

MIPCT Opening Remarks

- Rose Seavolt, BSN, MiPCT Regional Clinical Lead

The Michigan Primary Care Transformation (MiPCT) Project

Part I: Education Rights for Children with Disabilities

Mark McWilliams, Attorney
Director of Information, Referral, and Education Services Michigan Protection and Advocacy Service, Inc. (MPAS)

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Education Rights Webinar Objectives:

- Provide MiPCT Care Managers with education of Michigan Laws as they relate to students with disabilities
- Share common diagnoses that may benefit from educational support
- Increase Care Manager awareness of the educational system's approval process, available options, and resources

Presenter Introductions

- **Mark McWilliams**
 - Attorney
 - Director: Information, Referral, and Education Services Michigan Protection and Advocacy Service, Inc. (MPAS)

Mark McWilliams: Presentation

- Attorney McWilliams will present information on Michigan state laws, rules, and statutes for children with educational support needs.
 - Website links are provided for future reference

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MP&AS

*"PROTECTING THE RIGHTS OF
PERSONS WITH DISABILITIES"*

PROTECTION & ADVOCACY
SERVICE, INC.

About MPAS

Our mission is to advocate for the rights of individuals with disabilities.

MPAS provides information and referral, written materials, training and technical assistance, and individual and systemic representation in selected areas.

Education Rights for Students with Disabilities

Mark McWilliams, I&R&E Team
Michigan Protection & Advocacy
Service, Inc. (MPAS)
Updated May 2013

The Law.

Individuals with Disabilities Education Act Rules, 34 CFR 300.

Section 504 Rules, 34 CFR 104.

Michigan Administrative Rules for Special Education, R 340.1700.

www.ecfr.gov, www.cenmi.org.

Access for All.

- ◆ School has “child find” duty.
- ◆ Children are eligible for special education based on category (IDEA, state rules) or functional limitation (504).
- ◆ All includes expelled children.

Eligibility Categories: for children who may benefit from support in the educational system.

- 1) Autism Spectrum Disorder (ASD): [Rule 340.1715](#)
- 2) Cognitive Impairment (CI): [Rule 340.1705](#)
- 3) Deaf-Blindness (DB): [Rule 340.1717](#)
- 4) Early Childhood Developmental Delay (ECDD):
[Rule 340.1711](#)
- 5) Emotional Impairment (EI): [Rule 340.1706](#)
- 6) Hearing Impairment (HI): [Rule 340.1707](#)
- 7) Other Health Impairment (OHI): [Rule 340.1709a](#)

13 Eligibility Categories (cont'd):

- 8) Physical Impairment (PI): [Rule 340.1709](#)
- 9) Severe Multiple Impairment (SXI): [Rule 340.1714](#)
- 10) Specific Learning Disability (SLD): [Rule 340.1713](#)
- 11) Speech and Language Impairment (SLI):
[Rule 340.1710](#)
- 12) Traumatic Brain Injury (TBI): [Rule 340.1716](#)
- 13) Visual Impairment (VI): [Rule 340.1708](#)

Multidisciplinary Evaluation.

Schools must evaluate children in all suspected areas of disability.

Evaluations must address eligibility, program needs.

Evaluations must occur within 30 school days after parent consent.

Individual Planning/Goals.

The Individualized Education Program (IEP) describes special education services and supports. IEPs include:

- ❖ Present level of performance.
- ❖ Measurable annual goals.
- ❖ Instruction and services to meet goals.

Parents are part of the IEP team.

Free and Appropriate

A free appropriate public education (FAPE) is free, planned using the IEP process, and reasonably calculated to confer educational benefit.

FAPE is not the best education, a choice of teacher or school building, or a choice of teaching method.

Least Restrictive Environment

- ◆ Students with disabilities are students first. Special education is **not** a place!
- ◆ Bring services and supports into the general education setting unless not feasible to do so.
- ◆ Special education settings must use the general curriculum.

Participation/Due Process

- ◆ Notice.
- ◆ Opportunity to inspect records.
- ◆ Due process hearing.
- ◆ Compliance complaint.
- ◆ Independent educational evaluation.
- ◆ Mediation.
- ◆ OCR/504 complaint.

Contact us at:

Michigan Protection & Advocacy
Service, Inc. (MPAS)

4095 Legacy Parkway, Suite 500
Lansing, MI 48911

(517) 487-1755 or (800) 288-5923

www.mpas.org

Questions for Attorney McWilliams

- At this time we will open up the phone lines to provide participants with an opportunity to ask Attorney McWilliams questions.

Summary:

- Identification of students who may qualify for educational support services
- Student rights: IDEA, 504's
- Resource contact information

Webinar Part II: July 19, 2013

Title: Educational Advocacy for the MiPCT CM

- Presentation of the educational process used during an IEP
- Presentation of a case study demonstrating key components of advocacy for the MiPCT Care Manager