

**Special Education  
Center Programs  
Kent ISD**



# **STUDENT HANDBOOK**

**KENT ISD 2022-2023**

**KENT INTERMEDIATE SCHOOL DISTRICT**

2930 Knapp NE  
Grand Rapids, MI 49525

**Ron Koehler, Superintendent**

**KENT ISD SCHOOL BOARD 2022-2023**

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*Welcome to Kent ISD Center Programs.*

On behalf of the Kent ISD School Board and all our teachers, school leaders, and support staff, we are looking forward to serving and educating your child this school year. This handbook will assist students and parents by identifying our expectations, policies, and support system to ensure a successful school experience. Kent ISD Center Programs provide specialized services to meet the needs of students with Individual Education Programs (IEPs) that have complex needs. Kent ISD operates nine Center Programs for students, birth through age of 26, who reside within the boundaries of Kent County and its member districts.

Our goal is to empower and equip students with the strategies and skills needed to maximize their participation and independence and to ensure equitable access in school, community, career, and life. We provide specialized programs and intensive services to meet the unique individual needs of each student. Kent ISD recognizes the importance of relationships and collaborations. We are committed to partnering with families and community agencies to improve outcomes and help students maximize their potential in school and life.

***For more information concerning our programs, services, and policies please contact us at 616-363-8108.***

## Kent ISD Center Programs

### Early Childhood Center

ECC North – Greenridge Elementary  
3825 Oakridge Ave. NW  
Comstock Park, MI 49321  
616-254-5401

ECC South – South Godwin Elementary  
28 Bellevue St. SE  
Grand Rapids, MI 49548  
616-410-4990

**Alissa Hofstee**, Administrator  
[alissahofstee@kentisd.org](mailto:alissahofstee@kentisd.org)

### DHH Oral Deaf

North Oakview Elementary  
4300 Costa NE  
Grand Rapids, MI 49525  
616-365-6170

### DHH Total Communications

North Oakview Elementary  
4300 Costa NE  
Grand Rapids, MI 49525  
616-365-6170

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### Empower U

Mayfield Building  
225 Mayfield Ave. NE  
Grand Rapids, MI 49504  
616-410-4860

Straight School  
850 Chatham St. NW  
Grand Rapids, MI 49504  
616-410-4420

**John Kleff**, Lead Administrator  
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**Sheila Ewing**, Administrative Assistant  
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### KEC Oakleigh

2223 Gordon NW  
Grand Rapids, MI 46504  
616-410-4670

### KEC Beltline

1606 Leffingwell NE  
Grand Rapids, MI 49525  
616-410-4760

**Lisa Merritt**, Principal  
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**Pam Webster**, Administrative Assistant  
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### **Lincoln School**

860 Crahen Road NE  
Grand Rapids, MI 49525  
616-410-4700

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**Dorothy Meier**, Dean of Students  
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**Laila Ejups**, Administrative Assistant  
[lailaejups@kentisd.org](mailto:lailaejups@kentisd.org)

### **Pine Grove Learning Center**

2101 52<sup>nd</sup> Street SW  
Wyoming, MI 49519  
616-410-4900

**Todd Jones**, Principal  
[toddjones@kentisd.org](mailto:toddjones@kentisd.org)

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### **ESC Administrative Team**

Educational Service Center  
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Grand Rapids, MI 49525  
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### **Lincoln Developmental Center**

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Grand Rapids, MI 49525  
616-410-4800

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**Raeanne Drooger**, Administrative Assistant  
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## **Center Programs Vision and Mission Statements**

### **Kent ISD Center Programs Vision**

Kent ISD Center Programs will empower and equip students with the strategies and skills needed to maximize their participation and independence and to ensure equitable access in school, community, career, and life.

### **Early Childhood Center Mission**

The Early Childhood Center provides quality specialized instruction specific to the developmental needs of young children in the areas of social/emotional, early language/literacy, and adaptive behavior in order to increase inclusion within their neighborhood schools and in the community.

### **Kent ISD Oral Deaf Mission**

The Oral Deaf Program provides specialized instruction, in order to develop skills in listening and spoken language, so that every student may fully participate in academic and social opportunities within their school and community.

### **Lincoln Pines Mission**

We educate students with complex needs by providing specialized instruction specific to the communication, academic, adaptive behavior, mobility, and adult living skills required to develop independence.

### **KEC Oakleigh & KEC Beltline Mission**

We provide specialized instruction and services to students in order to educate and develop social-emotional and behavioral skills necessary to increase inclusion within their neighborhood schools and in the community.

### **Empower U Mission**

Empower U, in partnership with our community, provides specialized instruction and opportunities specific to employment and independent living skills necessary for young adults to live a purposeful and productive life.

## **Foreword**

This student handbook was developed to answer many of the commonly asked questions that you and your parents may have during the school year and to provide specific information about certain Board policies and procedures. This handbook contains important information that you should know. Become familiar with the following information and keep the handbook available for frequent reference by you and your parents. If you have any questions that are not addressed in this handbook, you are encouraged to talk to your teachers or the building administrator/principal.

This handbook summarizes many of the official policies and administrative guidelines of the Board of Education and the District. To the extent that the handbook is ambiguous or conflicts with these policies and guidelines, the policies and guidelines shall control. This handbook is effective immediately and supersedes any prior handbook and other written material on the same subjects.

This handbook does not equate to an irrevocable contractual commitment to the student, but only reflects the current status of the Board's policies and the School's rules as of the 2022/2023 school year. If any of the policies or administrative guidelines referenced herein are revised after the 2022/2023 school year, the language in the most current policy or administrative guideline prevails.

## **Enrolling in School**

Kent ISD operates nine Center Programs for students, birth through age 26, who reside within the boundaries of Kent County and its member districts. Students are referred to a Center Program by their member district. Placement is decided through the IEP team process when the team concludes highly specialized services are needed to meet the individual needs of that student. When a Center Program is determined to be an appropriate placement, then enrollment information is provided to the family by a Center Program staff member.

## **Withdrawal from School**

Any family who wishes to withdraw their child from a Center Program school should contact the Center Program Principal/Administrator and/or the Director of Special Education from their resident district.

## **Homebound Services**

Homebound services will be offered when an illness or injury restricts a student to come to school. The student will be required to have a doctor's prescription to receive this service. Please contact the Center Program Principal/Administrator for further information.

## **Equal Educational Opportunity**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self-worth. As such, Kent ISD does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities. Any person who believes they have been discriminated against should contact, Coni Sullivan, Assistant Superintendent at Kent ISD.

**Privacy Policy Regarding Student Information (See attached document)**

Confidentiality of information must be primary. The Family Educational Right to Privacy Act (F.E.R.P.A.) requires strict observance of the right to privacy and under severe penalty prohibits sharing ANY information about persons or their activities unless a clearly demonstrated need and right to know exist.

**Post-Secondary Transition Planning**

This process allows both the parent and student an opportunity to address questions about the future. Such questions as future employment, living and housing arrangements, transportation, living in the community and utilizing public resources are considered a part of transition planning. Transition planning offers your son/daughter a chance to explore options that will assist him/her in becoming more independent as they begin to leave the educational setting. Development of this plan is based on your son/daughter's individual needs, as well as considering his/her preferences, interest and abilities, and is part of the IEP Team meeting discussion. An IEP Transition Plan is required before the student turns 16 years of age.

**Parent Involvement**

Kent ISD has always recognized and esteemed the rights of parents and legal guardians to determine and direct the care, teaching, and education of their children. The Board welcomes and encourages parental/legal guardian involvement in the schools and is committed to a partnership to develop each student's intellectual capability and vocational skills in a safe and positive environment.

The following activities are included for parent involvement/communication:

- Regular home-school communication
- Provision of a parent/student handbook
- Parent support activities
- Multiple opportunities for student progress reporting
- Parent volunteer opportunities
- Involvement in decision making about your student's educational needs
- Participation in school functions or events
- Parent/teacher conferences
- IEP team meetings

If a parent with a child currently attending any one of the Kent ISD Center Programs is working as a substitute, the parent cannot have their child stay with them during work hours.



## **Communication**

Communication among families, students, and staff is what helps all of us do our best. We have several communication tools built into our structure for this purpose.

- Parent-Teacher Conferences are scheduled each school year
- School newsletters are sent out on a regular basis
- Kent ISD Center Programs website and school websites; [www.kentisd.org/center-programs](http://www.kentisd.org/center-programs)
- Classroom webpages
- Student notebooks to communicate on a more frequent basis
- Staff email and phone numbers. For your convenience, staff members have voice mailboxes to receive messages at any time

The preferred method of communicating information regarding your child is to speak directly with the service provider. There are times when you may need or want to speak with the program Principal/Administrator to relay a compliment or concern. When the Principal/Administrator is not immediately available, they will endeavor to get back in touch with you as soon as possible.

## **School Visitors**

Parents/guardians and visitors will be required to check-in at the school/program office. Anyone entering the building is required to sign in on the visitor sign-in sheet and wear a visitor name tag. Visitors are defined as anyone who is not a Kent ISD employee and regularly assigned to Kent ISD Center Programs.

In order to avoid disruption of the classroom, parental visits should be brief. Prior approval by the classroom teacher and administrator is required. If a parent needs to spend time talking with the teacher, a before or after school meeting should be scheduled. There are many opportunities throughout the school year for parents to be able to participate in school/classroom activities such as classroom parties, field trips, etc. Each situation will be considered on an individual basis. Our goal at Kent ISD is to be consistent in following these procedures to ensure the safety, confidentiality, and instructional time for all students.

## **Classroom Visits and Observations**

- Prior approval by the teacher and administrator is required. If a parent needs to spend time talking with the teacher, a before or after school meeting should be scheduled.
- To insure the safety and security of students and staff, all visitors to Kent ISD buildings must check-in at the office.
- Parents/guardians are welcome to observe their child in his/her classroom providing:
  - The observation does not disrupt the instructional process or classroom activities.
  - Staff members are not interrupted while working with students or delivering instruction.
  - Questions are directed to the teacher in charge (not instructional support specialists, student teachers, etc.) at an appropriate time outside of the instructional program.
  - Observations should be kept to a minimum and limited to one hour or the length of the activity.
  - The observation does not take place during student testing.
- Any parent/guardian or visitor to a Kent ISD building who fails to observe these guidelines or is disruptive may be asked to leave the building.
- Sometimes there may be extenuating circumstances. Each situation will be considered on an individual basis.

