

***STUDENT & PARENT  
HANDBOOK  
2018-2019***



**OTTAWA AREA CENTER**  
10160 96<sup>th</sup> Avenue  
Allendale, MI 49401  
1-877-702-8602/616-738-8960 Ext. 4600

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**OTTAWA AREA CENTER - 10160 96th Avenue – Allendale, MI 49401**

**Phone Number: 616-738-8960, (877) 702-8602 x 4600**

### **OTTAWA AREA CENTER PROGRAM**

The Ottawa Area Center provides educational programming for students residing in Ottawa Area Intermediate School District who are eligible for special education. The Ottawa Area Intermediate School District includes Allendale, Coopersville, Grand Haven, Hamilton, Holland, Hudsonville, Jenison, Saugatuck, Spring Lake, West Ottawa and Zeeland.

The focus of programming at the Ottawa Area Center is education. Working as a team we strive to meet the needs of each student. The classroom staff are the central people providing educational services for each student. When needed, the teacher relies on the expertise of physical therapists, occupational therapists, speech and language therapists, physical education teachers, nurses, social workers, psychologists, and consultants, who are all part of the educational team.

The Ottawa Area Center operates on a school calendar, similar to your local district. In addition, students who need extended services and qualify are offered a summer program. [See attached document #1](#)

### **Mission Statement**

*“Our mission at Ottawa Area Center is to maximize each student’s success and independence by addressing individual educational needs within a safe supportive environment.”*

### **Vision Statement**

*“Every student comes first as we celebrate learning.”*

### **Belief Statement**

*We believe in...*

*...life long learning*

*...current research, best practices & data based decision making*

*...families as equal partners in education*

*...a cooperatative team approach*

*...working cooperatively with local school districts & community agencies*

*...creating and supporting a continuum of programs & services that develop a student’s fullest potential as a contributing community member*

*...building student centered plans that enhance quality of life*

*...facilitating life’s transitions*

## **ENROLLING IN SCHOOL**

The local resident district refers all students to the Ottawa Area Center. If Ottawa Area Center is determined to be an appropriate placement, then enrollment packet will be given to families.

## **WITHDRAWAL FROM SCHOOL**

Any family who wishes to withdraw their child from the school should contact the director or the local special education director from their 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 script to receive this service. Please contact the school director for further information.

## **EQUAL EDUCATIONAL OPPORTUNITY**

It is the policy of this district to provide an equal education opportunity for all students. Any person who believe he/she has been discriminated against on the basis of his/her race, color, disability, religion, gender or national origin while at school or a school activity should contact: Mark King, Director of Special Education Compliance & Technology Assistance at 1-877-702-8600, extension 4020.

## **PRIVACY POLICY REGARDING STUDENT INFORMATION**

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.

[See attached document #2](#)

## **ACCESS TO SCHOOL FILES AND RECORDS**

Cumulative records are available for review by parent/guardian after a request has been made to building director at least 24 hours in advance. Student records are confidential.

## **REVIEW OF INSTRUCTIONAL MATERIALS AND ACTIVITIES**

Parents have the right to review any instructional materials being used in the school. They also may observe instruction in any class, particularly those dealing with instruction in health and sex education. Any parent/guardian who wishes to review materials or observe instruction must contact the director prior to coming to the school. Parents' rights to review teaching materials and instructional activities are subject to reasonable restrictions and limits.

## **STUDENT ASSESSMENT**

Our students participate in the MI-Access assessment program. MI-Access was developed by the Michigan Office of Special Education and Early Intervention Services to assess educational progress of children with disabilities. This assessment is performance based and utilizes teacher observation and scoring criteria. Similar to it's general education counterpart, the MEAP, MI-Access is given at certain ages: 9-14, 17 years.

## **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 taking into account his/her preferences, interest and abilities, and is part of the IEPT meeting discussion.

## **GRADES**

The Ottawa Area Center is considered an ungraded school servicing students between the ages of 3-26. Student placement is based on IEP recommendations.

## **PARENT INVOLVEMENT**

The Board 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 son/daughter currently attending the Ottawa Area Center, is working as a substitute, the parent cannot have their child stay with them during work hours (8:30 AM to 3:30 PM).

## **PARENT-TEACHER COMMUNICATION**

Communication among families, students, and OAC 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 held in the fall.

Communication with the staff occurs on a regular basis, in addition to our scheduled conference times. Monthly parent newsletters will be sent home with students, as will other written communications on an as-needed basis. We also send out our newsletter and other communication to parents via e-mail. Some classrooms use notes or notebooks to communicate on a more frequent basis. You are welcome to call the school to speak with the staff who work with your child. For your convenience, staff members have voice

mailboxes to receive messages at any time (see listing on page 23). The staff are in the building and able to receive direct calls from 8:15 - 8:40 AM and 3:15 - 3:45 PM every day.

The preferred method of communicating information regarding your son/daughter is to speak directly with the staff who work with him/her. There are times when you may need or want to speak with the program Director or Assistant Director to relay a concern or compliment. Due to our spending time in classrooms and in meetings, there will be times when you are asked to leave a message for the Director or Assistant Director. For this reason, you should call to make an appointment rather than drive to the Center without knowing our availability.

Please call the Ottawa Area Center 877-702-8602 or 895-4303 to inform us when your son/daughter will be absent for illness or any other reason. Also, it is very important that you notify the school in writing whenever you have any change of address or phone number so we can keep our emergency information current. You may leave your message on voice mail during the times when staff are not present. Also, if your son/daughter will be absent from school, notify Dean Transportation at 616-738-4300.

### **PARENT NEWSLETTER**

The LINK newsletter will be published once per month. A department/subject will be featured every month.

### **CLASSROOM VISITS/OBSERVATIONS**

[See attached document #3](#)

### **REQUESTS TO VISIT SCHOOL/CLASSROOMS**

1. To insure the safety and security of students and staff, all visitors to OAISD buildings must check-in at the office.
2. 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 instructions.
  - Questions are directed to the teacher in charge (not assistants, aides, paraprofessionals, student teachers, etc.) at an appropriate time outside of the instructional program.
  - The observation does not take place during student testing.
3. Any parent/guardian or visitor to an OAISD building who fails to observe these guidelines or is disruptive may be asked to leave the building.

### **PARENTAL CLASSROOM VISITS**

In order to avoid disruption of the classroom, parental visits should be brief. Prior approval by classroom teacher or administrator is required. If 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 Festival of The Arts (FOTA), classroom parties, fieldtrips, etc. Each situation will be considered on an individual basis. Our goal for the Ottawa Area Center is to be consistent in following these procedures to ensure the safety, confidentiality and instructional time for all students.



## CLASSROOM OBSERVATIONS

- Observations are opportunities to view lessons/activities that are happening in the classroom.
- Observations should be kept to a minimum and limited to one hour or the length of the activity.
- Prior approval by the teacher or administrator is required. If parent needs to spend time talking with the teacher, a before or after school meeting should be scheduled.
- Sometimes there may be extenuating circumstances. Each situation will be considered on an individual basis.

