

The Arc Michigan Education Committee
Meeting Minutes
3/1/2023

Meeting came to order at 3:35pm via Zoom.

Present: Maggie Kolk, Emily Henderson (McCall Hamilton), Darlene Heard-Thomas, Debbie Whitford, Sue Lind, Lynn Kovalik, Loren Glover, Michelle Driscoll

Meeting Minutes from the February 2023 meeting were previously sent out to committee members. February meeting minutes approved with no changes.

**March SEAC Report (submitted by Andrea Beachnau):
Legislative Update: Dr. Sheryl Kennedy**

Dr. Sheryl Kennedy - Top 10 Strategic Education Plan

- State A-F Accountability System – currently have 2, but will be hearing in March to repeal 2nd
- Read by Grade Three Law – Repeal law, may become law in next month
- Educator Evaluation Laws – hope to see some bills in the next month
- Teacher and Counselor Retention Laws – hope to see some bills in next month
- Expand funding for Education
- Expand Early Childhood funding, class sizes, days of week
- Expanding Literacy Training
- Increase funding Health, Safety, Mental Health in school
- Increase Number of Certified Teachers in areas of shortage
- Increase Adequate and Equitable School Funding in Weighted and Per Pupil Funding

Melissa Nantais – MiMTSS Intensifying Intervention Instruction

- Traditional Approach Problems:
 - Tier 1 Problem Never Solved
 - Special Education staff excluded
 - Student problem solving approach is deficit-based
 - No team-based leadership in advanced tier
- Alternative Approach: Bidirectional Model
 - Students – all students can access all supports when they need them
 - Flexibly move within varying levels of instructional support
 - Focus on instructional problem solving, not student problem solving
 - Students with disabilities are fully integrated
 - Teaming
 - Schools work to improve Advanced and Universal tiers simultaneously
 - Grade Level Teams (GLTs) focus energy on Universal Tier (Tier 1)
 - Multidisciplinary Team (MDT) focus on Advanced Tiers (Tiers 2-3)
 - Teams coordinate supports
 - Neither team is more important than the other
 - Resources

- All students receive high quality Tier 1
- All students who need it participate in validated intervention platform
- Validated assessments monitor student progress
- Decision rules used to guide teams in process of intensifying interventions selected
- Intervention System Document developed to guide implementation
- MDT Responsibilities:
 - Coordinate – placement, diagnostic, progress monitoring, fidelity
 - Group students
 - Monitor Academic and Behavior Interventions
 - Design Individualized Intervention Supports
 - Provide support and coaching for Intervention Providers
- Data-Based Individualized Process (DBI)
 - 1. Implement Validated Intervention Program
 - 2. Monitor Progress
 - **If students don't respond...**
 - 3. Collect diagnostic academic or functional behavior data
 - 4. Design and implement an intervention adaptation
 - 5. Monitor progress in the adapted intervention
 - **Repeat steps 3-5 until student responds (is on track to meet grade level benchmark)**

Teri Rink – OSE Updates & Least Restrictive Environment (LRE)

- Ionia ISD – numerous complaints against them for the way they handled students with disabilities with behavioral struggles

FAPE for Adult Learners In Michigan, adult learners with disabilities ages 18 to 26 are entitled to a free appropriate public education (FAPE) in the least restrictive environment (LRE) (34 CFR §300.1; R 340.1701 and 340.1702)

FAPE for Adult Learners

- Responsibility of all public agencies involved in the education of adult learners with disabilities (34 CFR §300.2, R 340.1701)
- Michigan intermediate school districts (ISD) fulfill an important role in ensuring students have access to appropriate education (MCL 380.1711)
- Appropriate programming provided through special education programs or services, or a combination of both.
- NOT specific to a curriculum, educational provider, disability category or group.
- Education placement decisions be considered on an individual basis considering each student's unique needs.
- Consideration of special factors
 - Use of positive behavior interventions

