



**KEY FINDINGS OF  
LT. GOVERNOR BRIAN CALLEY'S  
SPECIAL EDUCATION  
LISTENING TOUR AND SURVEY**

Presented by Lt. Governor Brian Calley  
to the Michigan State Board of Education  
Tuesday, September 8, 2015



STATE OF MICHIGAN  
EXECUTIVE OFFICE  
LANSING

RICK SNYDER  
GOVERNOR

BRIAN CALLEY  
LT. GOVERNOR

September 8, 2015

To the State Board of Education,

In December 2014, I testified before the Legislature's Joint Committee on Administrative Rules, urging it to refrain from adopting new rules related to special education in Michigan. It was clear to me that the state should refrain from making any rule changes until we had a proper venue for families to be better heard. Additionally, we needed to conduct a closer review of the potential and expected impacts of those changes on the quality of services for children receiving special education support. The committee heeded this request.

I am grateful for the opportunity the committee's patience provided for me to seek input from parents and educators of special needs children. Since early June, I have been traveling the state, holding informal town halls with parents and educators who face the challenges and triumphs of working every day with students in need of special education services.

To date, I have held nine such town halls in the communities of Indian River, Benton Harbor, Redford, Lansing, Dexter, Centerline, Grand Rapids, Traverse City, and Troy. An additional tour stop is scheduled for Detroit later this week. Attendance has been strong at each event, ranging from a few dozen to a few hundred people. I also hosted an online survey that, as of last week, had recorded responses from nearly 2,000 people.

For this report, I have organized the feedback from the tour and online survey into five broad categories that represent the most often cited issues and concerns. The purpose of this report is to articulate the most urgent needs from the perspective of parents and to encourage constructive partnerships among parents, advocates, teachers, administrators, the Michigan Department of Education, the State Board of Education, the Legislature, and the Snyder Administration. Together, we can develop strategies to improve outcomes for some of our most vulnerable citizens.

The five main issues highlighted in the attached report address the special education rulemaking process, service scope and quality, restraint and seclusion practices, dispute resolution, and parental resources.

I look forward to partnering with you in achieving a brighter future for all children. Educating a child with special needs can present unique and difficult challenges, but it is also an opportunity to help a child build an independent, productive, and self-determined future.

Sincerely,

A handwritten signature in cursive script that reads 'Brian Calley'.

Brian Calley  
Lt. Governor

## **Special Report to the Michigan Board of Education**

*by Lieutenant Governor Brian Calley*

This report and my outreach efforts are focused on describing the main issues and problems needing attention in Michigan in regard to special education services and Individualized Education Plans (IEPs). This report is not intended as an admonishment of those who are involved with the crucial work of teaching special education students in Michigan. It is meant to be an agenda for positive discussion and change.

The following five subject areas represent the key findings from my tour and online survey. They represent the areas most cited as needing improvement from the perspective of those relying on special education services in Michigan.

### **1) Develop a more inclusive and transparent rulemaking process**

Michigan needs to develop a better system for informing and engaging with consumers of special education services before and during the rulemaking process. A key component would be to enhance the sharing of information. This should be done using plain language that limits the use of jargon, explaining what rule changes are being proposed and why they have been proposed, as well as what the desired outcome of those changes would be.

An electronic distribution service could be employed to reach interested parties. The state could also expand and formalize the role of existing parent advisory committees to share information more broadly and collect feedback regarding proposed rule changes.

### **2) Improve access to, and the scope and quality of, services**

Many parents reported that there is an expectation that children fit into the school's structure, rather than the school providing what the child needs. Schools should have services that are better tailored to the specific needs of the child. Individual Education Plans (IEPs) should indeed be individualized. While it may seem obvious that a child with Down Syndrome will need, and should receive, different services from a child with autism, many parents reported a "cookie cutter" approach that included segregation and low expectations.

To help facilitate better and more successful IEPs, more effective staff training will be required, tailored to the needs of the child with whom they are working. For example, schools need to be prepared to implement best practices for teaching kids with dyslexia to read, or even identify when a child has dyslexia in the first place. This would be quite different from helping a child who is simply behind on reading comprehension skills.

In some instances, the child's needs are not being fully considered when educational plans are being formulated. For example, additional review should be afforded to the application of the "least restrictive environment" requirements under the federal Individuals with Disabilities Education Act (IDEA) for the deaf and hard of hearing. Many parents shared concerns about mainstreaming children who are deaf. Putting deaf

children in a mainstream classroom where they are unable to communicate directly with the other students may actually be the most restrictive environment, despite its noble ambitions. This further supports what we intuitively know, which is that different kids have different needs.