## SECURITY AND SAFETY

Our new secure entry system is now in effect. The front doors will now be locked at all times with the exception of designated pick-up and drop-off times for students (8:30 – 9:15 AM and 2:45 – 3:30 PM). Please press the buzzer at the second set of doors and we will be happy to assist you. Additionally, to maintain consistency with other OAISD buildings and programs and to ensure the safety of our students and staff, our new video surveillance system is now in effect. Ottawa Area Center cameras are actively recording in the hallways, gyms, sensory room, time out areas and secure areas.

## PROTOCOL FOR STUDENT DROP-OFF AND PICK-UP

Parent/Caregiver bringing a student into OAC must:

- Report directly to the front office upon entering the OAC building.
- Sign your student into the building on the form provided at the receptionist's desk.
  - **If it is between 8:40 AM and 9:00 AM** - Sign in at the office, fill out a visitor name badge, and let the receptionist know that you would like to go to the room with your student. We appreciate your cooperation in respecting this time frame. Since this time frame is extremely busy, please keep conversation with staff brief. You may schedule a separate time to meet with the staff if you have questions or concerns.
  - There are times it may be appropriate for individual students to walk to their classroom independently (Please work this out with your student's classroom teacher ahead of time.)
  - If you do not want to go to the classroom, you may wait for classroom staff to come to the office to get your student.
  - **If it is after 9:00 AM** - Wait for office staff to contact the student's classroom. The staff will come to the office to get the student, as this is instructional time.

Parent/Caregiver picking a student up from OAC must:

- Report directly to the front office upon entering the OAC building.
- Sign the student out of the building on the form provided at the receptionist's desk.
  - **If it is between 3:00 PM and 3:20 PM** – Sign in at the office, fill out a visitor name badge, and let the receptionist know that you would like to go to the room. We appreciate your cooperation in respecting this time frame. Since this time frame is extremely busy, please keep conversation with staff brief. You may schedule a separate time to meet with the staff if you have questions or concerns.
  - **If it is before 3:00 PM** - Wait for office staff to contact the student's classroom and staff will come to the office with the student, as this is instructional time.

All visitors entering the OAC building must wear a visitor name badge, including outside agency visitors (i.e., CMH caseworkers) even if they have their own identification badge.

Staff members have been directed to escort any visitors in the building that are not wearing a visitor name badge to the office.

Our staff will be consistent in following these guidelines to ensure the safety, confidentiality and instructional time for all students.

**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 such a request is not received, the absence shall be considered unexcused. If a call excusing the student has not been made by 10:00 AM, parents/guardians will receive an automated call at 10:30 AM reminding them to contact the office. If a student will be out of school for five consecutive days, a doctor’s note may be requested.

Continued excessive absences could result in a follow up call and/or a meeting with the Director and/or a truancy referral. 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. Feel free to call with questions or concerns.

**TRUANCY**

Notification of unexcused absences will be sent to parents according to the table below.

<b>Unexcused Days Absent</b>	<b>Attendance Notification</b>
1 unexcused absence	Automated call/follow up by Attendance Secretary.
3 cumulative unexcused absences	Call from Attendance Secretary. Attempts to reach alternate contacts may be made.
6 cumulative unexcused absences	Letter of concern, possible call by Director. Attempts to reach alternate contact may be made.
8 cumulative unexcused absences	Follow up call by Director/possible truancy referral (for students ages 6 – 18).

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.

**BEHAVIORAL EXPECTATIONS**

Ottawa Area Center staff members encourage appropriate behavior by giving students consistent, positive feedback and reinforcement (verbal praise, token economy, rewards, special activities, etc.) 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.

## **BULLYING**

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" 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 assistance (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:

1. Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
2. 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;
3. Having an actual and substantial detrimental effect on a student's physical or mental health; and/or
4. 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:

1. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
2. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
3. 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.

[See attached document #4](#)

## **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 1 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.

### **POSITIVE BEHAVIOR SUPPORTS/POSITIVE BEHAVIOR SUPPORT PLANS**

Positive Supports teach a student alternative strategies for addressing the cause (or function) of their behavior (anger, expressing their feelings, coping with difficult situation/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.

### **FOOD SERVICE PROGRAM**

The Ottawa Area Center contracts the food service program through the West Ottawa Public School Systems. Lunch accounts will be maintained through the West Ottawa System. All lunches will need to be pre-ordered and pre-paid. Menu and order forms will be sent home monthly. Checks should be made payable to West Ottawa Public Schools. Monthly account statements will be sent home from West Ottawa. Applications for free or reduced lunch can be completed on-line at <https://wo-food.westottawa.net/Login.aspx>. Contact your student's teacher if you need a hard copy of the application. When a student's lunch account balance has a negative balance of \$ -4.00 or larger, an alternate lunch will be served to your student. The lunch program is a pre-pay program. Contact West Ottawa at 616-786-2101 if you have further questions. Please make sure school staff are informed of your son/daughter's individual needs when eating.

West Ottawa Food Service serves breakfast at OAC. The cost is \$2.25 for full pay students, \$0.30 for reduced pay students, and free to those who qualify for free lunches. The cost of lunch for full pay student is \$3.25, \$0.40 for reduced pay students. Milk only is \$0.75. A questionnaire will be sent home with your student regarding whether or not you wish to have your child eat breakfast. The daily menu for breakfast is a cereal pack which includes choice of cereal or yogurt, fruit & milk. If your child eats a bendable lunch, the breakfast includes oatmeal, applesauce/yogurt, and milk. As with hot lunches, money must be pre-paid in the student's account prior to breakfast being purchased.

### **COMMUNITY BASED EDUCATIONAL EXPERIENCES**

Occasionally off campus field trips or community experiences are planned to support the student's goals. Community experiences are defined as trips during the school day that are part of the OAISD curriculum to enhance the student's learning experience. These trips include, but are not limited to, visiting a grocery store, job sites, and volunteer experiences. A "blanket" permission has been sent to the parent/guardian of each student and will remain in effect until revoked in writing by the parent/guardian. The classroom teacher will notify parent/guardian on all scheduled field trips. If you do not want your student to attend a specific field trip, inform the classroom teacher in writing prior to the trip. Revocation of permission is not effective until OAISD acknowledges receipt of the written revocation.

### **TRANSPORTATION INFORMATION**

**School Cancellation:** Please refer to the handbook provided to you by Dean Transportation. If you do not have a handbook, please call Dean at 616-738-4300.

**School Delays:** See information from Dean Transportation Department for school delays.

**Information Changes:** After the IEPT meeting, or temporary placement for new students and/or changes in present student address, the Transportation Departments needs five (5) days notice prior to picking students up.

**Students Who Are Transported In Wheelchairs:** Transportation must be advised whenever there is a change in a wheelchair, whether it be to a new larger model or changing to a different type of wheelchair. These changes also require a five (5) day notice.