LRE requirements

- Maximum extent appropriate
- Supplementary aids and services

- Consideration given to any potential harmful effects on the student

Six Principles of IDEA

- Free Appropriate Public Education (FAPE)
- Least Restrictive Environment (LRE)
- Appropriate Evaluation
- Individualized Education Program (IEP)
- Parent Participation
- Procedural Safeguards

Least Restrictive Environment

- Likely the single most important reason for IDEA
- Several citations specifying the requirements to be considered when IEP Teams making placement decisions (34 CFR §300.114-300.118)
- Each citation is designed to ensure districts are taking steps to ensure the placement is based SOLELY on the needs of the child/student

300.114 LRE requirements: Maximum Extent Appropriate

(2) Each public agency must ensure that –

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

Maximum extent appropriate NOT maximum extent possible

- Possible = district ability
- Appropriate = student need

IDEA Part B Obligations

§300.2 Applicability of this part to State and local agencies.

A. States. This part applies to each State that receives payments under Part B of the Act, as

B. defined in §300.4.

C. Public agencies within the State. The provisions of this part -

(1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including:

- I. The State educational agency (SEA).
- II. Local educational agencies (LEAs), educational service agencies (ESAs), and public
- III. charter schools that are not otherwise included as LEAs or ESAs and are not a school of an
- IV. LEA or ESA.
- V. Other State agencies and schools (such as Departments of Mental Health and Welfare
- VI. and State schools for children with deafness or children with blindness).
- VII. State and local juvenile and adult correctional facilities; an

Applicability of this Part Continued

The provisions of the regulations:

(2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B of the Act.

(c) Private schools and facilities. Each public agency in the State is responsible for ensuring that the rights and protections under Part B of the Act are given to children with disabilities -

(1) Referred to or placed in private schools and facilities by that public agency; or

(2) Placed in private schools by their parents under the provisions of §300.148

Required Members of the IEP Team – 1, §300.321 IEP Team.

(a) General. The public agency must ensure that the IEP Team for each child with a disability includes -

(1) The parents of the child

(2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment

(3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child

Required Members of the IEP Team – 2

(4) A representative of the public agency who -

(i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(ii) Is knowledgeable about the general education curriculum; and

(iii) Is knowledgeable about the availability of resources of the public agency.

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) Whenever appropriate, the child with a disability.

§300.114 LRE requirements

(a) General.

(1) Except as provided in §300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§300.115 through 300.120.

Maximum Extent Appropriate, §300.114 LRE requirements:

(2) Each public agency must ensure that –

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

Maximum extent appropriate NOT maximum extent possible

- Possible = district ability
- Appropriate = student need

§300.114 LRE requirements: Only If...

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Which means the student has been given an opportunity to participate in the general education environment and even with supplementary aids and services the student was not able to make progress in the general curriculum and IEP goals due to the nature or severity of their disability.

§ 300.115 Continuum of alternative placements.

- (a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- (b) The continuum required in paragraph (a) of this section must –
 - (1) Include the alternative placements listed in the definition of special education under §300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement

§ 300.116 Placements

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that -

- (a) The placement decision -
 - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - (2) Is made in conformity with the LRE provisions of this subpart, including §§ [300.114](#) through [300.118](#);
- (b) The child's placement -
 - (3) Is determined at least annually;
 - (4) Is based on the child's IEP; and
 - (5) Is as close as possible to the child's home;
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

§ 300.117 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in [§ 300.107](#), each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

Discussion:

Final drafts of the **Section 504 Brochure** and the **IEPT- Guidelines for a Successful Individualized Education Program (IEP) Team Meeting Brochure**, both developed in June 2006, were sent to The Arc Michigan Board for approval. After being approved, the brochures will be available on the Arc Michigan website and available for committee members to pass on to their organizations and families they serve.

Emily Henderson, Governmental Affairs Consultant and Lobbyist for Arc Michigan with McCall Hamilton, joined us for this meeting and shared a package of bipartisan focusing on K-12 education system and how to best address mental health and safety issues.

