



Policy: 9.47

SUBJECT: PROGRAMS FOR HANDICAPPED STUDENTS

Supersedes: IGBA
Effective: September 8, 2008
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Approved by: Detroit Board of Education

1.0 Policy

Note: Detroit's program for special education is conditioned by requirements established at federal and state levels and the plan for delivery of special education programs and services within the Wayne County Intermediate School District.

Procedural requirements of the federal and state governments and the intermediate district are incorporated within the processes and forms the Detroit public schools use for special education identification, evaluation, placement, and due process.

The policy below relates only to the administration of special education. The reference documents (green sheets) provide a summary of arrangements for programs and services, a summary of parental rights, and a flow chart for initial referral, evaluation, and placement.

The Board of Education, acting through the General Superintendent and staff, will have responsibility for and give direction to all programs of special education. These programs will include those for the socially maladjusted, emotionally disturbed, learning disabled, mentally impaired, and physically handicapped.

Special education will be administered by the office of special education, which will directly administer special education schools through the principals of these schools and, working through the General Superintendent, will provide supervisory and supportive services for special education students, classes, and teachers in other schools.

Note: Detroit's special education is in keeping with the Wayne County plan, set forth in detail in "Plan for Delivery of Special Education Programs and Services for Implementation of P.A. 451 of 1980," published by the intermediate district.

Summary of Programs and Services

The Detroit Public Schools have programs and services to meet the particular needs of handicapped children. The extent and type of programs and services depend upon the nature and degree of the handicap.

These special education programs and services include:

1. Support services while the child remains in regular education.
2. Resource classes, with part of the time in regular education
3. Self-contained classes in a regular education setting.
4. Self-contained classes in a special school setting.
5. Cooperative public school/mental health program.
6. Homebound/hospitalized instruction.

Parental Rights

These rights include parental consent, proper evaluation procedures, an independent educational evaluation, review of records, notice, and participation in individual educational planning committee meetings, hearings.

Explanation (as written for parents):

CONSENT: Consent means that you: (1) have been fully informed of all information relevant to the activity for which consent is being sought, in your native language or other mode of communication; (2) understand and agree in writing to the carrying out of the activity for which your consent is being sought; (3) understand that the granting of consent is voluntary and may be revoked at any time in writing.

EVALUATION PROCEDURES: You have the right to: (1) a full and individual evaluation of your child's educational needs; (2) be assured that testing does not discriminate on the basis of language or culture; (3) have more than one criterion used in determining the appropriate education program; (4) have the evaluation performed by a multidisciplinary team; (5) have your child assessed in all areas related to the suspected disability; and (6) have a re-evaluation every three years or more frequently if conditions warrant or if your teacher requests it.

INDEPENDENT EDUCATION EVALUATION: You have the right to: (1) request an independent educational evaluation if you disagree with the evaluation conducted by the district; (2) have that evaluation considered in any decision made in providing services to your child; (3) be told where an independent evaluation may be obtained; and (4) have the district pay for the evaluation if the district's evaluation was not appropriate as determined by a hearing officer.

RECORDS: You have the right to: (1) inspect and review your child's educational records; (2) make copies of these records; (3) receive a list of all types and locations of

records being collected, maintained, or used by the district; (4) ask for an explanation of any item in the records; (5) ask for an amendment of any record on the grounds it is inaccurate, misleading or violates your child's privacy rights; and (6) a hearing on the issue if the district refuses to make the amendment.

NOTICE: You have the right to: (1) receive a notice before the agency initiates or changes, or refuses to initiate or change, the identification, evaluation or placement of your child; (2) have that notice in writing in your native language or other principal mode of communication, at a level understandable to the general public; (3) have the notice describe the proposed action, explain why it is proposed, describe the options considered and explain why those other options were rejected; and (4) be notified of each evaluation procedure, test, record or report the agency used as a basis for any proposed action.

INDIVIDUAL EDUCATIONAL PLANNING COMMITTEE MEETING (IEPC) RIGHTS: You have the right to: (1) be notified before an IEPC meeting is convened and to have the purpose of the meeting explained to you; (2) be invited to the meeting and to be involved in any decision made concerning your child; (3) have the IEPC meeting scheduled at a mutually convenient time and place; (4) invite a person or persons to accompany you to the meeting, if appropriate; (5) participate in the development of your child's individualized education program (IEP); and (6) receive a copy of the IEP.

HEARING: You have the right to: (1) request arbitration or an impartial due process hearing to question the district's identification, evaluation, placement of your child or provision of a free appropriate public education; (2) have the hearing conducted by the district directly responsible for your child's education; (3) be told of any free or low cost legal and other relevant services available; (4) have the hearing conducted by a person agreeable to the parent and the school district, who is not employed by the district or involved in the education of your child or who otherwise has any personal or professional interest in the hearing; (5) see a statement of the qualifications of the hearing officer; (6) be accompanied to the hearing and advised by counsel and individuals with special knowledge or training in problems of the handicapped; (7) have your child present; (8) have the hearing open to the public; (9) present evidence and confront, cross-examine and compel the attendance of witnesses employed by the public agency; (10) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (11) have a record of the hearing; (12) obtain written findings of fact and a written decision within 45 days after the district received the initial request for the hearing; (13) appeal to the state education agency and receive a decision within 30 days of the filing of an appeal; (14) have a hearing and appeals which allow oral arguments, to be set at a time reasonably convenient to you; (15) appeal a decision from the state education agency in court; and (16) have your child remain in his or her present educational placement during the pendency of the administrative proceeding, unless you and the district agree otherwise.

Attachments to Policy 9.47: None

Legal References: Education for All Handicapped Children Act of 1975 and related federal regulations
MCLA § 380.1701-380.1766
R340-1701-R340.1873

Labor Contract References: DFT