### **School Messenger Alert System**

Kent ISD utilizes the School Messenger Alert System. This system will send an automated message to parents via a telephone message to home and/or cell phones and e-mail. This system will be utilized in the event that your child's school is closed or delayed due to inclement weather, or any other pertinent information that administration feels necessary to broadcast. School closings and delays will also continue to be broadcast on local television and radio stations. **Please contact us to add/update your phone number and email address.** This will assure you receive emergency information.

### **School Closing**

If a Kent ISD Center Program will not be in session, the decision to close will be announced over the local radio and television media. Families should listen to major stations, particularly WOOD and WZZM television stations and WLAV and WOOD radio stations.

### **Determination Guidelines**

- If the student's resident district closes/delays, buses cannot transport from within the resident district to Center Programs
- If the district where the Center Program is located closes/delays, the Center Program will use that information to factor if the Center Program will be closed/delayed
  - Early Childhood Center – Comstock Park Public Schools or Godwin Heights Public Schools
  - Lincoln School, Lincoln Developmental Center – Forest Hills Public Schools
  - Pine Grove Learning Center – Grandville Public Schools
  - Kent ISD D/HH Oral Deaf and Total Communication– Northview Public Schools
  - Community Transition Campus, KEC Oakleigh, KEC Beltline – Grand Rapids Public Schools

### **Tornado Policy**

**Tornado Watches:** Students will not be dismissed early during a tornado watch. They will be dismissed at the normal time. Kent ISD administration will monitor conditions. We do not dismiss early during a tornado watch for the following reasons:

- The dangers to children during a period of excitement and disorganization (bus connections missed because of schedule time changes, etc.) are increased if school is dismissed early.
- Traffic during emergency periods presents a hazard to students when school is dismissed at an unscheduled time.
- Most parents wish their children to be under school supervision until regular dismissal time.
- There will be a delay while waiting to get bus drivers in, and another delay for some students, while they wait for the first group of students to be bussed home.
- Many children would be going home to an empty house.

**Tornado Warnings:** Students will not be dismissed during a tornado warning even if it is dismissal time. If a tornado warning is issued, students will be ushered to predetermined shelter areas in their building. Students will not be dismissed until the National Weather Service issues an all-clear bulletin. Please do not call school during a tornado watch or warning.

### **Fire, Tornado, Lockdown, and Shelter in Place Drills**

Fire, tornado and lockdown drills are very important and serious exercises which may save students' lives. Kent ISD complies with all fire safety laws and will conduct all drills in accordance with State law.

In the event of a fire drill, an alarm will be sounded, the students will follow exit instructions as designated, refrain from talking, evacuate the building and proceed walking to a distance approximately 300 feet from the point of exit. State law requires a minimum of five (5) fire drills per school year.

In the event of a tornado drill, students will move to a designated safe area, refrain from talking and remain there until given the "all-clear" signal. State law requires a minimum of two (2) tornado drills per school year with one tornado drill conducted during March of the school year.

Lockdown drills in which the students are restricted to sections of the interior of the school building and the building secured, will occur a minimum of three (3) times each school year. The alarm system for a school lockdown is different from the alarm system for fires and tornadoes. In the event of a critical incident, students and staff will be notified by the Public Address (PA) System. Students and staff are to immediately move to the nearest secured area or classroom and follow the "lockdown" procedure for a critical incident. Staff has been provided with the procedures.

Shelter in Place drills are a lower level of response than a Lockdown drill and are designed to isolate students and staff from a potential hazard around the school property. In the event of an incident requiring students and staff to shelter in place, they will gather in the classroom or secured area and follow the shelter in place procedures provided to staff. If there is a need to move into a lockdown, this can be done more quickly when students and staff are already sheltered in place.

One of these drills is required by law to occur "during a lunch or recess period, or at another time when a significant number of the students are gathered but not in the classroom".

### **Evacuation Procedure**

In the event of emergency evacuation of Kent ISD, exit the building as practiced during fire drills in an orderly manner to the designated area and wait for the "all-clear" signal.

In the event an evacuation occurs when students are not in class (lunchtime, between classes, etc.), students should immediately leave through the nearest available emergency exit and move around the outside of the building to locate their classroom staff at their evacuation site to be accounted for when role is taken.

### **Protocol for Student Drop-Off and Pick-Up**

Please check with admin/building for procedures for the school year.

## Attendance

Regular attendance plays a vital role in your student's success both academically and behaviorally. As a school we are required to follow the regulations outlined in the Compulsory School Attendance Laws. Before or on the day that an absence occurs, the parent/guardian shall contact the school office to request that their child be excused.

If there is a personal or health issue impacting your student's ability to attend school on a regular basis, please let us know so we are able to support you and your student. If a student will be out of school for five consecutive days due to a health concern, a doctor's note may be requested.

## Excused Absences

Students are excused if Parent(s)/Guardian(s) contact the school before or during the first day of absence or within twenty-four (24) hours of the student's return to school, and the reason provided is accepted by the School Principal/Administrator. Absences may only be excused by the student's parent/guardian. In extenuating circumstances, the parent/guardian may request consideration for excused absences after twenty-four (24) hours of the student's return to school. Such requests may be granted at the principal's discretion.

## Unexcused Absences

**Truancy:** Continued excessive absences could result in a follow up call and/or a meeting with the Principal/Administrator and/or a truancy referral. Feel free to call with questions or concerns. Notification of unexcused absences will be sent to parents according to the table below. Each case will be evaluated individually, based on the student's situation. Prior year attendance will also be taken into consideration and may impact notification procedures for current school year.

| Unexcused Days Absent           | Attendance Notification   |
|---------------------------------|---|
| 1 unexcused absence             | Call/follow up by School Secretary  |
| 3 cumulative unexcused absences | Call/follow up by School Secretary and/or principal/administrator                         |
| 6 cumulative unexcused absences | Letter of concern and call/follow up with principal/administrator.                        |
| 8 cumulative unexcused absences | Follow up call by administrator and possible truancy referral (for students ages 6 – 18). |

### **Community Based Educational Experiences**

Community based educational experiences are provided in many of our programs. Contact your program for more information for this school year.

### **Food Service Program**

Kent ISD provides meals for Center Program students by contracting through the food service programs of Grand Rapids Public Schools, Northview Public Schools, and Godwin Heights Public Schools. If applicable, lunch accounts will be maintained through the local district system. A new Free and Reduced Lunch Form must be completed annually and will be provided as a part of a student's annual enrollment forms packet.

### **Procedure for Donating Equipment to Kent ISD**

The Center Program schools accept and appreciate donations of wheelchairs and other equipment that can be used by our students. For safety and liability reasons, our district has a safety review process for all donated items. Once the review has been completed, if the equipment is "usable", we will send the donor a form that can be used for donations on income tax returns. If a donated piece of equipment is not needed by Kent ISD or if it does not pass the safety review process, the donor has the option of taking it back. Donated items deemed safe and usable become district property. Please call the building office before bringing out items for donation.

### **Medication Administration Guidelines**

In order to maximize student instruction time, school nurses or trained school staff will only dispense medications that need to be administered during school hours. Please help us by scheduling as many of your son or daughter's medications/treatments to be given at home whenever possible.

Medication is defined as prescription, non-prescription and herbal medications, and includes those taken by mouth, by gastrostomy tube, by inhaler or nebulizer, those that are injectable, and those that are applied as drops to the eyes, nose, or medications applied to the skin.

## Medication Administration

- The student's parent/guardian is responsible for completing a Medication Treatment Consent Form and supplying the medication in the original pharmacy container and any necessary additional supplies/equipment that will be needed to properly administer to the student.
- This request must comply with written health care provider orders with the ordering provider's signature also on the Consent Form.
- Parental request and health care provider order shall be renewed on a yearly basis.
- No changes to dose of medication or time of administration shall be made without written provider instruction. Staff may administer medication within 30 minutes of prescribed time, unless special arrangements are made.
- While at school, medications will be administered by a nurse or trained school staff unless other specific arrangements are necessary. When a student leaves the building on a field trip, the following guidelines apply:
  - Medication may be administered by classroom staff in the presence of another adult. Student name, medication name and dosage, and time will be double-checked by both adults and documented on the field trip medication administration sheet.
  - NOTE: The nursing staff does not accompany classes on all field trips. If your child is prescribed an emergency use medication (such as to stop a seizure), please contact the school nurse to develop a plan that best meets your student's needs.
- Should a medication error occur, the error will immediately be reported to administration. Written documentation will be completed and the student's parent/guardian will be notified promptly. The student's physician will also be notified when indicated.
- In the event a medication is discontinued, the leftover medication will be properly disposed of here at school unless the parent specifies otherwise.

## Immunizations

Per Michigan law, all students must provide the school with either a record showing that your child has received all of the following immunizations or a waiver of exemption from either your child's health care provider or the Kent County Health Department.

For more information, please refer to [www.michigan.gov/immunize](http://www.michigan.gov/immunize)

### ENTRY REQUIREMENTS FOR ALL PUBLIC & NON-PUBLIC SCHOOLS

All doses of vaccines must be given with appropriate spacing between doses at appropriate ages to be considered valid.

| Age                            | 4 years through 6 years   | 7 years through 18 years  |
|--------------------------------|---|---|
| Vaccine                        |   |   |
| Diphtheria, Tetanus, Pertussis | <b>4</b> doses DTP or DTaP, one dose must be on or after 4 years of age   | <b>4</b> doses D and T <b>OR</b> 3 doses Td if #1 given on or after 7 years of age.<br><b>1</b> dose of Tdap for children 11 through 18 years <b>IF</b> 5 years since last dose of tetanus/diphtheria containing vaccine. |
| Polio                          | <b>4</b> doses, if dose 3 administered on or after 4 years of age, only 3 doses are required.   | <b>3</b> doses  |
| Measles, Mumps, Rubella        | <b>2</b> doses on or after 12 months of age   |   |
| Hepatitis B*                   | <b>3</b> doses  |   |
| Meningococcal                  | <b>None</b>   | <b>1</b> dose for children 11-18 years of age   |
| Varicella* (Chicken Pox)       | <b>2</b> doses of varicella vaccine at or after 12 months of age <b>OR</b> current lab immunity <b>OR</b> reliable history of disease |   |

\*Current laboratory evidence of immunity is acceptable instead of immunizations with antigen.

#### Communicable Disease

Students having a communicable disease condition should not be sent to school unless they are no longer contagious. Determination of whether a condition is contagious enough to prevent school attendance should be made by the student's physician or Health Department. If school personnel disagree with this decision, final recommendations on school attendance will be made by the school nurse and administrator in consultation with the Kent County Health Department Communicable Disease coordinator and Medical Director.

