



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

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GOVERNOR

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STATE SUPERINTENDENT

May 13, 2013

SUPERINTENDENT'S  
OFFICE  
MAY 15 2013  
EGRPS

Sara Shubel, Ph.D., Superintendent  
East Grand Rapids Public Schools  
2915 Hall Street SE  
Grand Rapids, Michigan 49506-3111

Case: C-7599-13

Dear Dr. Shubel:

Enclosed is a copy of the request for reconsideration by the complainant in the above identified state complaint, as you requested. Also enclosed is an additional document the complainant submitted along with the request.

If you have any questions or concerns pertaining to this matter, please contact me at  
To avoid loss or unnecessary delay in response, all correspondence should be clearly marked as pertaining to case C-7599-13.

Sincerely,

Program Accountability  
Office of Special Education and Early Intervention Services

Enclosures: 1. Request for Reconsideration by complainant dated May 3, 2013  
2. Summary of Allegations and Applicable Regulations and Rules Case C-7599-13, Revised May 2, 2013

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**Request for Reconsideration  
Case C-7599-13**

Office of Special Education  
Program Accountability

May 3, 2013

Supervisor  
Program Accountability  
Michigan Department of Education  
Office of Special Education  
608 West Allegan Street  
PO Box 3008  
Lansing, MI 48909

Complainant in Case C-7599-13 hereby requests reconsideration of the Final Resolution of State Complaint C-7599-13 dated April 25, 2013 and presents the following factual information not previously available to the Complainant during the investigation. The information below is new and relevant to the Complaint, and Complainant believes the information herein will cause a change to the conclusions reached and conveyed in the report letter dated April 25, 2013.

Thank you for your consideration regarding an appropriate resolution to this matter.

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**Lack of Independent Determination - §300.152(4)**

The ISD Investigator has apparently failed to recuse himself from the investigation of complaint C-7599-13 and ultimately rendered an inappropriate, biased determination, despite known material conflict of interest. By failing to recuse himself from the investigation and by issuing the April 25, 2013, determination, Kent ISD and its Investigator apparently violated §300.152(4), which requires investigators to review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act.

Information below describes the material conflict of interest and resulting substantial deficiencies and errors.

**Material Conflict of Interest**

On March 25, 2013, Complainant filed a State Complaint (C-7599-13), which alleges numerous violations of IDEA, MARSE, and the Michigan Criteria for Determining the Existence of a Specific Learning Disability (Michigan Criteria) regarding East Grand Rapids Public School's (EGRPS) stated SLD-eligibility criteria. In that Complaint, Complainant noted two other Kent ISD LEAs that have similar substantial violations.

## **Material Conflict of Interest** (Continued)

In that Complaint, Complainant requested a Kent ISD Investigator not participate in the investigation due to conflict of interest.

*If the alleged EGRPS violations are found indeed to be violations, and there are at least two other districts within Kent ISD found to be violating federal and state regulations in a similar and substantial manner, it reflects very poorly on Kent ISD's compliance and oversight efforts, both as an organization and with regard its current and former special education compliance officers. This could obviously impact Kent ISD's ability to be impartial in determining whether the numerous alleged violations are indeed violations, and in impartially determining appropriate corrective action.*

—Complaint in C-7599-13

The Kent ISD Investigator, however, chose to not recuse himself from the investigation and took part in the required follow-up call with the Complainant, at which time the Complainant again reiterated a conflict of interest concern.

On April 4, 2013, Complainant filed a State Complaint (C-7605-13) against Kent ISD alleging Kent ISD violated R 340.1839 of MARSE and 34 CFR §300.111 because Kent ISD failed to appropriately monitor the SLD-eligibility criteria of EGRPS and other Kent ISD LEAs to ensure compliance of with federal regulations and state rules, including specifically citing the alleged violations concerning SLD-eligibility criteria of EGRPS and similar non-compliant SLD-eligibility criteria of Thornapple Kellogg Schools and Forest Hills Public Schools, two other Kent ISD constituent LEAs.

### **State Rules**

Complainant asserts the Kent ISD Investigator's investigation of complaint C-7599-13 violates R 340.1853 of MARSE, which states "The intermediate school district investigator shall not have administrative authority over programs or services against which a state complaint is filed." The obvious primary purpose of R 340.1853 is to avoid conflict of interest. Kent ISD Compliance Officer \_\_\_\_\_ does have administrative authority over constituent LEA's special education policies that govern special education programs and services. Authority is defined as the power to act or the power to cause others to act. An ISD compliance officer can cause an LEA to change its policies to comply with regulations and rules. ISD compliance officers are part of the State's enforcement mechanism. \_\_\_\_\_ has *administrative* authority, versus judicial or some other type of authority.