**Student Absence:** If your student will not need transportation one or both ways for any reason, please call Dean Transportation at 616-738-4300.

**Release of a Student During the School Day:** If your son/daughter needs to be picked up during the school day for a doctor appointment, etc., and will not be riding the bus home, please notify the front office and also inform the student's bus driver/transportation office.

**STAFF TRANSPORTING STUDENTS:** Ottawa Area Center Staff are not allowed to transport students to or from home/school at any time.

### **INFINITE CAMPUS EMERGENCY MESSENGER ALERT**

The Ottawa Area Intermediate School District utilizes the Infinite Campus Emergency 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 the entire Ottawa Area Center 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 email address. This will assure you receive emergency information.

### **EARLY DISMISSAL**

We have Early Dismissal one day each month. This allows our staff time to work as a team to plan and prepare for a variety of learning activities and social opportunities for our students. Students are dismissed at 1:35 PM and should arrive home about 1½ hours earlier than their usual time.

### **VOLUNTEERS**

We utilize college students, parents, grandparents and others as volunteers to work with individual students and groups of students and to keep our equipment functional. If you are interested in volunteering, please call Michell at extension 4600. Volunteers must be at least 16 years old and able to perform the volunteer task. Volunteers are not to be left alone with students. When you come in to volunteer, please sign in at the front desk.

### **PROCEDURE FOR DONATING EQUIPMENT TO OTTAWA AREA CENTER**

The school accepts and appreciates 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 OAC 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 go into the building and become district property. Please call the office before bringing out items for donation. We also ask you to call before dropping off items such as diapers and formula.

### **PRESCRIPTIONS FOR PHYSICAL AND/OR OCCUPATIONAL THERAPY**

If your son or daughter receives physical and or occupational therapy services at school per their IEP, a script signed by your physician must be on file at the Ottawa Area Center each school year. For physical therapy services, a signed script is a requirement from the State of Michigan and for occupational therapy services a prescription is required under the rules of Medicaid. Failure to acquire a signed script will result in completing an amendment to your son/daughter’s IEP to remove the service.

### **MEDICATION ADMINISTRATION GUIDELINES**

Medication is defined as prescription, non-prescription and herbal medications, and includes those taken by mouth, by gastrostomy tube, by inhaler, 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 Medication Order Form and thus supplying written request that medication be administered to the student.
- This request must be accompanied by written physician orders which include the name of the student, medication name, dosage, and route of administration, and time the medication is to be administered.
- Parental request and physician order shall be renewed on a yearly basis. New orders must be on file in the nurse's office by the first week of school. Orders from previous years will not be honored, and routine medications cannot be administered without current orders.
- No changes to dose of medication or time of administration shall be made without written physician instruction. Nursing staff may administer medication within 30 minutes of prescribed time, unless special arrangements are made.
- Any person giving medications will document administration on the Med Log– which contains the student's name, name and dosage of medication, and date and time administered.
- While at school, medications will be administered by a nurse 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.
  - Classroom staff are responsible for signing meds out from the nursing staff, and will be required to initial and sign the medication log upon receiving meds.
  - The nursing staff does not accompany classes on all fieldtrips. Diastat is not sent out on fieldtrips that nurses are not attending. A fieldtrip Diastat Permission form was sent home in the information packets of those students who have Diastat. Completion of this form gives permission for your child to attend fieldtrips without his/her Diastat. The form also includes specific orders as to what measures will be taken in the event a seizure should occur. The completed permission form will be good for the entire school year of 2016-2017, unless parents notify nursing staff of specific health changes.
- Students may not self administer medications at OAC. Exceptions need to be discussed with nursing staff.
- 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 order to maximize student instruction time the school nurses will only dispense medications that need to be administered during the school daily. Please help us out by scheduling as many of your son or daughter's medications/treatments to be given at home whenever possible.
- In the event a student passes away, the school nurses will properly dispose of any unused medications here at school. (Unless otherwise indicated by the student's physician.)

## Storage

- Medications shall be stored in a locked space, in a locked container.
- Medications shall be in a properly labeled container prepared by a pharmacy or physician, and labeled to include student name, medication name, dosage, and frequency.
- All medications sent in from home will be signed in and counted by a member of the nursing staff.
- Certain emergency medications may be kept with the student for emergent use, but they will remain locked and labeled as previously stated. This needs to be discussed with the nursing staff.

## BOTTLE LABELING REQUEST

1. All medication must be sent to school in pharmacy filled containers. The label shall contain the student's name, name of medication, dosage and time medication is to be given. The label and physician order shall correspond with the exact same information. We **must** have a order from the physician before giving any medication.
2. The nursing staff will be sending reminders home in advance of the date we need a refill of medication.
3. When you fill a prescription at the pharmacy, please remind the pharmacist that you need a "School Bottle" as well with the proper label on the bottle.
4. In the event of physician ordered changes in a student's medication, the school nurse needs to receive such orders directly from physician by FAX or by written prescription before the new orders can be instituted.

## IMMUNIZATIONS

All students must provide the school with a record showing that your child has received all of the following immunizations:

ENTRY REQUIREMENTS FOR ALL PUBLIC & NON-PUBLIC SCHOOLS			
Vaccine	Age	4 years through 6 years	7 years through 18 years Including all 6 <sup>th</sup> grade students
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. <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* (Chickenpox)		<b>2</b> doses of varicella vaccine at or after 12 months of age OR current lab immunity OR reliable history of disease	



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

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

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

## **COMMUNICABLE DISEASE**

1. 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 school Director or Assistant Director in consultation with the Ottawa County Health Department Communicable Disease co-ordinator and Medical Director.
2. When a communicable disease exists in a classroom in sufficient numbers, parents/guardians will be notified. A form letter and a description of the disease will be sent to parents/guardians. The health department also will be notified of appropriate communicable diseases.
3. 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.

See attached document #5

## **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.

In the event of a head injury or any significant injury, nurse/staff will notify parents by phone of incident. If parent cannot be reached, a message will be left and staff will pursue contacting an emergency contact. A note will also be included in the student folder.

## **CONCUSSION INFORMATON**

### **CONCUSSION FACTS**

- A concussion is a brain injury that affects how your brain works.
- A concussion is caused by a bump, blow, or jolt to the head or body.
- A concussion can happen even if you haven't been knocked out.
- If you think your student has a concussion, they should not return to play on the day of the injury and until a health care professional says they are OK to return to play.

## CONCUSSION SIGNS AND SYMPTOMS

Concussion symptoms differ with each person and with each injury, and may not be noticeable for hours or days. Common symptoms include:

- Headache
- Confusion
- Difficulty remembering or paying attention
- Balance problems or dizziness
- Feeling sluggish, hazy, foggy, or groggy
- Feeling irritable, more emotional, or “down”
- Nausea or vomiting
- Bothered by light or noise
- Double or blurry vision
- Slowed reaction time
- Sleep problems
- Loss of consciousness

## WHY SHOULD I REPORT SYMPTOMS?

- Unlike with some other injuries, playing with concussion symptoms is dangerous and can lead to a longer recovery and a delay in your student’s return to play.
- While the brain is still healing, it is much more likely another concussion could occur.
- A repeat concussion in a young person can result in permanent damage to the brain. They can even be fatal.