When a communicable disease exists in a classroom in sufficient numbers, the Health Department also will be consulted for guidance in communication or possible school closures.

In order to maintain the health and well-being of students and staff, please keep your son or daughter home when they are showing signs of illness. Your family physician is most qualified to diagnose and treat your son or daughter. It is not within our nurses' responsibility to make medical diagnosis.

## **Student Illness Procedure**

### **Students who have the following symptoms will be sent home from school:**

- Fever (at or above 100.0 F)
- Vomiting – two (2) or more times in the last 24 hours
- Sores on the skin with pus or drainage
- Unexplained rashes or blisters
- Diarrhea—more than 3 stools in 24 hours
- Tiredness that prevents normal activity
- Complaint of sore throat
- Complaint of shortness of breath
- Wheezing
- Chills
- Stiff back or neck
- Abdominal cramps or pain

### **Students with these symptoms cannot be kept in school or transported home on a bus:**

If it is determined that the student needs to be sent home, he/she will be cared for in a place where he/she is comfortable and able to be observed by someone who knows the child well. If indicated, the student shall be cared for in a separate environment to prevent disease transmission.

Nurse/staff will contact the student's parent/guardian and inform them that their student needs to be picked up from school as soon as possible. It is expected that the parent will make all necessary arrangements to pick up the child in a timely manner.

### **Student return to school:**

Determination as to when a student may return to school will follow the most current guidelines available from CDC, MDHHS, and the Kent County Health Department.

Students may be required to present a statement from his/her health care provider stating that he/she is no longer contagious and may return to school, if requested by nursing staff. In this way we hope to protect our high-risk students from infection and contagious diseases, and to ensure that our students remain healthy.

## **Student Injury Procedure**

In the event of an accident or injury, the parent/guardian will be immediately notified for any required medical attention. If a parent/guardian cannot be reached, and the injury is such that immediate care is required, the school will arrange for the student to be taken to the doctor or a hospital for treatment by ambulance. This action will not obligate the district to assume financial responsibility of treatment.



## **DNR/End-of-Life Procedure**

Students may have a Do Not Resuscitate order honored at school as long as the following conditions are met:

- DNR form is completed in full and signed by student's guardian and physician, and appropriately witnessed.
- Form is on file with school.
- A new form must be completed and filed every year.
- End-of-life arrangements for students will be evaluated on a case-by-case basis.

In order to promote continuity of communication regarding plan of care and end of life, the following guidelines exist for discussing DNR implementation with a student's family:

- Existing DNR orders will be discussed with parents/guardians on a yearly basis
- When a new DNR order is implemented, a meeting will be called with all necessary parties. and student's parents/guardians to discuss wishes for care at the end of life.

Should a student pass away at school, the following procedure will be implemented:

- Staff will notify the student's family immediately.
- The classroom will be cleared of classmates and the student will be prepared for family arrival.
- Kent ISD will call EMS to come and pronounce/transport the student.
  - DNR will be presented to EMS upon arrival.
  - If a student is an active hospice patient, EMS will not be called. The hospice case manager will be notified instead. It is the parents'/guardians' responsibility to ensure that the RN has appropriate contact number.

## **Reporting Abuse/Neglect**

- The Child Protection Law of Michigan requires the reporting of suspected abuse and neglect to a person under 18 years of age to the Department of Social Services.
- **"Child Abuse"** means harm or threatened harm to a child's health or welfare by a person responsible for the child, which occurs through non-accidental physical or mental injury, sexual abuse, or maltreatment.
- **"Child Neglect"** means harm to a child's health or welfare which occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.
- Any staff member working with Center Program students who suspects abuse or neglect toward one of the students will immediately communicate that concern to the Protective Services Division, Department of Social Services by telephone. The reporting staff person must complete a written report on form DSS-3200 (as provided by the Department of Social Services) within 72 hours.
- The same procedure will be followed for suspected abuse or neglect to a dependent Kent ISD Center Program student who is over the age of 18, with notification to the Adult Services Division

## **Behavioral Expectations**

Kent ISD staff members encourage appropriate behavior by giving students consistent, positive feedback and reinforcement. A variety of behavior support strategies may be implemented to help address your child's needs. Use of more intensive strategies may also be utilized in an effort to change a student's behavior and maintain safety for the student and others.

## **Positive Behavior Supports/Positive Behavior Support Plans**

Positive Supports teach a student alternative strategy for addressing the cause (or function) of their behavior (anger, expressing their feelings, coping with difficult situations/changes and helping meet their needs using less disruptive and more socially appropriate strategies). For safety purposes, a Positive Behavioral Support Plan may also include emergency procedures (which may include the use of Seclusion or Restraint in accordance with State Board Policy/Guidelines). Data collection and frequent review of this data is an expectation of all educational staff so that skills, techniques and strategies used to address behavior can be bridged across a student's entire day maximizing learning opportunities and providing a consistent adult response regardless of the setting.

## **Bullying**

It is the policy of the District to provide a safe and nurturing educational environment for all of its students. **(#5517.01)** This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior. "Bullying" is defined as any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts, i.e. internet, telephone or cell phone, Personal Digital Assistant (PDA), or wireless hand-held device) that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
- Adversely affecting the ability of a student to participate in or benefit from the school District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- Having an actual and substantial detrimental effect on a student's physical or mental health; and/or
- Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

- Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, e-mails, social media postings, and graffiti.

## **Restorative Practices**

Restorative Practices means that practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. The school will consider restorative practices to remediate offenses such as: interpersonal conflicts, bullying, verbal and physical conflicts, and harassment and cyberbullying - before imposing discipline under this policy.

A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members or the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do one or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

Before suspending or expelling a pupil, the board of a school district or intermediate school district or board of directors of a public-school academy, or a superintendent, school principal, or other designee, shall consider each of the following factors:

- The pupil's age.
- The pupil's disciplinary history.
- Whether the pupil is a student with a disability.
- The seriousness of the violation or behavior committed by the pupil.
- Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member.
- Whether restorative practices will be used to address the violation or behavior committed by the pupil.
- Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

This practice does not apply to a student who is in possession of a firearm in the building. However, this practice does apply to the possession of a dangerous weapon such as a dagger, dirk, stiletto, and knife with blade over 3 inches.

## **Discipline Procedures**

Kent ISD's Discipline procedures are based upon individual needs. A multidisciplinary team assists staff in evaluating the needs of students. When intervention is needed, the process involves the following steps:

- Referral by teacher or administrator to behavioral specialist for assessment
- Functional assessment – done by teacher, behavioral specialist, or both
- Developing the plan – done by teacher and behavioral specialist (if needed)
- Obtain consent from administrator and guardian if necessary
- Present to behavior management committee if contains restrictive techniques

Informed consent from administrators and parent/guardian is obtained at any time it is suspected that interventions may pose possible risk of harm to a student, detract from his/her learning opportunities, or reduce his/her freedom of movement. Law and also school policy restrict interventions that present a potential risk.

In the event that a student's behavior presents a significant risk of safety to self or others, due to severe aggression with the intent to cause serious bodily harm to self or others, trained staff are allowed, per law, to perform Non-Violent Crisis Intervention techniques if necessary. These techniques may include the use of seclusion, child control, team control, interim position, and/or transport to a safe destination. These techniques may only be used by CPI trained staff, only in emergency situations, and only until the student is able to regain control of their behavior on their own. If one of the above techniques should be utilized at school, a Behavior Incident Form will be completed within 24 hours of the incident and the parent/guardian of the student will be notified at this time also. It will be determined also if a formal positive behavior support plan is necessary (if not already implemented) by the teacher, behavior specialist, parent/guardian, and any other team members involved in the incident.

## Advocacy and Resources

### **Arc Kent County**

[www.arckent.org](http://www.arckent.org) - 616-459-3339

The Arc Kent County advocates for the rights and full participation of all children and adults with intellectual and other related developmental disabilities. They strive to improve systems of supports and services; connect families; inspire community and influence public policy. Services include: Special education law, representative payee, advocacy, Medicaid application assistance info and referral to community resources, educational training on topics of relevance, community participation initiative

### **Association for the Blind & Visually Impaired**

<https://www.abvimichigan.org> - 616-458-1187

ABVI provides all types of Vision Rehabilitation training and services in west Michigan. ABVI has two programs that work directly with students age 14 and above: STEPS and Summer in the City.

### **Autism Society of Kent County**

<http://www.autismsupportofkentcounty.org>

Autism Support of Kent County, Inc. (ASK) is a non-profit organization of parents, school staff, and others who actively seek to support and advocate for persons with Autism Spectrum Disorder (ASD) and their families.

### **Deaf & Hard of Hearing Services**

<http://www.autismsupportofkentcounty.org> - 616-732-7358

A full-service agency for the Deaf and hard of hearing communities in West Michigan, they fill 3,000+ interpreter assignments annually, and provide further services through American Sign Language classes, Cultural Awareness and Sensitivity training, equipment assistance and advocacy, and a children's educational and social skills program in West Michigan

### **Disability Advocates of Kent County**

[www.disabilityadvocates.us](http://www.disabilityadvocates.us) 616-949-1100

The mission of Disability Advocates of Kent County is to work alongside people with disabilities as they seek to lead self-directed lives and to advocate for accessible and welcoming communities.

- Youth Transition Services- Provides one on one peer mentoring and facilitates workgroups covering Pre-employment skills, Independent living skills, and Self-advocacy skills.
- Family Support Services- Assist, guide and empower families and persons with developmental disabilities in regards to navigating resources and government agencies.
- Information and Referral Services- Provides information and resources spanning a wide variety of disability related issues.

### **Down Syndrome Association of West Michigan (DSAWN)**

[www.dsawm.org](http://www.dsawm.org) - 616-956-3488

We are a support, advocacy and resource group for persons with Down syndrome, their families, and friends. The DSAWM provides recreational and therapeutic programming, financial assistance, support groups, educational workshops, and more.

**Learning Disabilities Association of Michigan**

<http://ldaofmichigan.org>

Mission is to enhance the quality of life for all individuals with learning disabilities and their families through advocacy, education, training, service and support of research.

**National Stuttering Association (NSA) – Local Chapter**

<http://www.westutter.org/find-nsa-meeting-near/michigan/> - 616-481-6569

The NSA provides support, friendship, and information to the stuttering community, instilling the sense of self-worth so often missing in the lives of those who battle this disorder. Nationwide NSA provides information about stuttering, increases public awareness of stuttering, serves as a support and advocacy group, and is a referral organization for speech therapy sources throughout the United States.

