

# Welcome

## SEAC Business Meeting

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Office of Special Education

December 6, 2017



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# Chairperson's Report: Today's Focus

- Information Items
- Least Restrictive Environments (LRE) Small Group Work
- Input to Family Matters Small Group Work

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# Chairperson's Report: Updates

- Significant disproportionality voting
- See Asks & Updates for many details not requiring discussion
  - Note: Meeting survey available now per November request
  - Questions re: Asks & Updates welcome
- Executive Committee notes

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# Today's Focus

- Information Items
- Least Restrictive Environments (LRE) Small Group Work

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# SEAC Meeting Norms

1. Prepare for Meetings
2. Use Meeting Time well, maintaining focus
3. Communicate in an open, respectful manner
4. Focus on advisory role tasks



# Public Comment

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# Introduction to Least Restrictive Environment (LRE)

- LRE is a cornerstone of IDEA
- Mechanism to ensure the liberties of students with disabilities are being educated to the extent possible in general education settings, with non-disabled peers, while receiving needed supports for a meaningful education.

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## LRE – Slide 2

- Term adopted from the mental health field's *Least Restrictive Alternative (LRA)*
- Balance between benefit of treatment/prevention measures and the discomfort treatment may cause
- Wherever applied "the purpose cannot be pursued in a way that limits personal liberties if it can be achieved less operatively or restrictively."
- Rights to due process protect all citizens from suffering loss of a benefit...



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# LRE – Slide 3

- LRE aligns with LRA
- Educators cannot restrict individual rights and liberties more than what is minimally necessary to provide a FAPE to each student with a disability
- Goal is to ensure access for students with disabilities to a FAPE in the LRE
- Field of law and education were brought together along with parents and attorneys

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# LRE – Slide 4

- IDEA Statutory Provisions
- Section 300.114-300.119

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# Small Group Work: LRE & Linked to Grouping Assumptions



# Organizational Representative Updates

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# American Federation of Teachers Michigan – AFT MI – Lois Lofton Doniver

- Mission: The AFT Michigan is a union of professionals that champions fairness; democracy; economic opportunity; opportunity; high-quality education, healthcare and public service for our students, their families and our communities.
- We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.
- [AFT Michigan Website](https://www.aft.org/affiliate/08020)  
(<https://www.aft.org/affiliate/08020>).

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# Michigan Association of School Social Workers

## MASSW – Annette Holbrecht

- Mission: Advocate for the delivery of school social work services to meet the needs of all children. As an organization, we will actively promote the educational and professional growth of members to ensure that the highest standards of practice are upheld. We will champion the causes of members and clients, and work to impact legislation that will improve the delivery of school social work services and enhance the education of all children. School Social Workers will work cooperatively with all systems that affect education to guarantee the highest degree of service. The future of our nation is dependent on the education of our children. MASSW will do whatever is within its power to meet these present and future challenges.
- [Michigan Association of School Social Workers Website](http://www.masswmi.org) (www.masswmi.org).

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# Michigan Association of Public School Academies – Teri Pettit

- Mission: Advocate. Support. Connect.
  - **Advocate** - legislatively and in all aspects of government entities including MDE as well as in all aspects of public relations, media, and other organizations
  - **Support** - through grants, professional development opportunities, [Charter Connect](http://www.charterschools.org/charter-connect) (http://www.charterschools.org/charter-connect) magazine sent out Oct., Jan., April, July, statewide symposiums in Oct., March, Aug., assisting with PR issues, providing legal direction
  - **Connect** - provide opportunities for networking among charters as well as connecting schools with like issues or programs to share best practices, help connect schools with providers for products and services through our on-line [Marketplace](http://qualityschoolservices.com/) (http://qualityschoolservices.com/).