## WHAT SHOULD I DO IF I THINK MY STUDENT HAS A CONCUSSION?

**GET CHECKED OUT.** Only a health care professional can tell if your student has a concussion and when it is OK to return to school.

## CONCUSSION DANGER SIGNS

In rare cases, a dangerous blood clot may form on the brain in a person with a concussion and crowd the brain against the skull. An individual should receive **immediate medical attention** if after a bump, blow, or jolt to the head or body, she/he exhibits any of the following danger signs:

- One pupil larger than the other
- Is drowsy or cannot be awakened
- A headache that gets worse
- Weakness, numbness, or decreased coordination
- Repeated vomiting or nausea
- Slurred speech
- Convulsions or seizures
- Cannot recognize people or places
- Becomes increasingly confused, restless, or agitated
- Has unusual behavior
- Loses consciousness (even a brief loss of consciousness should be taken seriously)

## **TAKE CARE OF YOUR BRAIN.**

A concussion can affect your ability to do schoolwork and other activities. It is important to rest and give your brain time to heal.

## **STUDENT ILLNESS PROCEDURE**

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

- Unexplained fever greater than 101°F oral/tympanic, or 100°F axillary. Low grade fevers not related to an infectious process may be allowed as determined by nursing staff and administration.
- Open skin sores with excessive or uncontrolled drainage.
- Unexplained rash
- Diarrhea – more than 3 stools in 24 hour period, or 2 stools occurring at school.
- Vomiting – 1 episode occurring at school or 2 episodes in 24 hours.
- Persistent cough that disturbs student's normal activity.
- And other contagious conditions such as but not limited to: chicken pox, pink eye, head lice, impetigo, strep throat.

### **Students with these symptoms cannot be kept in school or transported home on 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 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 make all necessary arrangements to pick up child in a timely manner.

### **A student who has been sent home may not return to school until he/she:**

- Is symptom free for 24 hours.
- Remains fever-free for 24 consecutive hours without the use of fever-reducing medication such as Tylenol or Ibuprofen.
- Must be diarrhea free for previous 24 hours.
- Must not have vomited for previous 24 hours.

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.

## **TUBE FEEDING (G-tube and J-tube)**

1. A written physician's order including type of feeding, amount of feeding and frequency of feeding is required for students needing tube feedings at school.
2. Written permission must be received from parents requesting that the treatment be given.
3. The family is to provide feeding tubes, feeding bags (if needed), and nutrients.
4. The School Nurse will provide inservice training and evaluation on tube feeding procedures. After training and with evaluation, staff will feed students by tube when necessary.
5. Tubes will be re-inserted only by the School Nurse. The School Nurse will be called in the event of a problem during the feeding, i.e., stoppage of formula flow, discomfort of child, regurgitation of contents, etc.

## **SUCTIONING**

1. The School Nurse will suction any student in an emergency.
2. The School Nurse will suction whenever necessary any student with written orders from the physician and written permission of parent or guardian.
3. In the event that a student needs frequent suctioning, a staff member will be taught to do oral suctioning until a nurse can arrive to assess further the needs of the student.
4. The School Nurse will perform annual evaluation of staff members' suctioning skills.

## **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.
  - Form must be recompleted 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 staffing will be called with all necessary parties and student's parents/guardians to discuss wishes for care at end of life.
- Should a student pass away at school, the following procedure will be implemented:
  - Staff will notify student's family immediately.
  - Classroom will be cleared of classmates and student will be prepared for family arrival.
  - OAC will call EMS to come and pronounce/transport student.
    - DNR will be presented to EMS upon arrival
    - If student is an active hospice patient, EMS will not be called. Hospice case manager will be notified instead. It is parents'/guardians' responsibility to ensure that RN has appropriate contact numbers.

## SWIMMING POOL GUIDELINES

1. Whenever students are in the pool, a qualified certified lifeguard will be present to supervise. Additional classroom staff must also be present to provide supervision both in the pool and in the locker rooms.
2. Every student is expected to shower with soap immediately before swimming. This is a Health Department regulation. It is also important to shower after swimming to rinse off the chlorine.
3. No running or diving is allowed in the pool area.
4. Only plastic bottles for shampoo, deodorants and hair conditioners will be allowed in the locker rooms.
5. When needed, the nurse will observe skin irritations and rashes before showering to determine if a student should go into the pool.
6. Pool Closing Procedure: Every time that student has a bowel movement accident in the pool, it must be closed down with no swimming for other classes the remainder of the day. Our pool closing contingency plan will be followed. In order to keep the pool open as much as possible, if a student has a bowel movement in the pool, he/she must stay out of the pool for the next two (2) consecutive swimming times. This is in no way viewed as any type of discipline for the student, rather a way to keep the pool open as much as possible for all students. If this is reoccurring situation, a staffing should be held to come up with a plan to help remedy the situation. This will be done in conjunction with administration, classroom teacher, school nurses, and pool staff.

## REPORTING ABUSE/NEGLECT

1. 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.
2. **"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.
3. **"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.
4. Any staff member working with students at the Ottawa Area Center who suspects abuse or neglect to one of the students will immediately communicate that concern to 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.
5. The same procedure will be followed for suspected abuse or neglect to a dependent student in the Ottawa Area Center who is over the age of 18, with notification to the Adult Services Division.

## DISCIPLINE PROCEDURES

The Ottawa Area Center'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.

## **EMERGENCY PROCEDURES**

### **FIRE**

Students and staff are prepared for the event of a building fire by participating in fire drills. During these drills an alarm sounds throughout the building and students and staff exit via the classroom doors. Attendance is taken to ensure the safety of all students.

### **TORNADO**

In the event of a tornado watch (where condition are such that a tornado could exist), the students and staff are instructed to remain inside the building and do not participate in swimming. The office staff stays tuned to the weather radio and a person is designated to watch conditions, reporting any suspicious weather activity. When a tornado watch occurs at the dismissal time, a determination will be made regarding postponing the busses. If busses are delayed during a tornado watch, an announcement will occur on our Infinite Campus Messenger System as well as local radio and television stations in the same way it does during school delays or cancellations. Parents are allowed to pick up their children during tornado watch.

In the event of a tornado warning, (where a tornado has been sighted), students and staff proceed quickly to the designated "safe" areas of the building and remain there until the "all clear" announcement, as determined by the weather radio or civil defense. Students and staff are prepared for tornado warnings by practicing regularly. Attendance is also taken during this procedure. Students will not be released to their busses or to their parents during a tornado warning. Parent meetings or other special events in the evening will be cancelled in the event of a tornado watch or warning.

### **LOCKDOWN**

In the event of a lockdown, staff will be notified via intercom to shelter students in their classrooms, away from windows and doors. All doors will remain locked. Authorities will be notified.