## Employment

### **Ability Employment Services**

[Abilityemploymentservices.com](http://Abilityemploymentservices.com) – 616-706-1017, 616-293-4949

Specializing in pre-employment transition services for high school students. Provides engaging and thorough curriculum that focuses on an introduction to employment.

### **Bureau of Services for Blind People**

[www.michigan.gov/mcb](http://www.michigan.gov/mcb) 616-356-0180

The (Michigan) Bureau of Services for Blind Persons Transition Services help students age 14 and over, who are legally blind to obtain, maintain, or gain employment and to successfully make the transition from high school to postsecondary education.

### **Goodwill Industries of West Michigan**

[www.goodwillgr.org](http://www.goodwillgr.org) 616-451-8800

Goodwill offers a range of short and long-term training options; in-depth workshops that teach people the soft skills necessary for succeeding in the workplace. In addition to helping people prepare for, find, and keep good jobs -- Goodwill offers related support services such as financial literacy, tax preparation services, resource assistance, skills assessment, personal coaching, and more.

### **Michigan Rehabilitation Services**

[www.michigan.gov/mrs](http://www.michigan.gov/mrs) 616-242-6450

Michigan Rehabilitation Services (MRS) works with High School Students and Employers to achieve quality employment outcomes and independence for individuals with disabilities. We work in partnership with individuals with disabilities to prepare for and obtain competitive employment, including exploring the possibilities of self-employment or owning a small business.

### **Michigan Works!**

<http://www.westmiworks.org/> 616-336-4460

Michigan Works! Kent & Allegan Counties provides a network of employment and training programs and services for employers, employees, and job seekers with the goal of creating a sustained workforce with the required skills to maintain and enhance the economy of Kent and Allegan Counties. All of the services provided through Michigan Works! Kent & Allegan Counties are offered free of charge to Kent and Allegan Counties residents and businesses.

## Adult Living

### Hope Network

[www.hopenetwork.org](http://www.hopenetwork.org) - 616-301-8000

Hope Network aims to provide a greater level of independence through Specialty Health and Community Services. They offer a broad continuum of care in various areas of expertise—including, the treatment of brain and spinal cord injuries, mental illness, and developmental disabilities. In addition, Hope Network provides specialized transportation and residential services, as well as job training and placement, and conducts applied research.

### Community Living Services

<http://www.comlivserv.com> - 616-430-8388

Community Living Services, Kent County Division (CLS Kent) is a non-profit organization that promotes community inclusion, full citizenship, personal empowerment, and a self-determined life for people with Intellectual and Developmental Disabilities. They have a high level of expertise in Person-Centered Planning, Self-Determination, and community focused services.

### Heart of the City Health Center

**Cherry Street Health Services-** <https://www.cherryhealth.org>

Cherry Street Health Services (CSHS) is an independent, non-profit Federally Qualified Health Center (FQHC) with a primary focus of providing high quality health services to those who have little or no access to health care, regardless of income or insurance status. Services provided by CSHS include primary care, women's health, dental, vision, behavioral health, mental health, correctional health, three school-based health centers and employee assistance for employers.

### Kent County Health Dept. Children's Special Health Care Services

<https://www.accesskent.com/Health/Families/> - 1-616-632-7066

Coverage of medical care and treatment related to certain medical diagnoses. Transition planning for medical transitions.

### MOKA

[www.moka.org](http://www.moka.org) - 1-800-644-2434

MOKA provides support and services to assist individuals with disabilities to become valued members of their communities. They offer treatment in specialized community based homes, training and support to live in your own home, skill building with the goal of employment, skill development and job placement, and family support of children with autism and other disabilities.

### Network 180

[www.network180.org](http://www.network180.org) - 616-336-3909

The community mental health authority for Kent County. Network180 connects individuals and their families to services for mental illness, substance use disorders, or developmental disabilities. Must meet DD eligibility per Michigan Mental Health Code.



**Real Life Living Services**

[www.rlls.org](http://www.rlls.org) - 734-222-6076

Real Life Living Services (RLLS) is a non-profit agency that provides community and home-based care of developmentally and/or physically challenged adults and children, as well as Senior Care.

**Social Security Agency**

[www.ssa.gov/ssi](http://www.ssa.gov/ssi) - 1-800-772-1213

Through the SSA, individuals can request a new or replacement social security card or apply for Supplemental Security income (SSI). The SSI program pays benefits to adults and children with disabilities who have limited income and resources.

**Daniel L. Blauw, PLC Attorneys & Counselors At Law**

<http://www.blauwkirkpatricklaw.com> - 1-616-336-5098

Attorneys Dan Blauw and Sarah Kirkpatrick specialize in disability law. They assist special needs people and their loved ones by drafting special needs trusts, establishing legal guardianship/ alternatives to guardianship, providing advice on public benefits, & more.

**Oasis Community**

<http://oasiscommunity.info>

A Learning community: Building Circles of Support to empower individuals with disabilities and their families to create a “good life” together by making connections and working on common issues; like housing, transportation, employment and friendships.

**Spectrum Community Services**

[www.spectrumhuman.org](http://www.spectrumhuman.org) 616-241-6258

We are a child welfare, family preservation and mental health human services organization. Our services include foster care, adoption, family preservation, mental health treatment services, substance abuse treatment, employment/career training, programs for adjudicated youth, and group homes for developmentally disabled adults.

**Thresholds Inc.**

[www.threshnet.org](http://www.threshnet.org) - 616-774-0853

Thresholds provides Supports Coordination, Community Living Supports, Respite and Residential Services to people who have developmental disabilities so they may live as productively and independently as possible in the community.

## Community Involvement

### **Artists Creating Together (ACT) Michigan - Grand Rapids Inc.**

<http://www.artistscreatingtogether.org> - 616-885-5866

Visual and non-visual community art classes available for adults, ages 16 and up. These programs offer opportunities for creating community, meeting new friends, and building self-confidence, all while learning and enjoying art! Volunteer opportunities are also available, both programming and office/administrative.

### **Indian Trails Camp**

<http://ikuslife.org/services/indian-trails-camp/> - 616-677-5251

Indian Trails is a remarkable facility that brings adaptive recreation to the lives of each camper. Indian Trails offers a barrier-free camp setting in which those with disabilities can participate in all manner of activities the outside world is ill-equipped to provide. Indian Trails Camp accepts campers with a broad range of developmental and/or physical disabilities. Year-round programming includes weekend respites and a community integrated skill building program. Seasonal programs include summer camps and day camps.

### **Michigan Disability Sports Alliance**

<http://www.michiganvictorygames.org/midsa/>

Michigan Victory Games is a 4-day statewide regional athletic competition for individuals with physical disabilities. Eligible athletes over the age of 7 may attend and high school students might earn their Varsity letter via this event. Some of the events offered include: Bowling, Cross Country, Cycling, Boccia, Power Lifting, Slalom, Swimming, Table Tennis, and Track/Field. The local team, the Grand Rapids Eagles, can be reached via the head coach, Emily Vanderzwaag, at [emvanderzwaag@yahoo.com](mailto:emvanderzwaag@yahoo.com).

### **Michigan State University Extension: Children and Youth Programming**

[http://msue.anr.msu.edu/resources/children\\_and\\_youth\\_programming\\_preparing\\_children\\_youth\\_for\\_the\\_future](http://msue.anr.msu.edu/resources/children_and_youth_programming_preparing_children_youth_for_the_future)

MSU Extension's goal is that every Michigan child is prepared for a healthy and productive life. Children and youth programming is in five areas: capacity building for youth programs, workforce development, enhancing science literacy, and leadership.

### **Special Olympics Michigan – Area 11**

<http://www.somi.org/area11/>

Sports programs for individuals with disabilities in Barry and Kent Counties. Available sports include; Alpine Skiing, Aquatics, Athletics (Track and Field), Basketball, Bocce, Bowling, Cross Country Skiing, Cycling, Golf, Gymnastics, Poly Hockey, Snowboarding, Snowshoeing, Soccer, Softball, Speed Skating, Volleyball

### **The Rapid: Transit Services**

<http://www.ridetherapid.org/> - 616-356-1138

The Rapid serves the cities of East Grand Rapids, Grand Rapids, Grandville, Kentwood, Walker and Wyoming. The fixed route service offers free Travel Training to show individuals how to use the system. All the bus stops and buses are 100% accessible to persons with disabilities. We offer group orientation and familiarization as well.

**Go!Bus** - The Rapid offers a door-to-door transportation service for seniors age 65+ and persons with disabilities who cannot ride a fixed-route bus. Reservations must be made in advance for this service.

**YMCA - Camp Manitou-Lin**

<https://www.grymca.org/camp-manitou-lin/>

For Ages 19-26 (must be independent in the bathroom). Come and enjoy a fun filled weekend at YMCA Camp Manitou-Lin! Participants will stay in our heated and carpeted cabins with attached bathroom facilities. Weekend activities may include hayrides, nature hikes, camp crafts, boating, campfires, archery, and making great friends!

**YMCA – Mary Free Bed**

<https://www.grymca.org/mary-free-bed/overview/> - 1-616-855-9622

The Mary Free Bed YMCA is a revolutionary new facility designed with everyone in mind. The 36-acre, LEED certified complex is home to a wide range of fully accessible spaces and amenities. With new adaptive fitness, nutrition, healthy aging, and youth leadership programs, everyone has an opportunity to participate in engaging activities that enhance their well-being.

## Colleges, Universities & Career/Tech Education

### **Baker College**

[https://my.baker.edu/ICS/My\\_Services/Student\\_Services\\_Center/OneStop/Disability\\_Services/](https://my.baker.edu/ICS/My_Services/Student_Services_Center/OneStop/Disability_Services/)

Upon student request: Baker College has designated Disability Services Specialists who work with students and faculty to provide reasonable and appropriate accommodations.

### **Cornerstone University**

<https://www.cornerstone.edu/academics/pgs/academic-support/student-disability-services/>

Students must complete an application and submit appropriate documentation, which will be reviewed by the Accommodations Officer and the Accommodations Review Committee. Upon acceptance, the student will meet with the Director of Academic Support to develop an Individualized Student Accommodation Plan (ISAP) based on the ARC recommendations.

### **Davenport University**

<https://www.davenport.edu/campus-life/student-access>

Davenport is waiting to equip you with the real-world knowledge and experience you will need to succeed in your chosen career. We offer many programs in the three sectors driving the future economy -- business, technology and health. Davenport University is committed to serving all students with disabilities both in and out of the classroom. Any student with a documented disability is eligible to request services through Student Access.