- [House Bill 4081](#): Education: counseling; minimum number of school counselors to be employed by a school district, intermediate school district, or public school academy; establish.
 - The bill language reads: *A school district, intermediate school district, or public school academy shall employ or contract for at least 1 school counselor who meets the requirements under section 1233(2) for every 250 pupils enrolled in the school district, intermediate school district, or public school academy to provide services to pupils enrolled in the school district, intermediate school district, or public school academy.*
- [House Bill 4089](#): Education: safety; school safety and mental health commission; create.
 - With bipartisan support, this bill creates a school safety and mental health commission.
- [House Bill 4090](#): Education: safety; certain school safety and security training; require that public schools and nonpublic schools ensure that certain school workers complete.
 - With bipartisan support, this bill requires schools to implement school safety and security training plan (to start for the 2024-25 school year)
- [HB 4091 of 2023](#) Construction: code; safety guidelines for lockdown procedures of a school building and installation of emergency responder radio coverage systems in K-12 educational facilities; require.
- [HB 4092 of 2023](#) Education: safety; notification of tips reported under the OK2Say program; require.
- [HB 4093 of 2023](#) Education: safety; OK2SAY program contact information; require inclusion on certain student identification cards.
- [HB 4094 of 2023](#) Fire: other; number of school fire and security drills; modify.
- [HB 4095 of 2023](#) Education: safety; standardized response terminology plan; require that public schools and nonpublic schools adopt and implement.

- [HB 4096 of 2023](#) Education: safety; standardized response terminology plan; require department to establish.
- [HB 4097 of 2023](#) Education: safety; 1 emergency and safety manager and at least 1 mental health coordinator; require each intermediate school district to employ.
- [HB 4098 of 2023](#) Education: safety; certain school safety and security training; require the department of state police and the office of school safety within the department of state police to provide to certain school personnel.
- [HB 4099 of 2023](#) Education: safety; office of school safety quarterly reporting of tips received; require.
- [HB 4100 of 2023](#) Education: safety; definitions for OK2Say program; provide for.

The committee focused our discussion mainly on [HB 4081](#) which sets the number of school counselors to be employed by a school district, ISD, or public school academy and [HB 4089](#) which creates a school safety and mental health commission. Emily feels that [HB 4089](#) has some room for advocacy with the sponsors.

[HB 4089](#) which creates the school safety and mental health commission does not define a parent as someone whose child has behavioral health needs. The committee felt this is important for the role of the parent on this committee. Also, the committee does not include an adult with behavioral health needs/person with an intellectual or developmental disability.

The committee will begin reviewing Part C of the IDEA to determine if we want to submit comments. MDE requests public comment on the proposed Michigan [Part C of the Individuals with Disabilities Education Act \(Early On®\)](#) Federal Fiscal Year (FFY) 2023 application. The FFY 2023 application will be publicly posted for review beginning March 7 to May 8, 2023, with a window of public comment being accepted only March 17 through 5 p.m., April 17, 2023. Click on the following link for the FFY 2023 application and public comment instructions: [Part C Notice of Public Comment](#). All comments will be reviewed and considered.

The committee discussed changing our meeting date and time. Some members of the Education Committee also attend the Special Education Advisory Committee (SEAC) which is now meeting in person on the first Wednesday of the month from 9-3pm. This makes it impossible for members to attend SEAC and actively participate in the education meeting as they are driving home. Will discuss changing our meeting to first Thursday of month, during the day.

**There will NOT be a meeting in April due to spring break.
Next Meeting is Wednesday, May 3 from 3:30-5:00pm**

**2023 Dates (First Wednesday of the month, 3:30-5:00pm)
May 3/ June 7 / July 5 and August 2 (as needed)**

Join Zoom Meeting (This is the standing Zoom link for each meeting)
<https://us02web.zoom.us/j/88262109389?pwd=eTZ0UHZZdUo1aHhMa1dtNlk4SURaZz09>
Meeting ID: 882 6210 9389 / Passcode: 416253

The meeting adjourned at 4:55pm

Respectfully Submitted,
Michelle Driscoll