## **BUILDING EVACUATION**

The Ottawa Area Intermediate School District has developed a plan to be implemented during an accidental chemical spill or other occasion causing the building to be unsafe for students. An announcement will be made over the intercom that it is necessary to relocate students to one of the two sites. Staff will load available busses to the site. Announcements will be made via the Infinite Campus Messenger system, as well as radio and television stations and students will be transported as quickly as possible to either Ottawa Reformed Church, 11390 Stanton St., West Olive, MI 49460, or Life Stream Church, 6561 Lake Michigan Drive, Allendale, MI 49401.

## **LOCAL RESOURCE LIST FOR STUDENTS/PARENTS**

### **Disability Network Lakeshore**

426 Century Ln.  
Suite 3  
Holland, MI 49423-3079  
(616) 396-5326  
[dnlakeshore.org](http://dnlakeshore.org)

### **ARC Resource Center Service**

665 136<sup>th</sup> Avenue #90  
Holland, MI 49424  
(616) 738-8570  
[arc-resources.org](http://arc-resources.org)

### **Association for Children's Mental Health**

[www.acmh-mi.org](http://www.acmh-mi.org)

### **Children's Law Center**

2371 130<sup>th</sup>  
Hopkins, MI 49328  
(269) 793-7764

### **Autism Society of West Shore**

P.O. Box 39  
Spring Lake, MI 49456  
(616) 395-3222  
[www.asws.org](http://www.asws.org)

### **Lori's Voice**

P.O. Box 66  
Coopersville, MI 49407  
[www.lorisvoice.org](http://www.lorisvoice.org)

**Smith Regional Respite**

9656 68<sup>th</sup> Ave.

Allendale, MI 49401

(616) 895-7104

[wwwsmithrespite@heritagehomeinc.org](mailto:wwwsmithrespite@heritagehomeinc.org)

**Interfaith Respite Network of Ottawa County****Interfaith Respite Network**

480 State St.

Holland, MI 49423

Ph #616-394-5154

Fax#616-396-9736

**ORGANIZATIONS AVAILABLE TO HELP PARENTS**

**ARC/Advocacy & Resource Center** – 1325 S. Washington Square, Lansing, MI 48910

Phone: (517) 487-5426/(800)292-1851 Web: [www.arcmi.org](http://www.arcmi.org)

**Michigan Speech-Language-Hearing Association** – 790 W. Lake Lansing Rd, Suite 500-A, East Lansing, MI

48823 Phone: (517) 332-5691 Web: [www.michiganspeechhearing.org](http://www.michiganspeechhearing.org)

**Michigan Association of the Blind and Visually Impaired** – 456 Cherry St., Grand Rapids, MI 49503, Phone:

(616) 458-1187 Web: [www.afb.org](http://www.afb.org)

**Learning Disabilities Association of Michigan** – 1026 N. Washington Ave., Lansing, MI 48906

Phone: (517)319-0370 Web: [www.ldaofmichigan.org](http://www.ldaofmichigan.org)

**Michigan Association for Children with Emotional Disorders** – 30233 Southfield Road, Suite 219, Southfield,

MI 48076 Phone: (248) 433-2200

**Muscular Dystrophy Association** – Waters Building, 161 Ottawa St. NW, Grand Rapids, MI 49503

Phone: (616) 458-6374 <https://www.mda.org/>

**Michigan Department of Education** – [www.michigan.gov/mde](http://www.michigan.gov/mde)

**United Cerebral Palsy of Michigan** – 3496 Lake Lansing Road, East Lansing, MI 48823

Phone: (517) 203-1200/(800)828-2714 Web: [www.ucpmichigan.org](http://www.ucpmichigan.org)

**Michigan Protection and Advocacy** – 4095 Legacy Parkway, Suite 500, Lansing, MI 48911

Phone: (800) 288-5923 <http://www.mpas.org/>

**Michigan Commission on Disability Concerns/Michigan Family Independence Agency** – [www.michigan.gov](http://www.michigan.gov)

**Epilepsy Foundation of Michigan** – 161 Ottawa Ave. NW, Suite 211, Grand Rapids, MI 49503



Phone: (616) 454-7979 [www.epilepsymichigan.org](http://www.epilepsymichigan.org)

**Ottawa County 2-1-1** – Dial 2-1-1 in Ottawa County to link to Health and Human Service Information.  
[www.211.org](http://www.211.org)

### Community Mental Health Of Ottawa

Phone: 1-877-588-4357

<http://www.miottawa.org/health/cmh/>

### Respite Services

#### Michael Berghuis, Respite Specialist

12265 James Street

Holland, MI 49424

Phone: 616-494-5446

Fax: 616-393-5687

### 2018-2019 Ottawa Area Center 616-738-8960

Position	Contact Name	Phone Extension	Email Address
Director	JoAnne Thorsen	ext. 4605	<a href="mailto:jthorsen@oaisd.org">jthorsen@oaisd.org</a>
Assistant Director	Julia Plaggemeyer	ext. 4606	<a href="mailto:jplaggem@oaisd.org">jplaggem@oaisd.org</a>
Office Staff	Linda Arias	ext. 4602	<a href="mailto:larias@oaisd.org">larias@oaisd.org</a>
	Michell Jaarsma – Attendance	ext. 4600	<a href="mailto:mijaarsm@oaisd.org">mijaarsm@oaisd.org</a>
	Cortnee Mitchell	ext. 4608	<a href="mailto:cmitchel1@oaisd.org">cmitchel1@oaisd.org</a>
	Kristi Wujcik – Student Info./Files	ext. 4601	<a href="mailto:kwujcik@oaisd.org">kwujcik@oaisd.org</a>
Custodian	Brad Westhouse	ext. 4703	<a href="mailto:bwesthou@oaisd.org">bwesthou@oaisd.org</a>
Teacher Consultant	Taylor Otten	ext. 4640	<a href="mailto:totten@oaisd.org">totten@oaisd.org</a>
Behavior Specialist	Heather Hester	ext.	<a href="mailto:hhester@oaisd.org">hhester@oaisd.org</a>
Nurse	Nurses – Gwen Pamer	ext. 4790	<a href="mailto:gpamer@oaisd.org">gpamer@oaisd.org</a>
Physical Therapists	PT's – Erica DeNeff	ext. 4734	<a href="mailto:edeneff@oaisd.org">edeneff@oaisd.org</a>
Occupational Therapists	OT's – Mary Beth Jonkman	ext. 4762	<a href="mailto:mjonkman@oaisd.org">mjonkman@oaisd.org</a>
Pool	PE – Tom Dryer	ext. 4620	<a href="mailto:tdryer@oaisd.org">tdryer@oaisd.org</a>
Deans Transportation	Bus	616-738-4300	
West Ottawa	Food Service	616-786-2101	

## August 2018

Sun	Mo	Tue	We	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## September 2018

Sun	Mo	Tue	We	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## October 2018

Sun	Mo	Tue	We	Thu	Fri	Sat
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## November 2018