### **Federal Regulations**

Upon the filing of Complaint in C-7605-13 against Kent ISD, the Kent ISD Investigator should have immediately recused himself from the investigation of C-7599-13 against EGRPS due to material conflict of interest. However, it appears he did not recuse himself and, to the contrary, continued his investigation through the point of rendering an inappropriate, non-compliant, biased determination of findings in C-7599-13, apparently violating the §300.152(4) requirement of rendering an *independent* determination.

The apparent effects of this lack of independence are as follows:

### **Non-Compliant Response to State Complaint - §300.152(5)**

The ISD Investigator's April 25, 2013, response to complaint C-7599-13 violates 34 CFR §300.152(5), which requires the investigator to issue a written decision that **addresses each allegation** in the complaint and contains (i) findings of fact and conclusions; and (ii) the reasons for the final decision.

- The investigator's report does not address the allegations in the complaint.
- The investigator's report does not individually address each of the allegations contained in the complaint.
- The investigator's report does not include findings of fact and conclusions regarding each individual allegation.
- The investigator's report does not address the reasons for the final decision for each individual allegation.

The focus of each of the alleged violations in Complaint C-7599-13 is whether various provisions of East Grand Rapids Public Schools' (EGRPS) stated SLD-eligibility criteria comply with federal regulations and State rules. Yet, the Investigator fails to address each allegation, let alone any of them.

### **Improper Dismissal of Allegations**

The ISD Investigator improperly dismisses and fails to address the alleged violations in C-7599-13 for the following reasons:

#### **Improper Reason 1**

The ISD Investigator inappropriately dismisses and fails to address the alleged violations concerning SLD-eligibility criteria noted in C-7599-13 because EGRPS has complied with the May 14, 2010, OES-EIS 10-07 Memorandum requiring districts to post the process or combination of processes (PSW or Rtl or combination thereof) that will be used by the LEA to determine the existence of a SLD. Non-compliance with the above memorandum was never alleged. *However*, in the same document used by EGRPS to satisfy the requirements of the above memorandum, EGRPS *also* includes its stated policy regarding SLD-eligibility criteria, criteria that must comply with federal regulations and state rules. The fact that potentially non-compliant EGRPS SLD-eligibility criteria reside within a document that satisfies some other State requirement does not absolve EGRPS from ensuring its stated SLD-eligibility criteria actually comply with applicable federal regulations and state rules. Accordingly, the ISD Investigator's dismissal of and failure to address the alleged violations regarding EGRPS SLD-eligibility criteria are improper.

## Improper Dismissal of Allegations (Continued)

### **Improper Reason 2**

The ISD Investigator inappropriately dismisses and fails to address the alleged violations concerning SLD-eligibility criteria noted in C-7599-13 because "the Complainant did not identify any student involved in the district's specific learning disability determination process who was impacted by the process." The EGRPS SLD-eligibility criteria represent policy of the LEA. LEAs are required to have policies that are compliant with IDEA and related regulations. 34 CFR §300.201 requires LEAs to have policies, procedures, and programs that are *also* consistent with State policies and procedures established under 34 CFR §§ 300.101-300.163, and §§ 300.165 - 300.174. Policy compliance questions, by their nature, do not (and should not) require the identification of a student; policy compliance questions are resolved solely by comparing the policy to applicable, governing regulations and rules. Federal regulations and State complaint procedures clearly recognize violations need not pertain to a specific student; the inclusion of student-specific information is not required per 34 CFR §300.153(b)(4) and the *Michigan Department of Education Special Education State Complaint Procedures*. Accordingly, the ISD Investigator's dismissal of and failure to address the alleged violations regarding its policy concerning SLD-eligibility criteria are improper.

### **Improper Reason 3**

The ISD Investigator inappropriately dismisses and fails to address the SLD-eligibility criteria allegations in C-7599-13, deeming the allegations "speculative," without actually investigating the allegations.

#### Alleged Violations #1-#40

Alleged violations #1 through #40 in C-7599.13 are not speculative. They allege the SLD-eligibility criteria stated in the EGRPS SLD Policy are non-compliant with numerous provisions of IDEA, MARSE, and the Michigan Criteria. **Determination of compliance regarding alleged violations #1-#40 is done solely by comparing the SLD-eligibility criteria in the EGRPS SLD Policy to the noted applicable provisions of IDEA, MARSE, and the Michigan Criteria**, non-compliance with which, as noted above, results in federal violations of 34 CFR §§300.307(b) and 300.201. **No facts other than the SLD-eligibility criteria stated in the EGRPS SLD Policy are necessary to determine compliance.** There is nothing speculative about the EGRPS SLD-eligibility criteria (a written document published by the district) or the federal regulations, state rules, and Michigan Criteria.

