

**The Arc Michigan Education Committee**  
**Meeting Minutes**  
**December 5, 2024**

The meeting came to order at 10:05 am via Zoom.

**Present:** Kelsey Biswanger, Michelle Driscoll, Kim Faiman, Hayley Cason Grobbel, Tina Miller, Katherine Mills, Darlene Heard-Thomas, Debbie Whitford

**Approval of Meeting Minutes:** October and November Meeting Minutes were approved with no changes.

**Governmental Affairs/Legislative Update:**

*Michelle Driscoll shared legislative update from Emily Henderson, Governmental Affairs Consultant and Lobbyist for Arc Michigan with McCall Hamilton.*

The House Democrats are still struggling with attendance amongst members, causing a headache for legislators and stakeholders who are hoping to get legislation done before the end of the year. This week, committees are meeting, and we expect this to be the last big week of committee work as the House and Senate will work on any final bills the next two weeks (if they stay in Lansing that long).

For the most part, committees are jamming bills through to get them to the floor for further consideration – many bills are incomplete and are still being worked on, so their future is up in the air. Unfortunately, I do expect many bills to move through the process without stakeholder feedback being adopted due to time constraints/politics. Some legislation of interest includes:

1. School Safety – the House Education committee approved the school safety package with substitutes (some passed unanimously, some saw Republicans passing on a vote), which includes [HB 4095](#), [HB 4096](#), [HB 5549](#), [HB 5659](#), [HB 5660](#).

Hayley commented that one Intermediate School District (ISD) in her area opposes the stop-arm camera, which is a device that records video or photos of drivers who illegally pass a stopped school bus. The opposition from the ISD is due to the bill requiring the use of a specific vendor.

Sign up here to receive the [Arc MI Governmental Affairs Newsletter](#)

**SEAC Report Summary:**

*Kelsey Biswanger, Michigan Alliance for Families SEAC Alt Representative*

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LEGISLATIVE UPDATE - Olivia Ponte, MDE Legislative Analyst

- House Bill, 5450 and 5451 Safe Homes, Safe Schools bills would require DHHS to make a notice about the new gun safety the storage bill, the storage laws that had just become law February of this year, and then MDE would distribute that to schools to give to their students and parents so that they're informed of the law.
- House Bill 4027, this would require MDE to create a purple star program for military families and students who are part of those families.
- House Bill, 5735 is a cleanup for the Michigan Merit curriculum law
- House Bill 5174 would encourage schools to participate in an hour long presentation to ninth graders about organ donation, not requiring it would just make it optional, but it would require MDE to work with gift of life Michigan to make the materials needed for that presentation available.
- House Bill 4095 and 4096 would require response terminology and making sure that everyone is using the same words, in an emergency situation.
- House Bill 5549 would require schools to create behavioral threat assessment management teams.
- House Bill, 5741, is on tourniquet training in schools.
- House Bill, 6034 and 6035 are the freedom to read bills and would require libraries to have a selection process and a process for the removal of books from their shelves.

LRE IN VIRTUAL LEARNING - Jamie Swiger, Statewide Monitor for the Performance Reporting Unit (OSE)

- Virtual Educational Settings:
  - Full-Time Virtual (FTV)
  - Face-to-Face Virtual (FFV)
  - Supplemental Virtual (Sup Virt)
- Modes of Delivery:
  - Synchronous: real time
  - Asynchronous: access to fully virtual on-demand instruction, students access/progress at their own pace
  - Blended: provided face-to-face instruction, in part at a supervised facility away from home and in part online.
  - Hybrid: Combine online/in person learning simultaneously
  - Distance Learning: provided via two way communication between the teacher of record and a group of students over a computer, even though the teacher might be in a different location
- All legal requirements of IDEA and MARSE apply to virtual programs
  - Dear Colleague Letter in 2016
- History:
  - 2000 Michigan Virtual School opens
  - 2006 Public Acts 123/124 Michigan Merit Curriculum
  - 2008 Michigan's Superintendent of Public Instruction implemented a process allowing districts to seek a waiver of the state's pupil accounting rules to allow eligible full-time students to take all their coursework online
  - 2013 Section 21f of the State School Aid Act
- Virtual Learning in Michigan