Sun	Mo	Tue	We	Th	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

## December 2018

Sun	Mo	Tue	We	Th	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

## January 2019

Sun	Mo	Tue	We	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

# Ottawa Area Center 2018-2019 Student Calendar

AMENDED DRAFT (7/19/2018)

August 27  
August 30  
August 31

First Day of School (Full Day)  
No School—Staff Inservice  
No School—Staff Inservice

September 3  
September 19

No School—Labor Day  
Early Dismissal

October 11  
October 12  
October 17  
October 26

½ Day—Staff Inservice  
½ Day—Staff Inservice  
Early Dismissal  
½ Day—Records Day

November 14  
November 21  
November 22 & 23

Early Dismissal  
Half Day  
No School -Thanksgiving  
Holiday

December 19  
December 24 — Jan. 4

Early Dismissal  
No School—Christmas/New  
Year Holiday

January 16  
January 18

Early Dismissal  
½ Day—Records Day

February 1  
February 15

½ Day—Staff Inservice  
No School—Mid-Winter  
Break (possible snow make-up day)  
Early Dismissal

February 20

March 8 (Revised date)  
March 20  
March 22  
March 27 & 28

No School—Staff Inservice  
Early Dismissal  
½ Day—Records Day  
½ Day—Parent-Teacher  
Conferences  
No School-Spring Break  
(possible snow make-up day)

March 29

April 1 — 5  
April 17

No School-Spring Break  
Early Dismissal

May 15  
May 24  
May 27

Early Dismissal  
½ Day—Staff Inservice  
No School—Memorial Day  
Holiday

June 5  
June 6

½ Day—Records Day  
½ Day—Last Day of School

- No Student Days
- ½ Days (AM Only)
- Early Dismissal Days

## February 2019

Sun	M	Tue	We	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

## March 2019

Sun	Mo	Tue	We	Th	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## April 2019

Sun	Mo	Tue	We	Th	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

## May 2019

Sun	Mo	Tue	We	Th	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## June 2019

Sun	Mo	Tue	We	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## July 2019

Sun	Mo	Tu	We	Th	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**OAISD Board Policies  
FERPA/Directory Information****Policy # 2145**

In compliance with the Family Educational Rights and Privacy Act of 1974, a parent or guardian of a student under 18 years of age and a student 18 years of age or over may have access to the records, files, and data of the school district relating to the student. In the event a student's parents are divorced or separated, both parents--custodial and noncustodial--have equal rights to access their children's records unless a court order specifies otherwise.

No records, files or data directly relating to an individual student shall be made available, without the consent of the student 18 years of age or over or of the parents or guardians of a student under 18, to anyone except:

1. School officials, including teachers of the institution or school district, who have been determined by the district to have "legitimate educational interests" in the records in accordance with FERPA guidelines.
2. Officials of schools or school systems in which the student seeks or intends to enroll. (In this instance, parents must be notified of the transfer and be given a copy of the records involved, if requested, and be given an opportunity for a hearing to challenge the content of the records.)
3. Certain authorized federal and state officials seeking record data in connection with auditing, evaluation and enforcement provisions concerning federally-supported education program.
4. Persons requiring record data in connection with a student's application for financial aid.
5. State and local officials and authorities who, in state laws enacted prior to the FERPA's effective date, were authorized to receive specific record information.
6. Representatives of organizations providing testing services or conducting studies for or on behalf of the district. These services and studies must be approved by the superintendent and/or his/her designee.
7. Representatives of accrediting organizations.

8. Persons presenting judicial orders or subpoenas. (Parents and students must be notified prior to compliance.)
9. Parents of a student 18 years of age or older who is a financial dependent as defined in the IRS code (Section 152) of 1954.
10. Parties acting to protect the health and safety of a student in an emergency.  
Information will be released in accordance with applicable statutes.

A parent of a student under 18 years of age or a student 18 years of age or over also has the right to challenge any of the contents of said record to insure their accuracy and fairness according to procedures established by the superintendent and/or his/her designee.

Notice of the right to access and privacy of records as well as categories of information determined to be directory information will be published annually in appropriate handbooks and/or newsletters.

**OAISD Board Policies**  
**Parent /Legal Guardian Educational Rights/Participation**

**Policy #5105**

The Board 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.

Parents and legal guardians may upon request review curriculum, textbooks and other teaching materials; and visit classrooms to observe instructional activities of their student if enrolled and present. Instructional activities do not include testing.

The superintendent and/or his/her designee will develop administrative guidelines to protect the rights and privacy of all students and their families to insure that classroom visits and the review of teaching materials is conducted at a reasonable time, place and manner.

The superintendent and/or his/her designee will also establish a parent participation plan for each building. The plan will outline the ways parents can access information and become involved in their child's education.

This policy, administrative guidelines, and parent participation plan shall be made available to the public.

Adopted: 10/17/96

Revised: 10/21/04

OAISD Board of Education

**OAISD Board Policies**  
**Bullying**

**Policy# 5405**

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 and aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, including cyberbullying, 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, psychological abuse and any electronic communication (i.e., cyberbullying, through the use of internet, cell phone, personal digital assistant (PDA), computer or wireless handheld device, or any electronic device that is currently in use or later developed and used), including hazing, gestures, comments, threats, or actions to one or more students, which is dehumanizing, intimidating, causes or threatens to cause bodily harm, reasonable fear for personal safety, personal degradation, or psychological and emotional distress.

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. Bullying or harassment, including cyberbullying, occurring outside of school is also covered by this policy and may also be disciplined if it interferes with the school environment for one or more students and/or the orderly day-to-day operations of any school or school program.

Notification

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights

posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Parents/Guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation as well as the results of the investigation to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified, depending on the nature of the complaint and/or the results of the investigation.

### Implementation

The Superintendent is responsible to implement this policy, and may develop further guidelines, not inconsistent with this policy. This policy is not intended to and should not be interpreted to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.

### Procedure

Any student who believes he/she has been or is the victim of bullying (including cyberbullying), harassment, hazing, or other aggressive behavior should immediately report the situation to the Principal/Director or Assistant Principal/Director. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building Principal/Director should be filed with the District Human Rights Officer. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying or aggressive behavior directed toward a student. Reports shall be made to those identified above. The identity of an individual who reports an act of bullying, in any form, shall remain confidential to the extent appropriate and/or legally permitted and procedures to safeguard the confidentiality of an individual making a report shall be established

by the Superintendent. Reports may be made anonymously, but formal disciplinary action may not be taken solely on the basis of an anonymous report.

The Principal/Director or Human Rights Officer shall promptly investigate and document all complaints about bullying, aggressive or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit and will generally be completed within three (3) school days after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents/guardians, guests, volunteers and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report of bullying incidents to the Board on an annual basis. The Superintendent shall also report incidents of bullying to the Michigan Department of Education on an annual basis, according to the form and procedures established by the Department.

#### Non-Retaliation/False Reports

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.

Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated.