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# Michigan Association of Public School Academies – Teri Pettit – Slide 2

- **Purpose:** MAPSA has a great reputation for integrity and solid relationships in Lansing enabling us to accomplish great things through our advocacy efforts at the Capitol. From removing the barriers to innovation, to fighting for more classroom dollars, MAPSA has advocated to build an environment for school choice to thrive and achieve on both sides of the aisles as a bipartisan organization.
- [Michigan Association of Public School Academies Website](http://www.charterschools.org) ([www.charterschools.org](http://www.charterschools.org)).



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# Member at Large Update

Anne Barna

Email: [annekbarna@gmail.com](mailto:annekbarna@gmail.com)

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# Lunch

- Membership Committee Check In
- Bylaws Check In
- Significant disproportionality document feedback
- Complete wall charts re: SEAC diversity
- Google Docs Coaching Support

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# Ex-Officio Legislative Update

Caroline Liethen/Joanne Winkelman

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# HB 4166 was assigned P.A. 159 of 2017 with immediate effect on November 9, 2017.

- Section 1742 requires an intermediate school board, when employing additional personnel to implement special education programs or services, to employ first an employee of a constituent district whose employment is discontinued because the constituent district is discontinuing the special education program or service for which the person was employed.
- Section 1743 requires an intermediate school board, when providing special education programs and services that were previously provided by a State agency within the ISD, before employing any additional personnel for the purposes of implementing the special education program or service, to employ first a person of a State agency whose employment is discontinued because a State agency is discontinuing a special education program or service for which the person was employed.

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HB 4166 was assigned P.A. 159 of 2017 with immediate effect on November 9, 2017 - Slide 2.

- The special education personnel employed under both provisions are generally entitled to all rights and benefits for which they would otherwise be entitled had they been employed by the constituent district or intermediate school board originally, except that the controlling board has the option to subject them to another probationary period of one year.

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## HB 5126 was referred to the Senate Education Committee on November 28, 2017.

- The Seclusion and Restraint package enacted as P.A. 394-402 of 2016 defined ***school personnel*** as including all individuals employed in a public school or assigned to work regularly and continuously under contract or under agreement in a public school, or public school personnel providing services at a nonpublic school.
- The bill would add that the definition would not include a law enforcement officer assigned to work regularly and continuously under contract or under agreement in a public school.

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# Due Process Hearing Reports

- Data
  - From July 1, 2017 to November 15, 2017
    - Due Process Complaints files: 15
    - Expedited Due Process Complaints: 2
    - Dismissed/Withdrawn Due Process Complaints: 7
    - Final Decisions and Order: 0
    - Pending Due Process Complaints: 8

# October 2017 Information Line Data

## Who Called?

- Parents/Grandparents: 120
- School Personnel: 71
- Government Employees: 6
- Physician's Office: 1
- Other/Unknown: 33
- Advocates: 4
- **Total Calls: 235**

## Common Topics

1. Rule interpretation
2. Child Find (ages 3-5 years old)
3. Adequacy of programs and/or services
4. Suspension/Expulsion/Discipline
5. Complaint information
6. IEP implementation
7. Placement
8. Child Find (ages 6-25 years old)



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# Due Process Finding

- As you reviewed the case, did it appear that this was a fairly unique and individual issue?
- One of SEACs obligations is to address unmet needs
  - Do you see something in this case that is likely to reflect a pattern of unmet needs in the State?

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# Small Group Work: Family Matters Topics

1. Individually: Rank the top 5 already proposed future topics most important to you/your constituents. (1 = most important)
2. As a table: Rank the top 5 already proposed future topics.
  - a) Each person's ranking of **1** counts as **5** points,
  - b) Each person's ranking of **2** counts as **4** points,
  - c) Each person's ranking of **3** counts as **3** points,
  - d) Each person's ranking of **4** counts as **2** points
  - e) Each person's ranking of **5** counts as **1** point.

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# Small Group Work: Family Matters Topics – Slide 2

3. As a Table: Identify aspects of the top 5 ranked future topics that would be particularly helpful for you/your constituents.
4. As time permits, identify additional high priority future topics
5. As a table: Report out your top priority.