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- Michigan has extensive digital learning activity, including multi-district fully online schools, a large state virtual school, single-district programs, consortia and some hybrid learning programs
- School vs Program
  - Both refer to educational opportunities that utilize online platforms but represent different structures
  - Virtual schools are complete educational institutions operated by a Local Education Agency (LEA) or a Public School Academy (PSA) that must fulfill the same requirements as a brick-and-mortar
    - Local Education Agency
      - MCL 380.5(6) of the Revised School Code
      - LEAs are public schools
      - Operate in accordance with statutes, regulations, and policies of the Michigan Department of Education (MDE)
      - May include any grade configuration along with educational setting (including alternative education, special education, career, virtual, and technical education)
    - Public School Academy
      - Public Act 451 of 1976
      - PSAs are commonly referred to as Charter Schools
      - PSAs are state-supported public schools operating under a charter contract issued by public authorizing body
      - May include grades K-12 or any combination of those grades and include brick-and-mortar or virtual settings
    - Cyber School
      - Cyber schools are another type of PSA that offer full-time virtual instruction
      - 100% online school
      - Required to provide a minimum of 1,098 hours of instruction during a school year
      - Services students throughout the state
  - Virtual programs are operated within an existing school and provide access to learning via a course, module, or set of courses offered online, and are part of a larger educational framework
    - Michigan Virtual
    - Single District
    - Multi-District
  - Enrollment in Virtual
    - Virtual Schools have open enrollment. Parents can elect to enroll their child in a public virtual school as they can with any public school
    - For students with an IEP, the IEP Team decides to place a student in a virtual PROGRAM operated by the district
      - The placement decision is based on the student's unique needs and if the student can advance toward attaining annual goals and make progress in the general education curriculum in the virtual program
  - Harmful Effects and Virtual Instruction

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- 34 CFR 300.116 very clearly states when determining LRE, the IEP team must consider any potential harmful effect on the child or the quality of services the student requires
- Supporting virtual programming is not the responsibility of the parent. The burden of educational support cannot be placed on the parent
- Virtual as an Alternative to Suspension
  - Virtual learning cannot be used as an alternative to suspension for students with disabilities
  - A disability cannot unilaterally move a student with a disability to a virtual environment based solely on behavioral data
  - When exemplifying a change to virtual instruction, closely examine the type of services and interaction with peers in the new setting
- Michigan Data
  - 52.5% FTV enrollment is 9-12th grade
  - 59% Males and 41% Females
  - 36% of FTV enrollment is from Oakland County
  - Highest prevalence is SLD, followed by OHI and ASD
  - 604 Districts report virtual learning of some type
  - 169,596 students participated in virtual learning in 2022-23
- Limited Guidance: Areas of Needed Clarity
  - How is the general education environment defined for virtual schools?
  - Is a formal IEP meeting required prior to enrollment in the virtual school?
  - Is a move to virtual school from a non-virtual school considered a change in placement?
  - Is the virtual school responsible for providing a continuum of alternative placements?
  - How are special education services delivered in the virtual school in a way that ensures the least restrictive environment?
- Capacity Building
  - Guidance “Successfully Navigating Virtual Education for a Student with a Disability”
  - Statewide focus groups
  - Drafting Virtual FAQ
  - Establish IEP consideration practices to ensure positive outcomes for SWDs

1% WAIVER AND LRE PROGRESS – Teri Rink, Director, Office of Special Education (OSE)

- 1% Waiver Form for Educators
  - released for Public Comment on Jan 7
  - [ESSA 1% Cap on Alternate Assessment Use Waiver History](#)
    - letter to the USED
  - [Michigan Department of Education Survey](#)
- LRE Monitoring Findings
  - Visited third ISD in cohort one
  - Specific, common, findings:

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- No consistency in defining “specially designed instruction” and what these practices look like in GE
- When talking about public agencies understanding of supporting students with disabilities is not just SE, they are GE first. Schools are still not clear that supporting kids starts with GE, and is supported by SE. They are not separate entities.
- ISDs have authority under IDEA for kids with disabilities since they receive federal grant funds. They have an obligation to ensure the requirements are being met in their districts.
- Looking for volunteers for cohort two—finalized list coming Spring 25

**Development of New Position Statements:**

Committee members reviewed comments and finalized the [Arc MI Child Find Position Statement Draft](#). ***Please review the draft document and provide any final feedback to Michelle by December 12.*** Once the document is finalized, it will be sent to Arc Michigan executive director for approval.

It was determined that it is going to be too difficult to merge Part B and Part C terminology and concepts related to students K-12/adult and babies and toddlers. Committee members agreed that it makes the most sense to create a separate Babies and Toddlers document that addresses child find, evaluations, natural environments, and any other relevant topics.

The creation of a Babies and Toddlers document and Evaluation Position Statement will be discussed further at the January Education Committee meeting.

**The next meeting is Thursday, January 9, 2025, from 10:00am-11:30am**

**Upcoming Monthly Meeting Dates:**

1/9/2025\*\*  
2/6/2025  
3/6/2025  
NO APRIL MEETING  
5/1/2025  
6/5/2025  
AUGUST 2025 TBD  
(\*\*2<sup>nd</sup> Thursday)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89082807363?pwd=LZTrSO1lhabmGKEs1isEKxndCxx8Fa.1>  
Meeting ID: 890 8280 7363, Passcode: 299054

**Adjournment:** 11:50am

Respectfully Submitted,  
Michelle Driscoll for Debbie Whitford