Retaliation and intentionally false reports may result in disciplinary action as indicated above.

### Definitions

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment or other aggressive behavior, whether conveyed through written, physical, verbal or technological means, regardless of whether it fits a particular definition, he/she should report it immediately and allow the administration to determine the appropriate course of action.

“Aggressive behavior” is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

“At School” is defined as in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

“Bullying” is defined as any gesture or written, verbal, graphic, physical act, or electronic communication (i.e. internet, telephone or cell phone, personal digital assistant (PDA), wireless hand held device, or any electronic device currently in use or later developed and used) 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:

1. Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
2. 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;

3. Having an actual and substantial detrimental effect on a student's physical or mental health; and/or
4. 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 and includes harassing, aggressive and intimidating behavior that is conducted through electronic means and devices (i.e. cyberbullying).

Some examples of bullying are:

1. Physical - hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
2. Verbal - taunting, malicious teasing, insulting, name calling, making threats.
3. 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, emails, text-messages, social media postings, and graffiti.

“Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

“Intimidation/menacing” includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with a person's property; or to intentionally interfere with or block a person's movement without good reason.

“Staff” includes all school employees and Board members.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district competitions or other school events.

LEGAL REF: MCL 380.1310B (Matt's Safe School Law, PA 241 of 2011); Model Anti-Bullying Policy, Michigan State Board of Education

Adopted: 3/15/2012  
Revised: 8/20/2015

OAISD Board of Education

**OAISD Board Policies**  
**Communicable Disease Control**

**Policy #4330**

The Ottawa Area Intermediate School District will work cooperatively with the Ottawa County Health Department and the Allegan County Health Department to enforce and adhere to the Michigan Public Health Code (Act 368 of 1978, Parts 51 and 92, as amended) for the prevention, control and containment of communicable disease in schools.

The Superintendent and/or his/her designee is responsible for establishing guidelines and ensuring compliance and continued implementation of this policy.

**Ottawa Area Intermediate School District  
Asbestos Management Plan**

Our school district has conducted an extensive asbestos survey of all of our buildings. Based on the findings of this inspection, a comprehensive management plan was developed. This plan details the response actions that the district will be taking regarding asbestos containing materials found in our buildings.

This plan is available for inspection without cost or restriction during normal business hours by contacting Angela Brown, Director of Facilities, Ottawa Area Intermediate School District, 13565 Port Sheldon Street, Holland, MI 49424.

We endeavor to make our schools safe places in which students can learn. Hopefully, our procedures for dealing with this issue reflect that concern.

**Ottawa Area Intermediate School District  
Integrated Pest Management**

The Ottawa Area Intermediate School District has adopted an Integrated Pest Management (IPM) program. Inherent with this are the District's efforts to reduce pesticide use as much as possible. While it may occasionally be necessary to apply a pesticide, this program does not exclusively rely on pesticide applications. We also use various techniques such as habitat alteration, sanitation, mechanical means, exclusion, etc., to prevent pests from becoming a problem.

As required by Michigan law, advance notice of non-emergency applications of a pesticide (insecticide, fungicide or herbicide), other than bait or gel formulation, which is made to your child's school building or grounds. This advance notice will be provided 48 hours before the application by the following two methods: 1) posting at the primary entrance to your child's school, and 2) posting in the common area located by the school's main office.

In certain emergencies, such as an infestation of stinging insects, pesticides may be applied without prior notice to prevent injury to students, but prompt notification will be made following any such application via the two posting methods identified above.

Parents and guardians of students are also entitled to receive the advance notice of a pesticide application, other than bait or gel formulation, via first class U.S. Mail postmarked at least three days prior to the application, if they so request. If you would like to be notified by mail, or to view the District's Integrated Pest Management program or records of any pesticide application, please contact Angela Brown, Director of Facilities, with your name, mailing address, and the name of the school where your child attends. This notice will be published annually; you will need to contact us every year if you would like to renew your request.

**Ottawa Area Intermediate School District  
Video Surveillance Notice**

This facility employs video surveillance for security purposes. This equipment may or may not be monitored.

The video captured from surveillance cameras will be viewed by District personnel on a random basis and/or when problems have been brought to the attention of the District.

Students or staff whose recorded actions are deemed to violate District policies, administrative regulations, or provisions of law may be subject to disciplinary action. A video may be used by the District as evidence in any disciplinary action brought against any student or staff member arising out of the individual's conduct on District property.

When appropriate, video captured may be referred to or viewed by law enforcement agencies.

**OAISD Board Policies****Drug Free School/Substance Abuse Policy****Policy #4320**

The Board is concerned with the well-being of its employees and students, the need to maintain employee and student productivity and the successful accomplishment of its mandate to provide education to the students of the OAISD.

Moreover, the Board recognizes that its employees serve as role models to students. Substance abuse by employees and students constitutes a grave threat to their physical and mental well-being, significantly impedes their work and learning objectives and performance, and is a detriment to their effectiveness as positive role models and successful students.

Accordingly, it is the policy of this Board to implement a drug and alcohol education and prevention program and to prohibit the unlawful possession, use, distribution, dispensation, or the state of being under the influence of illicit drugs and alcohol by all employees and students on school premises or as part of any school business, activity or function pursuant to Public Law 101-226, otherwise known as the Drug-Free Schools and Communities Act Amendments of 1989, and pursuant to Subtitle D of Public Law 100-690, otherwise known as the Drug-Free Workplace Act of 1988.

The Superintendent and/or his/her designee is responsible for establishing guidelines and ensuring compliance and continued implementation of this policy.

Adopted: 11/19/92

OAISD Board of Education



**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 anytime. 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 its 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; (e) 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 safeguards 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 safeguards 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.

### **Transfer of Parental Rights at Age of Majority 34 CFR §300.520**

When a student with a disability reaches the age of majority (age 18 in Michigan if a legal guardian has not been appointed by the court), the public agency must provide any notices required under Part B of the IDEA to both the student and the parent and all rights accorded to the parent under Part B of the IDEA transfer to the student. All rights accorded to the parent also transfer to students who have reached the age of majority and who are incarcerated in an adult or juvenile federal, state, or local correctional institution.

### **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.

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### **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.



**OAISD Board Policies  
Health Records – HIPAA****Policy #2160**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA)<sup>1</sup> grants individuals the right to receive notice of the uses and disclosures of their protected health information (PHI) that may be made by the District, and sets forth the individual's right's and the District's legal obligations with respect to PHI.

The District will maintain all PHI in accordance with law. Protected health information does not include information contained in student education records covered by the Family Educational Rights and Privacy Act (FERPA) or employment records held by the District in its role as an employer.

Protected health information will only be available to designated employees who need to have access to those records in their employment capacity with the District and with other authorized entities. Employees will not disclose or use PHI unless an appropriate written consent/authorization exists, an actual emergency exists, or unless otherwise authorized by law. The District will train all employees who may have contact with protected health information on the law and the District's policies and procedures as necessary and appropriate for the employee's position. Any employee failing to comply with District policies, procedure, or law may be disciplined or terminated.

