

Education programs for disabled students under attack in Michigan

By Debra Watson
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Last month students, teachers and parents rallied on the steps of the state capitol building in Lansing, Michigan to oppose plans by the state's Department of Education to reform the Michigan Special Education Code. The proposed reforms would slash education and therapy provided by public school districts to tens of thousands of Michigan children with disabilities.

The reforms, which could go into effect some time in the next school year, will force families to pay a greater share of the cost of essential and often expensive services. Parents who cannot pay will see their children go without. The Joint Committee on Administrative Rules, a special committee appointed by state officials, developed the changes, claiming they were required to bring Michigan law in line with federal regulations.

When the current Michigan rules for special education were first established in the early 1970s there was no nationwide requirement for even the most basic education for physically, cognitively or emotionally impaired children. In 1975 the federal government mandated minimal standards and partial federal funding for some services in public schools. When the US Congress authorized the Individuals with Disabilities Education Act (IDEA) in 1990, the earlier federal standards were incorporated into the new act.

Major revision of the state code was accomplished by striking out huge sections of the document, replacing them with a reference to federal IDEA provisions. Since in most cases Michigan's existing standards for special education far exceed the national standards, the proposed state reforms will actually curtail many of the rights now guaranteed to disabled children in Michigan.

One critical provision in the state law—which provides each student to be educated “to his or her maximum potential”—is to be eliminated. Current federal law mandates only an “appropriate education” for handicapped children. And while federal law under IDEA requires education or job transition assistance only through age 21, the existing Michigan law requires special education services for children from the ages of 3 to 26. The language in the new

proposal keeps the age 26 ceiling only for students who have not graduated from high school. Parents fear students will be “graduated” to save public school districts from the cost of educating them.

By far the most important change is the demand that each Intermediate School District in the state develop its own set of rules for implementing federal IDEA law. Parents and educators have charged that this is a transparent attempt on the part of the state Department of Education to impose financial responsibility for special education costs on the Intermediate School Districts. Most funding for education in the US comes from state and local property taxes. The federal government provides only 7 percent of the total spent on public education nationally and about 17 percent of special education costs.

Two lawsuits settled in the 1990s transferred hundreds of millions of additional dollars from the state to local school districts in Michigan. Cash-strapped school districts successfully sued for unpaid special education services provided over nearly two decades. A third lawsuit is still pending. By devolving rule-making to intermediate districts, state lawmakers hope to avoid further lawsuits to force the state to pay for the rising cost of special education.

Furthermore, the 1994 restructuring of state school finances prevents individual school districts from raising local taxes to meet increased costs. Proposal A imposed additional state sales taxes to fund public education, providing an immediate windfall tax cut for corporate property owners like General Motors and Dow Chemical. Resources for public education were slashed by as much as \$600 million a year. Rather than equalizing funding across school districts as promised, seven years later huge inequities in per-pupil funding remain between wealthy and poor school districts. They will be further exacerbated with the proposed changes in special education funding.

Proposal A provides about \$6,000 per student from the state, far less than is required to educate a child in regular classes, much less a child with disabilities. Without extra funding for special education, disabled students will be

pitted against other students for dwindling resources.

In April, when parents objected that they did not have time to review the new rules, the governor refused to extend the period for public comment. The changes in the laws were actually completed by 1994 but the state government did not try to implement them until now. The draft was released to the public on March 3 and the state Board of Education planned to end public comment six weeks later and to authorize the new rules two weeks after that.

The process was only delayed when parents filed a lawsuit under the Americans with Disabilities Act, arguing that cognitively impaired students would not be able to read the inch-thick document before hearings scheduled in April. A judge subsequently moved the deadline to end the comment period to September 30, and forced the state to hold additional hearings.

At one of these hearings held May 2 in suburban Detroit, parents denounced the changes in the special education rules and the way state officials tried to ram them through. Jim Waters, father of a special education student in the Waterford School District, said that in seven years the committee did not consult with parents, teachers or special education teachers. He noted that the public hearings were scheduled for a time when most school districts were on spring break, and coincided with Passover and Easter observances. Public comment was originally slated to close April 16, the date federal and state taxes were due.

Waters commented: "The regulations were to be approved seven days later and Arthur Ellis, the current Superintendent of Schools, was to retire on April 30. Enter the new head of state schools, Tom Watkins, on May 1. He would say that none of this was his fault because it was done under the previous superintendent. If all of this wasn't a conspiracy it was certainly an extraordinary chain of coincidence."

Several special education teachers and administrators at the hearing attacked specific provisions in the new code that would eliminate programs for the most vulnerable students. Combining cognitively disabled classifications would make it more difficult to get the services appropriate for each child's specific disability. There were objections to language that might find children being taught by teachers not certified to teach their particular disability.

Current regulations on class size would be scrapped, and year-round school now mandated for some children abolished. Class size for special education students would be averaged across the entire intermediate school district, resulting in larger classes in some individual schools. Removal of language designating appropriate age-span could result in children as young as three being combined in classrooms with children up to the age of 26.

John Schanbeck, a teacher and father of an autistic child,

denounced the elimination of paraprofessionals, who provide one-on-one help vital to these children. He pointed out that it was only through the use of a paraprofessional that his child was able to be included in General Education classes.

Teachers and administrators called the new state plan a wrecking ball approach to reform. Tears, frustration, rage and rancor characterized much of the testimony of parents of special education students. Lynn Danol, the parent of a daughter severely impaired since the age of three, credited the incredible transformation in her daughter, now 12, to a low student-teacher ratio. "When she was three she could not walk or sit up, she simply existed. Now she is able to communicate with me using a touch screen."

Arthur Wiard, an automotive engineer, said that his son struggled to overcome several disabilities in his early school life and now is high school student with a 3.0 grade point average. He credited his son's success to services available in state public school districts. "[Republican Governor John] Engler says we need to align with the federal guidelines. But check out what students have in Alabama and Florida. We don't want to regress to that. Engler can't begin to understand what parents go through with children like this.

"For the past six years we have seen attacks on the most vulnerable people in the state. The most horrific was the closure of mental institutions in Michigan. The closings displaced people who needed day-to-day support. My sister was one of them. Three days before Christmas in 1997 she killed herself. I hold John Engler personally responsible for the death of my sister."

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