

Public comment for MDE oversight committee hearing  
Tuesday September 22, 2014  
Submitted by Cara Daniel

On behalf of my family and my community, I would like to thank you for convening this oversight committee to consider the Michigan Department of Education's procedures for accepting and investigating MARSE Part 8 and the IDEA 2004 Part B, special education complaints. As the parent of a child with a disability and MI taxpayer, I find the MDE's behavior and dismissive attitude toward parents shameful.

Over the past 14 months, my family has worked through 2 formal complaints with the MDE. (Cases 13-00305 against our school district and 13-00431 against the MDE in regard to their handling of our initial complaint.)

Our final report was received with an inaccurate cover letter signed only by "program accountability" with no contact information, and describing that the case was closed and the district was found in compliance, despite the following page listing non-compliance on 8 out of 10 allegations.

Our final report did not contain corrective actions. In fact, at an IEP, our special education director voiced that she was anxious for corrective action to be issued as she was hoping to remedy the findings expeditiously. Corrective actions were received 11/26/13. It is my understanding that they were over 2 months late, being due 9/22/13, or 60 days after the 7/24/13 submission of complaint.

Our complaint was incompletely investigated. Details that were written in the complaint, then delineated in the clarification call were ignored. I then brought these same details back up by e-mail. These points were ignored despite receiving a response on another point in the same communication. I reiterated these concerns in a subsequent complaint against the MDE. The MDE then found that there was no legal avenue for reconsideration on MDE's findings. The blatant lack of checks and balances over the MDE in cases such as this is atrocious. Furthermore, portions of allegations that were arguably re-submittable had, by this time, expired, in part due to the MDE's delay in resolving our complaint.

I have been unable to review the MDE's discovery documents in this case. The MDE has not responded to multiple e-mail responses for FERPA/Freedom of Information Act requests for the discovery documents obtained in this investigation. In fact, during the investigation of my 2<sup>nd</sup> complaint against the MDE, I was informed that my "FOIA requests have been received and I think they are in process." After still no word on these requests after quite some time, I inquired directly as to whether this was the appropriate way to submit such request, and if not, how I should submit the request multiple times over approximately 9 months with no response. It is absurd that multiple people at the MDE would completely ignore multiple e-mail requests from a parent and Michigan taxpayer, without even the courtesy of a response or re-direction regarding how to properly submit a request.

Despite this inaccessibility of the MDE's discovery documents, I do have evidence that the MDE's findings were inaccurate. The MDE's findings themselves actually spelled out that some service guaranteed to my son in his IEP was not provided. Unfortunately, this fact was not addressed in the same document in the conclusion for this allegation! I found further discrepancies upon review of service logs that were obtained through Oakland ISD's courteous and timely response to the same FERPA/FOIA request that was ignored repeatedly by the MDE.

The late corrective actions included timelines for the district to complete by multiple dates in December 2013. We received NO FURTHER COMMUNICATION until we were cc'd on a letter 4/28/2014 stating simply that no compensatory education was required. This was 9 months after the initial complaint submission. Subsequent to this communication, I have made several requests for the information that the MDE used in this determination. I have heard absolutely nothing back.

To my knowledge, the MDE did not consider educational loss in its determination that my son was not due compensatory education. I understand that there is typically a meeting with some parent involvement to determine this. I have also been advised that there would most certainly have been educational loss in his case given, for example, incomplete or no physical therapy service in 4 months of his 2 year old school year. These were documented in service logs that were available to me only after jumping through multiple hoops: requesting logs from the therapist, then from the special education director (who informed me in writing that such logs were not actually kept), then FERPA/FOIA request by e-mail which, as described above, was kindly responded to by Oakland schools, but not by MDE.

It is exhausting to ensure that we jump through all the required hoops for something so simple as to find out whether our son has received therapy from a service provider with goals written in his IEP in a given month. It takes hours to answer such simple questions, only to have to review all the rules and laws again the next time. And we are highly educated and involved parents. I would venture to claim that this process is daunting and inaccessible to most parents of children with disabilities.

We are disillusioned with this process. We have put in countless hours, not to mention significant financial contributions in hiring outside help. This is time and money that, in the context of the present state of affairs as delineated above, is proving itself much better spent on working, playing, and providing outpatient therapy for our son. As parents, we are not experts on state and federal education laws, rules, and policies. We are not experts on how to provide access to instruction and research-based methodologies. Nor do we have time to become experts in all of these fields. We are parents. We are taxpayers. Despite these ostensibly important designations, the MDE has made it clear that our concerns don't matter and that the poor educational outcomes for students like our son are not a priority.

Nobody deserves this treatment, but the population hurt by these policies in particular works so hard just to ensure that our children have the best chances at a happy and productive life. As a pediatrician, I see children with special needs every day, and I still could not have imagined the tremendous amount of time, emotional, and financial resources involved in meeting his needs. We have 3 children, and our child with special needs requires head and shoulders more time and financial investment than the other 2 combined. He also returns the biggest bang for the buck, making visible progress with everything that we put in. Our other 2 children will succeed with what society has to offer them - they will be successful and able to manage the school system and the world. As parents of a child with special needs, on the other hand, we need help. We don't know how to provide the education that he needs to secure his highest level of success, happiness, and ability to contribute to society. We have a right to take an appropriate public education for granted in our state and in our country. Please help restore a system of checks and balances within Michigan's Department of Education so that we can do just that.

Thank you very much for your time and consideration,

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