The foundation for teaching children with special needs requires high expectations and inclusion. Given that, a well-written IEP with appropriate and measurable goals is the foundation for the individualized plan for the school year. However, I often heard that the IEPs do not include academic goals or are not written to help the student reach their full potential. In addition to academic goals, the IEPs also need more focus on independent community living and employment skills starting in middle school.

Schools also need to adhere to a more thorough follow-through process for the services, goals and practices of each IEP. Many parents reported that even when they felt they had an acceptable IEP, the school's communication on progress and the follow-through in the classroom was lacking.

To help with this, there should be more openness within schools to coordinate or even integrate clinical external treatment and practices with IEPs. This should not be a situation where silos exist. Everyone involved with the rearing, treatment, and education of a child with special education needs should be fully engaged with, and informed of, the child's activities, treatments, and educational progress.

In addition to Michigan rules, laws, and best practices, the federal IDEA was designed to ensure services to children with disabilities throughout the nation. The state should provide assistance to local schools in understanding the responsibilities and requirements of IDEA and ensure compliance.

The focus of all of these efforts should be to help students move toward a more independent, productive, and self-determined life. Unfortunately, transition services for special education students between ages 18 and 26 are seriously lacking. Career planning and transition services should start at the same time for all Michiganders, whether they are a special education or general education student. Too often, however, I have heard from parents that real transition planning does not start until the student is close to aging out of the special education system at age 25. That is simply too late.

Additionally, access to career and technical education programs is difficult for students with IEPs because of institutional and practical barriers. Just like with many general education students, the trades and technical education programs could offer a great career path for students with IEPs, who too often do not achieve competitive employment under the status quo. Those students need to have information about, and access to, these opportunities early in their educational experience.

### **3) End the practices of restraint and seclusion**

Using restraint and seclusion in schools is far more common than many people believe. Years ago, the state Board of Education established a policy significantly limiting the use of these practices to instances involving imminent danger to a child or their peers. This policy, however, does not carry the force of law and is ultimately voluntary. In too many cases, from what parents are reporting, restraint and seclusion is being used

as a behavior modification or control tool, which is inhumane and barbaric. In these instances, it results in increasingly dangerous situations for children and staff.

Using the Board of Education's policy as a starting point, legislation should be crafted that bans the use of restraint and seclusion in schools, except in certain specified emergency situations. In addition, we should continue to monitor emergency use in schools to ensure universal compliance with the law across Michigan.

The use of restraint is often the direct result of not providing teachers and staff with the appropriate approach to shaping and managing behavior. Providing teachers and staff the fundamentals of Applied Behavior Analysis (ABA) -- and how to use these techniques in a school setting -- will help mitigate most behavior issues that currently lead to restraint. After training, we must ensure that the functional behavior assessment (FBA) and behavior plan are well written and incorporated into the IEP and classroom practices. It is often appropriate to use Board Certified Behavior Analysts (BCBAs) in the process of developing the FBA and behavior plan, especially in the area of de-escalation of behavioral issues. This would ideally prevent the problematic behaviors in the first place.

#### **4) Create a better dispute resolution process**

Too many IEP disputes result in lawsuits and drawn-out confrontations. When a parent believes their child is not receiving the public education they are entitled to, in the least restrictive environment, there should be a better option than litigation.

Dozens of parents reported spending thousands of dollars -- in at least one case, over \$500,000 -- on legal expenses. We need to make a free and expedient third-party review and mediation process available. This would help facilitate resolution and result in less legal expense for school districts and families.

These cases are usually the result of disputes involving noncompliance with the "least restrictive environment" requirements of IDEA. This lack of compliance is often directly connected to ineffective behavior plans and the lack of functional behavior assessments. Progress on the issues raised in this report has the potential of significantly improving this.

#### **5) Support parents more with resources and options**

Families need to understand what their rights are and how the IEP process works. Many described being overwhelmed and confused and even feeling "run over" as they went through what is supposed to be a collaborative process to help their child.

We also heard, on more than one occasion, about general education teachers reporting that they felt threatened to stay quiet during IEP meetings. They were expected to simply support the position and plan of the regional or intermediate school district. No parent should ever feel bullied in this process, and no educator should ever feel they cannot speak up on behalf of the students they care so much about.

A system should be established to ensure that parents receive the information they need to understand their rights and responsibilities related to an IEP. And teachers need to be protected from repercussions for speaking up about a child's well-being, educational achievement, or individualized support within a school.

## **Conclusion**

I pledge to continue working with the State Board of Education, Superintendent Whiston, educators, and parents across Michigan who all want the best for every child, whether they are receiving general education or special education. Helping all children become independent, well-educated, contributing members of society should be the goal for all of us involved in this discussion. And we need to stay focused on that goal as we work together to resolve conflicts and find solutions to a growing but manageable education challenge in Michigan.

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