# Federal & State Update and Forecast

Teri Chapman, Director, MDE Office of Special Education



# Federal Updates

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# Tax Cuts and Jobs Act

- CCD
  - Consortium for Citizens with Disabilities
  - Top 5 Reasons the Tax Cuts and Jobs Act is Bad for People with Disabilities
  - Please view at <https://drive.google.com/file/d/1g12Y9iOywKD5GiiDEjdG6nCT38tIBWMD/view>

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# Confirmation Hearing

- Tuesday, December 5, 2017
  - Assistant Secretary for the Office of Special Education and Rehabilitation Services at the U.S. Department of Education
  - Johnny Collett, Nominee
    - Previous Director of Special Education at the Kentucky Dept. of Education
    - Member of Board of Directors of NASDSE
    - Director of Special Education Outcomes for the Council of Chief State School Officers
  - Confirmation pending

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# 1% Cap on Alternate Assessment Public Notice Posted (closes 12/20/17)

1. Under the Every Student Succeeds Act (ESSA), no more than 1% of students assessed in each subject area (participate) may be assessed using an alternate assessment.
2. Michigan anticipates we will exceed the 1% cap in 2018. A plan to bring Michigan into compliance must be approved. MDE will be applying for a waiver to the 1% cap for the 2018 testing window. As provided for within ESSA, this waiver will be submitted to the U.S. Department of Education (ED) and will include the proposed plan for improvement



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# 1% Cap on Alternate Assessment Public Notice Posted (closes 12/20/17) – Slide 2

3. As part of the federal requirement, the MDE is collecting comments to our request to seek the waiver, from all interested parties through December 20, 2017
4. For more information on this process and to find out how to submit comments, please read the [memo from State Superintendent Brian Whiston](http://www.Michigan.gov/mi-access) (www.Michigan.gov/mi-access) under the What's New section.

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# Waiver submission: 90 days prior to the testing window

1. The MDE waiver will:
  - a) Be for a one year time frame
  - b) Include input from public comment
  - c) Address any disproportionality in any subgroup taking an alternate assessment
  - d) Include a plan to improve implementation of current guidelines and steps to provide oversight and training regarding appropriate assessment selection
  - e) Include a plan for monitoring and evaluation

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# OSEP DMS

1. System of Differentiated Monitoring and Support
  - a) **Not intended as a determination or ranking**
  - b) Rather, dictates how OSEP will allocate its resources to monitor and support a State in each of four areas
  - c) Supports are a tiered response based on data: Universal, Targeted and Intensive
    1. Instead of a “one-size-fits-all” approach, OSEP will make data-driven decisions about the appropriate level of engagement, based on each State’s unique circumstances

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# OSEP DMS – Slide 2

2. Four areas considered in the DSM
  - a) Results-Level of Engagement: *Targeted*
    - i. 8<sup>th</sup> Gr. Math percentage: 23%
    - ii. NAEP 4th Gr. RLA percentage: 24%
    - iii. Exiting w/ a Regular Diploma percentage: 66%
    - iv. NAEP 8th Gr. RLA percentage: 36%

# OSEP DMS – Slide 3

## 3. Four areas continued

- a) Fiscal: Level of Engagement: *Targeted*
  - i. Overdue corrective action related to fiscal monitoring findings
  - ii. State received targeted DSM in FFY 2016 w/monitoring and TA carried over to the 2017 State plan
  - iii. The number of charter school LEAs in the State
  - iv. The size of the State's grant award

# OSEP DMS – Slide 4

## 4. Four areas continued

- a) Compliance: Level of Engagement: *Targeted*
  - i. SPP Indicator B-12 (Early Childhood Transition) percentage: 76.08%
  - ii. SPP Indicator B-13 (Secondary Transition) percentage: 78.34%
  - iii. Conditional Grant approval for FFY 2017

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# OSEP DMS – Slide 5

## 5. Four areas continued

- a) State Systemic Improvement Plan (SSIP) – Level of Engagement: *Targeted*
  - i. Evidence-based practices
  - ii. Data-quality and evaluation plan
  - iii. SSIP activities and outputs
  - iv. Progress toward State-established objectives to support achievement of the State-identified Measurable Result (SiMR)

