.org/>

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The presentation by the Office for Civil Rights was led by Michael Todd, Senior Regional Director for OCR in our division. He reiterated many times throughout that they are “always open” and committed to being available. If anyone reaches out to

the office, they will assist with filing the complaints. (216) 522-2677 direct line to Michael Todd, Michael.todd@ed.gov

We discussed the overlap and differences between IDEA and 504. A lot of terminology crosses between the two, but there are differences in meaning – FAPE, MDR, Procedural Safeguards, LRE, etc.

For a 504, they need to consider whether student has physical or mental impairment that substantially limits one or more major life activities – they said this is intentionally vague to allow a lot of flexibility. There are three times to evaluate or re-evaluate for 504: before child’s initial

placement, if a parent requests evaluation or has concerns, or if there is a significant change in grades or behavior (this should be initiated by the school).

If a student is new to a school/district and there are issues with services/protections during the initial 30 days (IEP evaluation), an OCR complaint should be formed. A student is still eligible for 504 services regardless of whether they have a 504 plan or not, as the school must still abide by Section 504. School should provide compensatory services to make up for the time student missed out on accessing the curriculum during that waiting period. Parents can request 504 plan and IEP at the same time to ensure there are accommodations in place in a new school while waiting for IEP, but they should still hold the school to the IEP evaluation timeline.

There is no standard timeline for Section 504 evaluations. Districts should typically follow the same timelines with IDEA, BUT time frame should meet that disability need (for example: allergies/need for access to EpiPen should be addressed within 1-2 days, not 30 school days). He reiterated that their goal is to be “prompt and equitable.”

There is no guidance for how often 504 should be revised other than “periodically,” before a change in placement, or if there is reason to believe a student’s educational needs are not being met or a behavioral intervention is necessary. Sometimes, it may need to be adjusted 2-3x/year. For other students, they may not need it updated their entire school career.

For complaints: shortest resolutions are around 30 days, or faster if they go through mediation and resolve issues. Typically, it is a 180-day timeline. He did admit that it’s a troublesome timeline – last year, there were 26 staff members, and 1200 complaints filed. They now have six additional staff.

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The most common complaint concerns in past years have been making decisions unilaterally instead of by a team, making decisions not based on evaluation information or child's needs, Failing to implement IEP or 504 plan, not affording parents procedural safeguards, and discrimination due to disability – this can be anything, not just related to FAPE. If district 504 coordinators are not assisting with concerns, or supporting noncompliance overall, go to ISD 504 compliance, report to OCR. He discussed that the special education director can also be the 504 coordinator in the state of Michigan. This varies from state to state and is generally not accepted as best practice.

MDR must still happen for students served by Section 504 plans, but the process is different. The same two questions are answered as per IDEA, but there is no timeline. The goal is still to act promptly and equitably.

Update on MDE OCR complaint – MDE has continued to file motions to dismiss, as of now they are waiting for an ALJ to make the final decision. This could be done “any minute now.”

Development of new Position Statements:

This is the link to the **DRAFT** [The Arc Michigan Position Statement on Child Find](#)
Please continue to add your comments and review information in the position statement document. We will finalize the position statement in December.

Additional Business:

[Michigan Department of Education Memorandum](#)

K-12 Literacy and Dyslexia Laws (Public Act 146 and Public Act 147)
Implementation in conjunction with Section 35m Committee for Literacy Achievement (Public Act 120)

Discussion of what will look different if the Department of Education is dismantled under the new administration. IDEA is federal civil rights law, as well as Section 504 of the Rehabilitation Act of 1973 and Michigan Administrative Rules for Special Education are all in place.

Michelle has spoken with MDE OSE about issues with state complaints that we are hearing from parents and advocates. OSE stated that allegations could not be investigated even when facts were all provided, and they met the criteria to be investigated. Michelle sent requests to Michigan Alliance for Families staff and contracted advocates to send specific examples of state complaints that were filed, with allegations that OSE said they could not investigate. Michelle will be following up with OSE once the data is gathered. May be an issue that can be addressed through training with investigators.

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Discussion about the reauthorization of IDEA. By law, congress must reauthorize the IDEA every 5 years. IDEA does not have a specified time frame. The last reauthorization was in 2004.

The next meeting is Thursday, December 5th from 10:00am-11:30am

Upcoming Monthly Meeting Dates:

12/5/2024
1/9/2025**
2/6/2025
3/6/2025
NO APRIL MEETING
5/1/2025
6/5/2025
AUGUST 2025 TBD
(*2nd Thursday)

Join Zoom Meeting

<https://us02web.zoom.us/j/89082807363?pwd=LZTrSO1lhabmGKEs1isEKxndCxx8Fa.1>

Meeting ID: 890 8280 7363

Passcode: 299054

Adjournment: 11:38am

Respectfully Submitted,

Michelle Driscoll for Debbie Whitford