### **Ferris State University**

<https://ferris.edu/HTMLS/colleges/university/disability/>

Ferris personalizes your experience, providing you with excellent academic resources, dynamic professional opportunities and student services that fit your individual needs. Educational Counseling and Disabilities Services (ECDS) provides academic accommodation access for students with disabilities.

### **Grand Rapids Community College**

<https://www.grcc.edu/disabilitysupportservices>

Disability Support Services (DSS) ensures equal access for students with disabilities to all curricular and co-curricular opportunities offered by GRCC. Provides information regarding accommodations available to college student and how to get ahead now for college.

### **Grand Valley State University**

<https://www.gvsu.edu/dsr/>

The mission of GVSU Disability Support Resources (DSR) is to provide support resources and accommodations that enhance the environment for persons with disabilities and to help educate the university community on disability issues.

**Kendall College of Art and Design**

<https://www.kcad.edu/current-students/activities-resource-center/disability-services/>

KCAD has a disability services and counseling office which helps students receive equal access to the College environment. Students with disabilities can register with the disability and counseling office, receive accommodations and receive help in advocating for themselves.

**Michigan Career & Technical Institute**

[www.michigan.gov/mcti](http://www.michigan.gov/mcti) 887-901-7360

Since 1944, MCTI has provided post-secondary technical training and supports for adults with disabilities, to prepare them for competitive employment, and operates under the auspices of Michigan Rehabilitation Services. MCTI is located on the shores of Pine Lake in Plainwell, MI and has 13 different training programs.

**MTEC- Grand Rapids Community College - Workforce Development**

<http://www.grcc.edu/leslieetassellmtec>

GRCC Job Training classes run 34 hours per week and 18 weeks in length. In most programs they enroll new participants every month, which means that you don't have to wait until next semester to begin working toward a better future. Hands-on training operates as much like private industry and business as possible. Upon completion, you will receive job placement assistance.

**Noorthoek Academy**

<https://www.noorthoekacademy.org> - 616-234-4123

Noorthoek Academy provides a college experience for adults with special needs who have received a Certificate of Completion. Provides an affordable college experience, offering continuing education in the arts and sciences for adults with learning challenges and other intellectual disabilities in partnership with Grand Rapids Community College.

**Western Michigan University Office of Disabled Student Resources and Services (DSRS)**

<https://wmich.edu/disabilityservices>

The mission of Disability Services for Students at Western Michigan University is to **make education accessible**. A student is a student, regardless of the issues, challenges or conditions faced. DSS advocates for the student to be provided with the appropriate tools to allow that person the opportunity to reach goals and potential. Those tools, academic accommodation or adjustment, facilitate learning while maintaining the integrity of course content and outcomes.

## **Kent Intermediate School District Policies**

As required by law, the Kent ISD must provide notices regarding Kent Intermediate School District policies and guidelines. The purpose of the notices is to inform students and parents/guardians about rights and procedures.

Listed below are policy summaries. Students and parents/guardians may request complete policy text by contacting Kent ISD Center Programs at (phone #)

**Asbestos Hazard Emergency Response Act (AHERA) Compliance** In compliance with the Asbestos Hazard Emergency Response Act, Kent ISD has developed management plans for the sale control and maintenance of asbestos-containing materials found in its schools. These management plans are available and accessible to the public at the Maintenance Building.

**Student Records (# 8330)** In order to provide appropriate educational services and programming, the School Board must collect, retain and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personal identifiable information.

**Student Privacy and Parental Access (# 2416)** The School Board respects the privacy rights of parents/guardians and their children. The Superintendent shall ensure that procedures are established whereby parents/guardians may inspect any materials used in conjunction with any survey, analysis, evaluation or that reveals information concerning: political affiliations; mental or psychological problems; sex behavior or attitudes; legally-recognized privileged relationships; religious affiliations or income.

**Search and Seizure (# 5771)** The School Board has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student.

**Public Complaints (# 9130)** Any person or group having a legitimate interest in the operations of this District shall have the right to present a request, suggestion, or complaint concerning District personnel, the program, or the operations of the District. At the same time, the School Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

**Matters Regarding Instructional Materials (# 9130)** The Superintendent shall prepare administrative guidelines to ensure that students and parents/guardians are adequately informed each year regarding their right to inspect instructional materials and the procedure for completing such an inspection.

**Pesticide Application (# 8431F)** Parents/guardians have the right to be informed before any pesticide application is made on District property. The Pesticide Prior Notification Request must be completed to receive notification prior to pesticide application.

**Student Accident Insurance (# 8760)** The School Board shall provide insurance coverage for injuries to students caused by accidents occurring in the course of attendance at District programs.

**Blood-borne Pathogens (# 8453.01)** Administrative guidelines establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure, and for providing record-keeping in order to comply with both federal and state laws.

**Bullying and Other Aggressive Behavior Toward Students (#5517.01)** It is the policy of the District to provide a safe and nurturing educational environment for all of its students. This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior. Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety or personal degradation. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

## **Notice of Procedural Safeguards Available to Parents of Students with Disabilities**

### **Introduction**

This document provides parents of students with disabilities, from birth through age 26, an overview of their educational rights with respect to special education. This document incorporates all procedural safeguards to parents and students with disabilities afforded under the Individuals with Disabilities Education Act (IDEA) and the IDEA implementing regulations.

### **Procedural Safeguards Notice**

The Individuals with Disabilities Education Act (IDEA), the Federal law concerning the education of students with disabilities, requires schools to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations. A copy of this notice must be given to parents only one time a school year, except that a copy must be given to the parents: (1) upon initial referral or parent request for evaluation; (2) upon receipt of the first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year; (3) when a decision is made to take a disciplinary action that constitutes a change of placement; and (4) upon parent request. [34 CFR 300.504(a)] This procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §300.148 (unilateral placement at private school at public expense), §§300.151 through 300.153 (State complaint procedures), §300.300 (consent), §§300.502 through 300.503, §§300.505 through 300.518, and §§300.530 through 300.536 (procedural safeguards in Subpart E of the Part B regulations), and §§300.610 through 300.625 (confidentiality of information provisions in Subpart F).

### **General Information**

#### **Prior Written Notice 34 CFR §300.503**

Your school district (the term “school district,” as used in this Notice, includes a public school academy) must give you written notice (provide you certain information in writing), whenever it: (1) Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or (2) Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child. The written notice must: (1) Describe the action that your school district proposes or refuses to take; (2) Explain why your school district is proposing or refusing to take the action; (3) Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action; (4) Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA; (5) Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation; (6) Include resources for you to contact for help in understanding Part B of the IDEA;

(7) Describe any other choices that your child’s individualized education program (IEP) Team considered and the reasons why those choices were rejected; and (8) Provide a description of other reasons why your school district proposed or refused the action. A public agency may use the IEP as part of the prior written notice as long as the document(s) the parent receives meets all the requirements in §300.503. The notice must be: (1) Written in language understandable to the general public; and (2) Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, your school district must ensure that: (1) The notice is translated for you orally by other means in your native language or other mode of communication; (2) You understand the content of the notice; and (3) There is written evidence that 1 and 2 have been met.



### **Native Language 34 CFR §300.29**

*Native language*, when used with an individual who has limited English proficiency, means the following: (1) The language normally used by that person, or, in the case of a child, the language normally used by the child's parents; (2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment. For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

### **Electronic Mail 34 CFR §300.505**

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail: (1) Prior written notice; (2) Procedural safeguards notice; and (3) Notices related to a due process complaint.

### **Parental Consent - Definition 34 CFR §300.9**

*Consent* means: (1) You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent. (2) You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and (3) You understand that the consent is voluntary on your part and you may withdraw your consent at any time. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

### **Parental Consent 34 CFR §300.300**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading,

**Parental Consent — Definition.** Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability. Your consent for initial evaluation does **not** mean that you have also given your consent for the school district to start providing special education and related services to your child. If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. Your school district will not violate its obligations to locate, identify, and evaluate your child if it does not pursue an evaluation of your child in these circumstances. If a child is a ward of the State and is not living with his/her parent —The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if: (1) Despite reasonable efforts to do so, the school district cannot find the child's parent; (2) The rights of the parents have been terminated in accordance with State law; **or** (3) A judge or a public agency with responsibility for the general care of the child has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent. *Ward of the State*, as used in the IDEA, means a child who, is: (1) A foster child, unless the child's foster parent has been assigned the right to make educational decisions on the child's behalf by a judge overseeing the child's case or a public agency with responsibility for the general care of the child; (2) Considered a ward of the State under State law; (3) Considered a ward of the court under State law; **or**

(4) In the custody of a public child welfare agency. Your school district must obtain your informed consent before providing special education and related services to your child for the first time, and must make reasonable efforts to obtain that informed consent. If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district: (1) Is not in violation of the requirement to make a FAPE available to your child for its failure to provide those services to your child; and

(2) Is not required to have an IEP meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

### **Revocation of Parental Consent**

If you inform the school district in writing that you revoke (take back) your consent for your school district to provide special education and related services to your child, your school district: 1) May not continue to provide special education and related services to your child; 2) Must provide you with timely prior written notice, consistent with §300.503 of the IDEA regulations, of their proposal to discontinue special education and related services based on receipt of your written revocation of consent; 3) May not use due process procedures (i.e., mediation, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to your child; 4) Is not in violation of the requirement to make FAPE available to your child for its failure to provide further special education and related services to your child; 5) Is not required to have an IEP meeting or develop an IEP for your child for the further provision of special education and related services; and 6) Is not required to amend your child's education records to remove any reference to your child's receipt of special education and related services because of the revocation of consent.

### **Parental Consent for Reevaluations**

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that: (1) It took reasonable steps to obtain your consent for your child's reevaluation; and (2) You did not respond. If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner. Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

(1) Detailed records of telephone calls made or attempted and the results of those calls; (2) Copies of correspondence sent to the parents and any responses received; and (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits. Your consent is not required before

your school district may: (1) Review existing data as part of your child's evaluation or a reevaluation; or (2) Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children. Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity. If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable services (services made available to parentally-placed private school children with disabilities).