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# OSEP DMS – Slide 6

## 6. Response for Improvement

- a) MDE will receive targeted or intensive monitoring or support
- b) State contact, Dan Schreier, will work with the OSE to discuss the appropriate DMS activities
- c) FFY 2017 DMS activities will take place from January through September 2018





# State Updates

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# Accountability System Development

1. OSE continues to meet with the ISD Directors of Special Education
2. Data analysis and establishing individual ISD priority areas of improvement are underway
3. National consultant, Jane Nell Luster will be attending and working with the OSE and the ISDs at their January 17, 2018 meeting
4. Options for required monitoring activities continue to be a focus of understanding

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# Office of Special Education Updates

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# Monitoring for 2017-2018 School Year

## 1. Spring of 2018

- a) A focused monitoring cycle will take place to address B-4 (rate of suspension and expulsion) data from the 2016-2017 school year.
- b) Additional monitoring activities may occur as needs arise between now and the end of the school year.

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# Significant Disproportionality

1. The Michigan Department of Education, Office of Special Education will be holding public hearings in February 2018 at various locations in the State regarding the proposed changes to the procedures and methodology for calculating Significant Disproportionality.
2. A Notice of Public Hearing will be issued specifying date, time, location
  - a) Locations will likely be the Upper Peninsula, the upper Lower Peninsula, the Lansing and Detroit areas

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# State Complaint Information

- January to September 2017
  - # of State Complaints WITH Final Decisions: 109
  - # with Findings: 83 or 76% of cases filed
  - # with NO Findings: 26 or 24 % of cases filed
  - # with Student Level Corrective Action (SLCAP): 74
    - 68% of all cases with final decision resulted in SLCAPs
  - # with Compensatory Education: 44

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# OSE Staffing

- Saying good-bye and Best Wishes!
  - Collette Bauman, Director of MDE LIO
  - More than 40 Years in the VI field!
    - 20 years as a teacher in Livonia
    - 10 years as a supervisor
    - 12.9 years as Director of MDE LIO
- Introducing Dana Billings, Special Education Medicaid Consultant 13, in the Administration Unit

# Contact Us!

## OSE Information

- 888-320-3234
  - Monday-Friday
  - 9:00-4:00
- Email Us!
  - [mde-ose@michigan.gov](mailto:mde-ose@michigan.gov)

## Staff

- Teri Chapman, Director
  - 517-335-0455
  - [chapmant2@michigan.gov](mailto:chapmant2@michigan.gov)
- Jan Weckstein, Assistant Director
  - 517-241-4521
  - [wecksteinj@michigan.gov](mailto:wecksteinj@michigan.gov)
- Joanne Winkelman, Supervisor
  - 517-335-0457
  - [winkelmanj@michigan.gov](mailto:winkelmanj@michigan.gov)



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# Sub-Committee Reports

- Bylaws – Sarah Park
- Membership – Teri Pettit/Amy Trahey

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# Table talk: Wrapping Up

1. Share **announcements** about conferences, new materials, etc.
2. Identify 3-5 key **highlights** from today.
3. Identify **To-Do's** from today.
4. Suggest **Unmet Needs** & other topics for Executive Committee consideration for possible, future Committee of the Whole or Sub-Committee work.

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# Wrap Up

Take Aways

To Do's

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# January Forecast

- OSE Updates
- Update on 2018-2019 Recruiting Efforts
- Next Meeting: January 10, 2018
  - Registration Request 2 weeks ahead

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# Online Evaluations

Your responses will support planning future meetings.

1. Relative to Teri's presentation, what still puzzles you? What concerns do you have?
2. ...What went well in today's meeting?
3. ...What would improve the next meeting?
4. **Asks & Updates – utility**
5. **Google Docs – my skills**
6. Other comments/questions?

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# Motion to Adjourn

Thank you for participating