The District will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for exercising his or her rights;

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<sup>1</sup> The Health Insurance Portability and Accountability Act of 1996 (HIPAA) was signed into law on August 21, 1996. This law includes important new protections for millions of working Americans and their families who have preexisting medical conditions or might suffer discrimination in health coverage based on a factor that relates to an individual's health. HIPAA's provisions amend Title I of the Employee Retirement Income Security Act of 1974 (ERISA) as well as the Internal Revenue Code and the Public Health Service Act and place requirements on employer-sponsored group health plans, insurance companies and health maintenance organizations (HMOs). HIPAA includes changes that: Limit exclusions for preexisting conditions; Prohibit discrimination against employees and dependents based on their health status; Guarantee renewability and availability of health coverage to certain employers and individuals; and Protect many workers who lose health coverage by providing better access to individual health insurance coverage.

participating in any process; filing a complaint; testifying, assisting or participating in an investigation, compliance review, proceeding or hearing; or in good faith opposing any act or practice the individual believes is unlawful, in accordance with law.

The District's privacy official is:

Julia Gillespie  
Ottawa Area ISD  
13565 Port Sheldon Road  
Holland, Michigan 49424  
(616) 738-8940 Ext. 4091

The District privacy official's duties include but are not limited to:

- Developing and implementing the District's policies and procedures regarding protected health information.
- Receiving and evaluating requests for amendments of protected health information.
- Answering questions regarding privacy issues.
- Providing training to District employees.
- Reviewing and deciding appeals concerning complaints initially decided by the contact person.

The District's contact person and security official is:

Julia Gillespie  
Ottawa Area ISD  
13565 Port Sheldon Road  
Holland, Michigan 49424  
(616) 738-8940 Ext. 4091

The District contact person/security official's duties include, but are not limited to:

- Receiving and reviewing complaints.

- Determining whether a violation of policy or procedure has occurred, determining the potential harmful effects, and deciding upon an action to minimize the harm.
- Referring violators to appropriate administrators for possible discipline.
- Providing information about matters covered in the District's privacy notices.
- Insuring that notices of privacy practices are distributed as required by law.
- Developing and implementing the District's security policies and procedures.
- Performing tests and assessments of technology safeguards at the direction of the Superintendent or designee.

LEGAL REF: 20 U.S.C. § 1232g (FERPA); Health Insurance Portability and Accountability Act (HIPAA), P.L. 104-191; 45 C.F.R. §§ 160.101 *et. seq.*; 164.102 *et. seq.*

Dear Parents,

Your student participates in the Ottawa Area Center's Curriculum Frameworks. This is a curriculum frameworks created by teachers at the Ottawa Area Center to help our students achieve academic growth. The purpose of the OAC Curriculum Frameworks is to enhance education and quality of life for students with moderate to significant cognitive disabilities.

Each K-12 classroom covers the core content areas (math, science, social studies, English language arts, PBIS, and life skills). This is accomplished through five, 2-month thematic units.

While covering the content areas above, students will also be diligently working on Core Skills. Every student (K-12) at the Ottawa Area Center will work on the Core Skills. The Core Skills are based from the Michigan Essential Elements Range of Complexity and are linked to the Michigan Science EGLCEs. The Core Skills are functional skills that every student can use in all domains of life and in all academic areas. The Core Skills are lifelong skills that the Ottawa Area Center believes are important to work towards and/or master before exiting school.

Students are screened and placed into a Core Skills functioning level (1, 2, or 3). To help students achieve Michigan Essential Elements/EGLCE standards, they will work to complete "I can" statements. The "I can" statements provide a picture of how the student will demonstrate mastery at various levels. The Core Skills are embedded within the content strands. For example, if a student is working on Wholeness (Math Core Skill), the student will work on Wholeness in both the Science and Mathematics content areas. The teacher is responsible to monitor and record student progress on the Core Skills four times throughout the school year. Below are the Core Skills for 2018-19:

## Math

	Level 1	Level 2	Level 3
<i>Wholeness</i>	I can recognize a whole item.	I can form a whole item from separate pieces.	I can separate a whole item into equal parts
<i>Unit</i>	I can recognize a part of a whole item, e.g., half.	I can separate a part from a whole item.	I can explain that a unit is a fraction of a whole.
<i>Order</i>	I can recognize what comes next in an AB pattern.	I can generate an ABC pattern.	I can expand a pattern by one (ABC,AABBCC,AAABBBCCC).
<i>Same (Quantity)</i>	I can recognize items that are the same.	I can match items that are the same.	I can describe why items are the same.
<i>Counting</i>	I can recognize one more.	I can count out a requested number of objects up to 10.	I can complete simple addition/subtraction.

*Continued...*



ELA

	Level 1	Level 2	Level 3
<i>Integration of knowledge</i>	I can make personal connections to items in a text. <i>Text to Self</i>	I can connect items in a text to another text. <i>Text to Text</i>	I can connect items in a text to the world around me. <i>Text to World</i>
<i>Research</i>	I can identify information, items, or events that relate to a familiar topic.	I can sort information that relates to a familiar topic into categories.	I can identify information, items, or events that relate to an unfamiliar topic through multiple resources.
<i>Production of writing</i>	I can select an item to complete a sentence.	I can compose a sentence.	I can edit my own writing.
<i>Presentation of knowledge</i>	I can identify familiar people, places, and things.	I can describe familiar people, places, and things.	I can share details about a topic.
<i>Vocabulary</i>	I can demonstrate understanding of a word.	I can sort words into categories.	I can use context to identify an unknown word.

Students will be assessed on 5 math and 5 ELA (10 total) Core Skills at the beginning of the year to help establish a baseline score. Baseline will be completed by the end of October. For the rest of the school year, assessment checkpoints will be at the end of December, February, and April. Each student will have a progress monitoring sheet to display their growth. You will be receiving updated graphs throughout the school year.

Students are given a score based on what level they are working out of (1, 2 or 3), and what level of

Key	Numerical Score		
Assessment administrator provides step-by-step directions and/or hand-over-hand assistance	1	7	13
Refuses/Resists	2	8	14
Incorrect response	3	9	15
Responds correctly after assessment administrator provides modeling, short of hand-over-hand assistance	4	10	16
Responds correctly after assessment administrator provides verbal/physical cues	5	11	17
Responds correctly with no assessment administrator assistance	6	12	18

support they need. For example:

*If a student is work on Text Types and Purposes at Level 2, they may receive a score of 10 because they required modeling to answer the question correctly.*

If you are a parent of a student who is in K-3rd grade, you will receive the Ottawa Area Center Individual Mathematics and Literacy Improvement Plan in the fall. This is in compliance with the new Michigan Department of Education 3rd Grade reading law. After October, you will begin to receive updated bar graphs representing your child's progress.

This is will be our fourth year working with the OAC Curriculum Frameworks. We want to bring more awareness to our parents and share in the success of students. If you have further questions or concerns please contact us.