### **Independent Educational Evaluations 34 CFR §300.502**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district. If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the school district's criteria that apply to IEEs. IEE means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child. *Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each state to use whatever state, local, federal, and private sources of support are available in the state to meet the requirements of Part B of the Act. You have the right to an IEE of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions: (1) If you submit a written request for an IEE of your child at public expense, your school district must respond, in writing, to the request within seven calendar days of the receipt of the request, indicating the district's intent to either: (a) provide the IEE at public expense; or (b) file a due process complaint to request a hearing to show that it's evaluation of your child is appropriate. (2) If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an IEE, but not at public expense. (3) If you request an IEE of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing

the IEE of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child. (4) If an IEE that you obtain does not meet the school district's criteria, the school district may file a due process complaint. If the final decision in the hearing is that the evaluation did not meet the school district's criteria, public reimbursement of the expense of your IEE may be denied. You are entitled to only one IEE of your child at public expense each time your school district conducts an evaluation of your child with which you disagree. If you obtain an IEE of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense: (1) Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for IEEs, in any decision made with respect to the provision of a FAPE to your child; and (2) You or your school district may present the evaluation as evidence at a due process hearing regarding your child. If an administrative law judge (ALJ) requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense. If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same

as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an IEE). Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an IEE at public expense.

#### **Confidentiality of Information Definitions 34 CFR §300.611**

As used under the heading **Confidentiality of Information**: *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)). FERPA defines “education records” as records that are directly related to a student and maintained by an educational agency or by a party acting for the agency. *Participating agency* means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

#### **Personally Identifiable Information 34 CFR §300.32**

*Personally identifiable* means information that has: (a) Your child’s name, your name as the parent, or the name of another family member; (b) Your child’s address; (c) A personal identifier, such as your child’s social security number or student number; or (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

#### **Notice to Parents 34 CFR §300.612**

The Michigan Department of Education (MDE) must give notice to parents that the MDE has procedures and policies that are adequate to fully inform parents about confidentiality of personally identifiable information, including: (1) A description of the extent to which the notice is given in the native languages of the various population groups in the State; (2) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information; (3) A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and (4) A description of all of the rights of parents and children regarding this information, including the rights under the FERPA and its implementing regulations in 34 CFR Part 99. Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity to locate, identify, and evaluate children in need of special education and related services.

#### **Access Rights 34 CFR §300.613**

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by the participating agency under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an IEP, or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request. Your right to inspect and review education records includes:

(1) Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records; (2) Your right to request that the participating agency provide copies of the

records if you cannot effectively inspect and review the records unless you receive those copies; and (3) Your right to have your representative inspect and review the records. The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

#### **Record of Access 34 CFR §300.614**

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

#### **Records on More Than One Child 34 CFR §300.615**

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

#### **List of Types and Locations of Information 34 CFR §300.616**

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

#### **Fees 34 CFR §300.617**

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

#### **Amendment of Records at Parent's Request 34 CFR §300.618**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information. The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request. If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing as described under the heading, **Opportunity for a Hearing**.

#### **Opportunity for a Hearing 34 CFR §300.619**

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

#### **Hearing Procedures 34 CFR §300.621**

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the FERPA.

#### **Result of Hearing 34 CFR §300.620**

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing. If, as a result of the hearing, the participating agency decides that the information

is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency. Such an explanation placed in the records of your child must: (1) Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and (2) If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

#### **Consent for Disclosure of Personally Identifiable Information 34 CFR §300.622**

Unless disclosure of personally identifiable information contained in education records (without parental consent) is authorized under the FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA. Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services. If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

#### **Safeguards 34 CFR §300.623**

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding Michigan's policies and procedures regarding confidentiality under Part B of the IDEA and the FERPA. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

#### **Destruction of Information 34 CFR §300.624**

Your school district must inform you when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to your child. The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

#### **Student Rights 34 CFR §300.625**

Under the regulations for FERPA, the rights of parents regarding education records are transferred to the student at age 18. The rights of parents under Part B of the IDEA regarding education records are also transferred to the student at age 18. However, a participating agency must provide any notice required under Part B of the IDEA to both the student and the parents.

#### **Mediation 34 CFR §300.506**

The MDE has established procedures to make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B or Part C of the IDEA, including matters arising prior

to the filing of a state complaint or a due process complaint. Thus, mediation is available to resolve disputes under Part B or Part C of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading, **Filing a Due Process Complaint**. The procedures ensure that the mediation process: (1) Is voluntary on your part and the school district's part; (2) Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B or Part C of the IDEA; and (3) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

(1) Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; and (2) Who would explain the benefits and encourage the use of the mediation process to you. The MDE must maintain a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The MDE must select mediators on a random, rotational, or other impartial basis. The State is responsible for the cost of the mediation process, including the costs of meetings. These services are provided by the Michigan Special Education Mediation Program at <http://www.cenmi.org/msemp>. Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district. If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that: (1) States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and (2) Is signed by both you and a representative of the school district who has the authority to bind the school district. A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States. Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any federal court or state court of a state receiving assistance under Part B or Part C of the IDEA.

### **Impartiality of mediator**

The mediator: (1) May not be an employee of the MDE or the school district that is involved in the education or care of your child; and (2) Must not have a personal or professional interest which conflicts with the mediator's objectivity. A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

### **State Complaint Procedures**

#### **Difference Between Due Process Hearing Complaint and State Complaint Procedures**

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B or Part C requirement by a school district, the MDE, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a FAPE to the child.

While staff of the MDE generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an ALJ must hear a due process complaint (if not resolved through a resolution

meeting or through mediation) and issue a written decision within 45-calendar days after the end of the resolution period, as described in this document under the heading, **Resolution Process**, unless the ALJ grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

#### **Adoption of State Complaint Procedures 34 CFR §300.151**

The MDE must have written procedures (see Administrative Rules for Special Education, Rule 340.1701a, 340.1851-1853) for: (1) Resolving any State complaint, including a complaint filed by an organization or individual from another State; (2) The filing of a complaint. (3) Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities. In resolving a State complaint in which the MDE has found a failure to provide appropriate services, the MDE must address: (1) The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; and  
(2) Appropriate future provision of services for all children with disabilities.

#### **Minimum State Complaint Procedures 34 CFR §300.152**

The MDE, through the Office of Special Education and Early Intervention Services (OSE/EIS), will include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to: (1) Carry out an independent on-site investigation, if the MDE determines that an investigation is necessary; (2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; (3) Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; and (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation; (4) Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; and (5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for the MDE's final decision. The MDE's procedures described above also must: (1) Permit an extension of the 60-calendar day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; or (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation. (2) Include procedures for effective implementation of the MDE's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; and (c) corrective actions to achieve compliance. If a written State complaint is received that is also the subject of a due process hearing as described below under the heading, **Filing a Due Process Complaint**, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above. If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the MDE must inform the complainant that the decision is binding. A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the MDE.

#### **Filing a State Complaint 34 CFR §300.153**

An organization or individual may file a signed written State complaint under the procedures described above. The State complaint must include: (1) A statement that a school district or other public agency has violated:



(a) Any current provision of the administrative rules for special education; (b) 1976 PA 451, MCL 380.1 et seq., as it pertains to special education programs and services; (c) The individuals with disabilities education act of 2004, 20 U.S.C., chapter 33, §1400 et seq., and the regulations implementing the act, 34 C.F.R. part 300, and 34 C.F.R. part 303; (d) An intermediate school district plan;

An individualized education program team report, hearing officer decision, or court decision regarding special education programs or services; or (f) The state application for federal funds under the IDEA. (2) The facts on which the statement is based; (3) The signature and contact information for the complainant; and (4) If alleging violations regarding a specific child: (a) The name of the child and address of the residence of the child; (b) The name of the school the child is attending; (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending; (d) A description of the nature of the problem of the child, including facts relating to the problem; and (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received by the MDE or the ISD. The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the OSE/EIS. The MDE has developed a model form to aid in the filing of a State complaint. The model form is available at [www.michigan.gov/ose-eis](http://www.michigan.gov/ose-eis). You are not required to use the model form. However, the complaint must contain the required information for filing a State complaint (See 1-4 above).

### **Due Process Complaint Procedure**

#### **Filing a Due Process Complaint 34 CFR §300.507**

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a FAPE to your child. The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint. The above timeline does not apply to you if you could not file a due process complaint within the timeline because: (1) The school district specifically misrepresented that it had resolved the issues identified in the complaint; or (2) The school district withheld information from you that it was required to provide you under Part B or Part C of the IDEA. The school district must inform you of free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process complaint.

#### **Due Process Complaint 34 CFR §300.508**

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must file a due process complaint with the MDE, and provide a copy to the other party. The complaint must contain all of the content listed below and must be kept confidential. The due process complaint must include: (1) The name of the child; (2) The address of the child's residence; (3) The name of the child's school; (4) If the child is a homeless child or youth, the child's contact information and the name of the child's school; (5) A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and (6) A proposed resolution of the problem to the extent known and available to you or the school district at the time. You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney), properly files a due process complaint that includes the information listed above. A due process complaint is properly filed when it has been received by the MDE and the other party. In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements

above) unless the party receiving the due process complaint (you or the school district) notifies the ALJ and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above. Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the ALJ must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately. You or the school district may make changes to the complaint only if: (1) The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or (2) The ALJ grants permission for the changes, not later than five days before the due process hearing begins. If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

### **School district response to a Due Process Complaint**

If the school district has not sent a prior written notice to you, as described under the heading, **Prior Written Notice**, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

(1) An explanation of why the school district proposed or refused to take the action raised in the due process complaint; (2) A description of other options that your child's IEP Team considered and the reasons why those options were rejected; (3) A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and (4) A description of the other factors that are relevant to the school district's proposed or refused action. Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient. Except as stated under the sub-heading immediately above, **School district response to a due process complaint**, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

### **Model Forms 34 CFR §300.509**

The MDE has developed a model form to help you file a due process complaint. You are not required to use the MDE model form. However, the due process complaint must contain the required information for filing a due process complaint. The model form is available at [www.michigan.gov/ose-eis](http://www.michigan.gov/ose-eis). (Note: Use of the model form does not guarantee that an ALJ would find the complaint sufficient if the other party objects to the sufficiency of the complaint.)