#### Violation #41

Alleged Violation #41 in C-7599-13 alleges EGRPS has violated 34 CFR §300.307(b) and that each alleged violation of the Michigan Criteria represents a violation of Part B of the Individuals with Disabilities Act (34 CFR §300.307(b)).

**Improper Dismissal of Allegations** (Continued)  
**Improper Reason 3** (Continued)

Violation #42

Alleged Violation #42 in C-7599-13 alleges EGRPS has violated 34 CFR §300.111 and the LEA's affirmative Child Find duty on the basis of findings of non-compliance alleged in Violations #1-#40. If the SLD-eligibility criteria in the EGRPS SLD Policy fails to comply with federal and state SLD-eligibility regulations and rules and creates narrower and more restrictive SLD-eligibility criteria than federal regulations and state rules permit, this *de facto* creates a Child Find violation.

**Attached is a summary of the allegations and the applicable regulations and rules.**

**Improper Dismissal of Applicable Regulations and Rules**

The first page of the ISD Investigator's report dated April 25, 2013, regarding Complaint C-7599-13 incorrectly states,

*The OSE Michigan Criteria for Determining the Existence of a Specific Learning Disability (October 2010) is a guidance document rather than a rule or regulations. Districts cannot be found to meet or not meet the requirements in using it.*

The Michigan Criteria clearly states,

*This document [Michigan Criteria] establishes the criteria that must be followed in Michigan to determine the existence of a specific learning disability (SLD) for a student suspected to have an SLD.*

The Michigan Criteria was created pursuant to 34 CFR §300.307(a), which requires the State to adopt, consistent with § 300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). 34 CFR §300.307(b) states each public agency must use the State criteria adopted pursuant to §300.307(a) in determining whether a child has a specific learning disability. Accordingly, each violation of the Michigan Criteria is a separate federal violation of § 300.307(b).

Additionally, each violation of the Michigan Criteria is also a separate violation of 34 CFR §300.201, which requires that an LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under § 300.122, which states children with disabilities must be evaluated in accordance with §§ 300.300 through 300.311. The Michigan Criteria was established pursuant to § 300.307(a). Therefore, each violation of the Michigan Criteria is also a separate federal violation of 34 CFR §300.201.

### **Inappropriate Pursuit of an Alternate Investigation**

Rather than investigate the allegations in the Complaint against EGRPS and issue an independent written decision that addresses each allegation as required by 34 CFR §§300.152(4) and 300.152(5), the Kent ISD Investigator admittedly chooses to pursue an alternate investigation regarding EGRPS purported procedures, as opposed to the district's stated SLD-eligibility criteria. The pursuit of this alternate "investigation" appears to be a diversionary attempt to show EGRPS somehow compliant regarding matters other than its stated SLD-eligibility criteria.

Four pages of the Investigators report represent the district's general discussion of its overall special education program and excerpts from the non-binding Kent ISD PSW Guidelines. The district's general discussion of these matters is non-responsive to the allegations regarding whether the district's stated SLD-eligibility criteria are compliant with federal regulations and State rules.

While the Investigator's report cites EGRPS as stating "East Grand Rapids Public Schools uses the Kent ISD Pattern of Strength and Weaknesses Model for learning disabilities determination," the district clearly continues to publicly convey and assert its own SLD-eligibility criteria through its published SLD policy. Kent ISD guidelines are non-binding, and the adoption of a "model" does not mean the district's stated SLD-eligibility criteria are compliant with federal regulations and State rules.

While the Investigator's report cites EGRPS as stating, "achievement test are scored using both age and grade norms," the *scoring* is irrelevant; the district's stated SLD-eligibility criteria mandates grade-based norms be used to determine SLD-eligibility, which allegedly violates 34 CFR §300.309(a)(1). Word-games such as these have no relevance. Again, determination of compliance of the district's stated SLD-eligibility criteria is done solely by comparing the SLD-eligibility criteria in the EGRPS SLD Policy to the noted applicable provisions of IDEA, MARSE, and the Michigan Criteria.

### **Inappropriate Attempt to Discredit Allegations**

In the April 25, 2013, report, the Investigator spends significant time, at multiple points in the report, disputing data subsequently supplied by the Complainant concerning SLD identification rates of Michigan LEAs. Such information was supplied by Complainant as supplementary information three weeks after submission of the Complaint; and such information in no way forms the basis for the allegations in the Complaint against EGRPS. The Investigator's focus on such information appears to be another diversionary tactic to avoid addressing the allegations in the Complaint. Resolution of this Complaint is really quite straightforward: Compare the EGRPS stated SLD-eligibility criteria to the applicable federal regulations and State rules. However, the Investigator chooses to focus on matters other than the allegations.

**Summary**

It is the Complainant's position that the Investigator's April 25, 2013, report of findings regarding Complaint C-7599-13 represents a material breach of duty on the part of Kent ISD and the Kent ISD investigator with regard to their obligations under 34 CFR §§300.152(5) and §300.152(4).