### **The Child's Placement While the Due Process Complaint and Hearing are Pending 34 CFR §300.518**

Except as provided below under the heading, **Procedures When Disciplining Children with Disabilities**, once a due process complaint is filed with the MDE and received by the other party, your child must remain in his or her current educational placement during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise. If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public-school program until the completion of all such proceedings. If the due process complaint involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of

the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

## **Resolution Process 34 CFR §300.510**

### **Resolution Meeting**

The school district must convene a resolution meeting with you and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in your due process complaint. The resolution meeting must be convened within 15 calendar days after the due process complaint is filed with the MDE, and received by the school district. The due process hearing cannot begin until the resolution meeting is conducted. The meeting: (1) Must include a representative of the school district who has decision-making authority on behalf of the school district; and (2) May not include an attorney of the school district unless you are accompanied by an attorney. You and the school district determine the relevant members of the IEP Team to attend the meeting. The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute. The resolution meeting is not required if: (1) You and the school district agree in writing to waive the meeting; or (2) You and the school district agree to use the mediation process, as described under the heading, **Mediation**. If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur. The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below. Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you do participate in a meeting. If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that an ALJ dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as: (1) Detailed records of telephone calls made or attempted and the results of those calls; (2) Copies of correspondence sent to you and any responses received; and (3) Detailed records of visits made to your home or place of employment and the results of those visits. If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint, or fails to participate in the resolution meeting, you may ask an ALJ to order that the 45-calendar-day due process hearing timeline begin.

### **Adjustments to the 30-calendar-day resolution period**

If you and the school district agree in writing to waive the resolution meeting, the 45-calendar-day timeline for the due process hearing starts the next day. After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, the 45-calendar-day timeline for the due process hearing starts the next day. If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district later withdraws from the mediation process, the 45-calendar-day timeline for the due process hearing starts the next day. If a resolution to the dispute is reached at the resolution

meeting, you and the school district must enter into a legally binding agreement that is: (1) Signed by you and a representative of the school district who has the authority to bind the school district; and (2) Enforceable in any state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a district court of the United States. If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

### **Hearings on Due Process Complaints**

#### **Impartial Due Process Hearing 34 CFR §300.511**

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, after following the procedures described in the **Due Process Complaint** and **Resolution Process** sections.

#### **Impartial administrative law judge**

At a minimum, an ALJ: (1) Must not be an employee of the MDE or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as an ALJ; (2) Must not have a personal or professional interest that conflicts with the ALJ's objectivity in the hearing; (3) Must be knowledgeable and understand the provisions of the IDEA, and federal and state regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and state courts; and (4) Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice. ALJs are State classified civil service employees who are attorneys and who are employed by the State Office of Administrative Hearings and Rules (SOAHR). The MDE (through the SOAHR) keeps a list that includes a statement of the qualifications of those persons who serve as ALJs.

#### **Subject matter of due process hearing**

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

#### **Timeline for requesting a hearing**

You or the school district must file a due process complaint within two years of the date you or the school district knew or should have known about the issue(s) addressed in the complaint.

#### **Exceptions to the timeline**

The above timeline does not apply to you if you could not file a due process complaint because: (1) The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or (2) The school district withheld information from you that it was required to provide to you under Part B or Part C of the IDEA.

#### **Hearing Rights 34 CFR §300.512**

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to (1) Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities; (2) Present evidence and confront, cross-examine, and compel the attendance of witnesses; (3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing; (4) Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and (5) Obtain written, or, at your option, electronic findings

of fact and decisions. At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing. An ALJ may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party. You must be given the right to: (1) Have your child present; (2) Open the hearing to the public; and (3) Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

### **Hearing Decisions 34 CFR §300.513**

An ALJ's decision on whether your child received a FAPE must be based on substantive grounds. In matters alleging a procedural violation, an ALJ may find that your child did not receive FAPE only if the procedural inadequacies: (1) Impeded with your child's right to a FAPE; (2) Significantly impeded with your opportunity to participate in the decision-making process regarding the provision of a FAPE to your child; or (3) Caused a deprivation of an educational benefit.

### **Construction clause**

None of the provisions described above can be interpreted to prevent an ALJ from ordering a school district to comply with the requirements in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

### **Separate request for a due process hearing**

Nothing in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

### **Findings and decision to advisory panel and general public**

The MDE, after deleting any personally identifiable information, must: (1) Provide the findings and decisions in the due process hearing to the State special education advisory committee; and (2) Make those findings and decisions available to the public.

### **Appeals**

#### **Finality of Decision; Appeal; Impartial Review 34 CFR §300.514**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

#### **Timelines and Convenience of Hearings 34 CFR §300.515**

The MDE must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, not later than

45 calendar days after the expiration of the adjusted time period as described under the sub-heading,

**Adjustments to the 30-calendar-day resolution period:** (1) A final decision is reached in the hearing; and (2) A copy of the decision is mailed to each of the parties. An ALJ may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

### **Civil Actions, Including the Time Period in Which to File Those Actions 34 CFR §300.516**

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute. The party (you or the school district) bringing the action shall have 90 calendar days from the date of the decision of the ALJ to file a civil action. In any civil action, the court: (1) Receives the records of the administrative proceedings; (2) Hears additional evidence at your request or at the school district's request; and (3) Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

### **Jurisdiction of district courts**

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

### **Rule of construction**

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

### **Attorneys' Fees 34 CFR §300.517**

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you. In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing state educational agency or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing state educational agency or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding. A court awards reasonable attorneys' fees as follows: (1) Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded. (2) Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if: (a) The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing, at any time more than 10 calendar days before the proceeding begins; (b) The offer is not accepted within 10 calendar days; and (c) The court or ALJ finds that the relief finally obtained by you is not more favorable to you than the offer of settlement. Despite these restrictions, an award of attorneys' fees and related costs may be made to you if

you prevail and you were substantially justified in rejecting the settlement offer. (3) Fees may not be awarded relating to any meeting of the IEP Team unless the meeting is held as a result of an administrative proceeding or court action. (4) Fees also may not be awarded for a mediation as described under the heading, **Mediation**. (5) A resolution meeting, as described under the heading, **Resolution Meeting**, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions. The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

(1) You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute; (2) The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience; (3) The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or (4) The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading, **Due Process Complaint**. However, the court may not reduce fees if the court finds that the state or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguard's provisions of Part B of the IDEA.

#### **Procedures When Disciplining Children with Disabilities Authority of School Personnel 34 CFR §300.530**

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct. To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see **Change of Placement Because of Disciplinary Removals** for the definition, below). Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading, **Services**.

#### **Additional Authority**

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see **Manifestation determination**, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's IEP Team determines the interim alternative educational setting for such services.

#### **Services**

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting. A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed. Michigan does not require services to students who are non-disabled who have been removed for disciplinary reasons. A child with a disability who is removed from the child's current placement

for **more than 10 school days** must: (1) Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; **and**

(2) Receive, as appropriate, a functional behavioral assessment (FBA), and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not happen again. After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and if the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

### **Manifestation Determination**

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the parent and the school district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine: (1) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (2) If the conduct in question was the direct result of the school district's failure to implement the child's IEP. If the school district, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability. If the school district, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies. If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either: (1) Conduct a FBA, unless the school district had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the child; or (2) If a BIP already has been developed, review the BIP, and modify it, as necessary, to address the behavior. Except as described below under the sub-heading, **Special Circumstances**, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the BIP.

### **Special Circumstances**

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child: (1) Carries a weapon to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the MDE or a school district; (2) Knowingly has or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the MDE or a school district; or (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the MDE or a school district.



## **Definitions**

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)). *Illegal drug* means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law. *Serious bodily injury* has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code. (See Attachment A.) *Weapon* has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code. (See Attachment A.)

## **Notification**

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguard notice.

## **Change of Placement Because of Disciplinary Removals 34 CFR §300.536**

A removal of a child with a disability from the child’s current educational placement is a **change of placement** if (1) The removal is for more than 10 school days in a row **or** (2) The child has been subjected to a series of removals that constitute a pattern because: (a) The series of removals total more than 10 school days in a school year; (b) The child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and (c) Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

## **Determination of Setting 34 CFR § 300.531**

The IEP Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings, **Additional Authority** and **Special Circumstances**, above.

## **Appeal 34 CFR § 300.532**

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

- (1) Any decision regarding placement made under these discipline provisions; or
- (2) The manifestation determination described above. The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

## **Authority of an administrative law judge**

An ALJ that meets the requirements described under the sub-heading, **Impartial administrative law judge**, must conduct the due process hearing and make a decision. The ALJ may: (1) Return the child with a disability to the placement from which the child was removed if the ALJ determines that the removal was a violation of the requirements described under the heading, **Authority of School Personnel**, or that the child’s behavior was a manifestation of the child’s disability; or (2) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the ALJ determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others. These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others. Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that

meets the requirements described under the headings, **Due Process Complaint, Hearings on Due Process Complaints**, except as follows: (1) The MDE arranges for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing. (2) Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint. A decision made in an expedited due process hearing is final, except that any party involved in the hearing (you or the school district) may bring a civil action, as described under the heading “Civil Actions, Including the Time Period In Which To File Those Actions.”

### **Placement During Appeals 34 CFR §300.533**

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the MDE or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading, **Authority of School Personnel**, whichever occurs first.

### **Protections for Children Not Yet Eligible for Special Education and Related Services 34 CFR §300.534**

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

### **Basis of knowledge for disciplinary matters**

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred: (1) The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child; (2) The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or (3) The child’s teacher, or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district’s director of special education or to other supervisory personnel of the school district.

### **Exception**

A school district would not be deemed to have such knowledge if (1) The child’s parent has not allowed an evaluation of the child or has refused special education services; or (2) The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA. If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub- headings, **Basis of knowledge for disciplinary matters** and **Exception**, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation

conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

**Referral to and Action by Law Enforcement and Judicial Authorities 34 CFR §300.535**

Part B of the IDEA does not: (1) Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or (2) Prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability.

**Transmittal of records**

If a school district reports a crime committed by a child with a disability, the school district: (1) Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and (2) May transmit copies of the child's special education and disciplinary records only to the extent permitted by the FERPA.

**Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense 34 CFR §300.148**

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a FAPE available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose special education needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144. If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or an ALJ may require the agency to reimburse you for the cost of that enrollment if the court or ALJ finds that the agency had not made a FAPE available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. An ALJ or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the MDE and school districts. The cost of reimbursement described in the paragraph above may be reduced or denied: (1) If: (a) At the most recent IEP meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information; (2) If, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or (3) Upon a court's finding that your actions were unreasonable. However, the cost of reimbursement: (1) Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the above requirements would likely result in physical harm to your child; and (2) May, in the discretion of the court or an ALJ, not be reduced or denied for the parents' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or (b) Compliance with the above requirements would likely result in serious emotional harm to the child.

## **Attachment A- Federal Definitions**

### **Serious Bodily Injury 18 USC 1365(h)(3)**

The term “serious bodily injury” means bodily injury which involves – (A) a substantial risk of death; (B) extreme physical pain;

(C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and (4) The term “bodily injury” means – (A) a cut, abrasion, bruise, burn, or disfigurement; (B) physical pain; (C) illness; (D) impairment of the function of a bodily member, organ, or mental faculty; or (E) any other injury to the body, no matter how temporary.

### **Weapon**

18 USC 930(g) (2) The term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

## **Additional Information for Parents**

### **Medicaid Parental Consent Annual Notification**

#### **Change in Regulation**

Since 1993 the State of Michigan has participated in a federal program known as Medicaid School-Based Services. The program assists school districts by partially reimbursing the provision of medically-related services as listed on Medicaid-eligible students’ Individualized Educational Programs (IEPs) or Individualized Family Service Plans (IFSPs). Parents/guardians of Medicaid-eligible students used to have to give written permission or consent annually for districts to access a child’s public benefits or insurance for School-Based Services, however, in 2013 the regulations regarding parental consent changed. Now, a school must obtain written parent consent prior to accessing a child’s public benefits or insurance for the first time; thereafter, school districts must notify parents/guardians in writing annually to continue to access public benefits or insurance.

#### **Frequently Asked Questions about Medicaid School-Based Services**

##### **Will claims by my school district for School-Based Medicaid impact my family’s Medicaid benefits?**

No. The School-Based Services program does NOT impact a family’s Medicaid services, funds, or limits. Michigan operates the School-Based Services program differently than the Family Medicaid program. The School-Based Services program does not affect your family’s Medicaid benefits in any way.

##### **Is there a cost to me for school services?**

No. Services written into IEPs and IFSPs are provided to students while they are at school at NO cost to the parent/guardian. It is the continuing responsibility of the school district to ensure that students are provided all required special education and related services at no charge to you or your child.

##### **Am I required to provide consent to the school to access my child’s public benefits or insurance?**

No. You may refuse to provide consent and you may withdraw your consent at any time.

##### **Who will see this information about my child?**

Information about your child’s school-based services may be shared with the Michigan Medicaid agency and

its affiliates for the purpose of verifying Medicaid eligibility and submitting claims for school-based services. You have the right to withdraw consent to disclose your child's personally identifiable information to the Michigan Medicaid agency and its affiliates at any time.

**Will my consent or refusal affect my child's services?**

No. Regardless of whether you have Medicaid coverage or not, and whether you provide consent or not, the school district will still provide services to your child at no cost according to their IEP or IFSP.

**What if I have other questions or concerns?**

Please call your school district's Special Education department with any questions or concerns.

## **Kent ISD Computer Network/Internet Policy**

The Kent ISD has made electronic technology available to the students at Kent ISD Center programs. Under this policy, the Kent ISD Center Programs Computer Network allows students to access computer programs, printers and the Internet.

**Use of the Internet is a privilege, not a right. The School Board's Internet connection is provided for educational purposes only. Unauthorized or inappropriate use may result in a cancellation of this privilege.**

The School Board has implemented technology protection measures which block/filter Internet access to visual displays that are obscene, objectionable, inappropriate and/or harmful to minors. Nevertheless, parents/guardians are advised that determined users may be able to gain access to information, communication and/or services on the Internet which the School Board has not authorized for educational purposes and/or which they and/or their parent/guardian may find inappropriate, offensive, objectionable or controversial. Parent/guardian assumes this risk by consenting to allow their students to participate in the use of the Internet. A student accessing the Internet through the school's computers assumes personal responsibility and liability, both civil and criminal, for unauthorized or inappropriate use of the Internet.

The School Board has the right to monitor, review and inspect any directories, files and/or messages residing on or sent using the School Board's computers/networks. Messages relating to or in support of illegal activities will be reported to the appropriate authorities. To the extent that proprietary rights in the design of a web site hosted on the School Board's servers would vest in a staff member upon creation, the staff member agrees to license the use of the web site by the School Board without further compensation.

### **Network Access**

A Network Login ID and a Network Password are required of anyone who uses the Network. Before being issued a Login ID and Password, the student must read the **Computer Network/Internet Policy** and **Acceptable Network/Internet Use Guidelines**. A parent/guardian **must** log into PowerSchool to electronically grant permission for their student to use the Computer Network/Internet. The student will then be assigned a System Account and will be the sole, authorized owner of said account.

### **Internet Use**

The use of the Internet is intended for specific projects and to access information needed for class purposes. Random surfing of the Internet is not an appropriate use of the Internet and will not be allowed.

### **Network Monitoring**

The Computer Network is monitored to make sure it is being used in accordance with Acceptable Use Guidelines.

## Acceptable Network/internet use Guidelines

- Any use of the system must conform to state and federal laws, network provider policies, licenses and the Kent ISD policy.
- Use of the system for commercial solicitation is prohibited.
- Access to chat rooms and non-school related e-mail accounts on the Internet is prohibited.
- No use of the system shall disrupt the operation of the system by others. System components, including hardware and software, shall not be destroyed, modified or abused in any way.
- Malicious use of the system to develop programs that harass other users or gain unauthorized access to any computer or computing system (hacking) and/or damage the components of a computer or computing system is prohibited.
- The user is responsible for the appropriateness and intent of materials he/she stores/downloads, transmits or publishes on the system. Hate mail, harassment, discriminatory remarks, pornographic materials, use of obscene or defamatory language or other anti-social behaviors are expressly prohibited.
- Use of the system to access, store, distribute or print obscene or pornographic material is prohibited.
- The unauthorized installation, use, storage or distribution of copyrighted software/materials on district computers is prohibited.
- System accounts are to be used only by the authorized owner/user of the account for the authorized purpose. Users may not share their log-in names or passwords with another person or Kent ISD Center Programs without logging out of the Network. The account owner is ultimately responsible for all activity under his or her account.
- A signed Computer Network/Internet Agreement form must be on file at Kent ISD Center Programs prior to student use of the district computer network. Violations of the Computer Network/Internet Use Agreement will be handled by the RTP™ and/or suspension.

**Student's Rights and Responsibilities**

The rules and procedures of the school are designed to allow each student to obtain a safe, orderly, and appropriate education. Students can expect their rights to freedom of expression and association and to fair treatment as long as they respect those rights for their fellow students and the staff. Students will be expected to follow teachers' directions and to obey all school rules. Disciplinary procedures are designed to ensure due process (a fair hearing) before a student is removed because of his/her behavior.

Parents have the right to know how their child is succeeding in school and will be provided information on a regular basis and as needed, when concerns arise. Many times, it will be the student's responsibility to deliver that information. If necessary, e-mail, U.S. mail or hand delivery may be used to ensure contact. Parents are encouraged to build a two-way link with their child's teachers and support staff by informing the staff of suggestions or concerns that may help their child better accomplish his/her educational goals.

Students must arrive at school on time prepared to learn and participate in the educational program. If, for some reason, this is not possible, the student should seek help from Student Support Services personnel or the Administration.

Adult students (age eighteen (18) or older) must follow all school rules. If residing at home, adult students should include their parents in their educational program.



## **Family Educational Rights and Privacy Acts**

### **Notification of Rights Under FERPA for students of the Kent ISD Center Programs**

The Family Educational Rights and Privacy Acts (FERPA) affords parents/guardians and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. The right to inspect and review the student’s education records within 45 days of the day Kent ISD receives a request for access.

Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school administrator will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Verification of identity may be required.

Copies of education records are available upon written request and verification of identity, within 45 calendar days of an initial request for access.

2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask Kent ISD to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identifying the part of the record they want changed and specify why it is inaccurate or misleading.

If Center Programs decides not to amend the record as requested by the parent or eligible student, Kent ISD will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. Kent ISD has published a Directory Information policy that describes the circumstances in which it will disclose designated personally identifiable information about students.
4. Kent ISD shall, as permitted by law, disclose personally identifiable information about students without consent to school officials with a legitimate educational interest in the specific information. Disclosures to other individuals generally require consent.

## Notification of Rights Under FERPA for students of the Kent ISD Center Programs (cont'd)

A school official is and includes all of the following:

1. A person employed by Kent ISD as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) who either performs an administrative or clerical task related to a student's education or behavior at school; an employee who will use personal information about the student in performing education, discipline related, or clerical tasks in connection with a student.
2. A person serving on the School Board, to the extent the member has a legitimate educational interest in the information contained in the records and is performing a task authorized or delegated by the Board.
3. A person or company with whom Kent ISD has contracted to perform a special task (such as an attorney, auditor, medical consultant, therapist, or software company to do academic programs) or to perform a supervisory, administrative, instructional or clerical task in connection with a student as prescribed by Kent ISD.
4. A person employed by an agency or other nonprofit organization who, with the prior written approval of Kent ISD (Pupil Accounting or Community and Student Support Services) will use personal information about the student to provide services approved or requested by Kent ISD, to a student, groups of students, or their families, such as emergency health care, counseling, outreach services, or other group services relating to a student's academic or behavioral performance, or school or job placement.
5. A parent, student, or person from an outside Community Support agency serving on an official committee, such as a peer mediation, grievance committee, special education Referral & Recommendation committee, or assisting another school official in performing his or her tasks. Parent and student should be trained in appropriate procedures in handling confidentiality of student records.
6. A volunteer who, with Kent ISD's approval, uses personal information about a student to perform an administrative or clerical task or who performs a supervisory or instructional service related to the student's education, or who provides services to a student's family such as emergency health care, counseling, or school or job placement.
7. Personally identifiable information is also provided to child study/student support teams in accordance with appropriate building protocol, such as child study/student support teams, or Community and Student Support Services Child Study Team may include individuals employed by community support agencies who provide professional services such as social, emotional, mental, physical health needs to the student or student's family. However, these community support agencies shall only have access limited to information relevant to specific services provided and limited to the specific students with whom they are involved.

## **Notification of Rights Under FERPA for students of the Kent ISD Center Programs (cont'd)**

A school official has a legitimate educational interest if the official needs to review an education record in order to: fulfill his or her professional responsibility to the student, the student's family, or to Kent ISD; perform an administrative or clerical task required in the employee's job description or in a contract with Kent ISD; perform a supervisory or instructional task related to a student's educational program; perform a service or benefit for the student or the student's family, such as, but not limited to, emergency care, counseling or job placement; perform a task prescribed by Kent ISD.

Upon request, Kent ISD discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll.

- Kent ISD may disclose personally identifiable information about students to organizations conducting research only if the research project meets any applicable standards established by law and the Pupil Accounting office.
- Kent ISD discloses personally identifiable information about students to auditing agencies and organizations to the extent permitted or required by law.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by Kent ISD to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

### **PPRA Model Notice and Consent/Opt-Out for Specific Activities**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. & 1232h, requires Kent ISD to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"):

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.