As appropriate redress, Complainant respectfully requests the MDE OSE to reconsider the Final Resolution for State Complaint C-7599-13 against East Grand Rapids Public Schools and issue an independent, appropriate, compliant report of findings that responds to each allegation.

Sincerely,



Summary of Allegations and Applicable Regulations and Rules

Department of Education

Case C-7599-13  
(Revised May 2, 2013)

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Office of Special Education  
Program Accountability

Rule	Allegation	
§300.309(a)(1)	Allegation 1	Whether the district's SLD-eligibility criteria can mandate the use of grade-based norm-referenced assessments to demonstrate inadequate achievement under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Parts VI & VII §300.307(b) §300.201	Allegation 2	Whether the district's SLD-eligibility criteria can mandate the use of grade-based norm-referenced assessments to demonstrate inadequate achievement under the Michigan Criteria for Determining the Existence of <b>Specific Learning Disabilities</b>
§300.309(a)(1)	Allegation 3	Whether the district's SLD-eligibility criteria can prohibit the use of State-approved grade-level standards to demonstrate inadequate achievement under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Parts VI & VII §300.307(b) §300.201	Allegation 4	Whether the district's SLD-eligibility criteria can prohibit the use of State-approved grade-level standards to demonstrate inadequate achievement under the Michigan Criteria for Determining the Existence of <b>Specific Learning Disabilities</b>
§300.309(a)(1)	Allegation 5	Whether the district's SLD-eligibility criteria can prohibit the use of age-based assessments to demonstrate inadequate achievement under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Parts VI & VII §300.307(b) §300.201	Allegation 6	Whether the district's SLD-eligibility criteria can prohibit the use of age-based assessments to demonstrate inadequate achievement under the Michigan Criteria for Determining the Existence of <b>Specific Learning Disabilities</b>
§300.309(a)(1)	Allegation 7	Whether the district has the discretion to choose from or otherwise limit the number of federally specified means by which a child can demonstrate inadequate achievement under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Parts VI & VII §300.307(b) §300.201	Allegation 8	Whether the district has the discretion to choose from or otherwise limit the number of State-specified means by which a child can demonstrate inadequate achievement under the Michigan Criteria for Determining the Existence of <b>Specific Learning Disabilities</b>
§300.309(a)(1)	Allegation 9	Whether the district's SLD-eligibility criteria require the use of <i>national</i> norms as the only way for a child to demonstrate inadequate achievement to be SLD-eligible under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Parts VI & VII §300.307(b) §300.201	Allegation 10	Whether the district's SLD-eligibility criteria can require the use of <i>national</i> norms as the only way for a child to demonstrate inadequate achievement to be SLD-eligible under the Michigan Criteria for Determining the Existence of <b>Specific Learning Disabilities</b>
§300.309(a)(1) Commentary at 46652	Allegation 11	Whether the district's SLD-eligibility criteria can require a child demonstrate inadequate achievement on <i>multiple</i> assessments to be SLD-eligible under federal regulations regarding determining the existence of a specific learning disability
§300.309(a)(1)	Allegation 12	Whether the district's SLD-eligibility criteria can mandate a child demonstrate inadequate achievement via <i>individually administered</i> assessments to be SLD-eligible under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Part VII §300.307(b) §300.201	Allegation 13	Whether the district's SLD-eligibility criteria can mandate a child demonstrate inadequate achievement via <i>individually administered</i> assessments to be SLD-eligible under the Michigan Criteria for Determining the Existence of <b>Specific Learning Disabilities</b>

Summary of Allegations and Applicable Regulations and Rules

Case C-7599-13

(Revised May 2, 2013)

§300.309(a)(2)(ii)	Allegation 14	Whether the district's SLD-eligibility criteria can mandate the use of grade-based norm-referenced assessments to demonstrate a pattern of strengths and weaknesses under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 15	Whether the district's SLD-eligibility criteria can mandate the use of grade-based norm-referenced assessments to demonstrate a pattern of strengths and weaknesses under the Michigan Criteria for Determining the Existence of Specific Learning Disabilities
§300.309(a)(2)(ii)	Allegation 16	Whether the district's SLD-eligibility criteria can prohibit the use of age-based assessments to demonstrate a pattern of strengths and weaknesses under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 17	Whether the district's SLD-eligibility criteria can prohibit the use of age-based assessments to demonstrate a pattern of strengths and weaknesses under the Michigan Criteria for Determining the Existence of Specific Learning Disabilities
§300.309(a)(2)(ii)	Allegation 18	Whether the district's SLD-eligibility criteria can prohibit the use of State-approved grade-level standards to demonstrate a pattern of strengths and weaknesses under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 19	Whether the district's SLD-eligibility criteria can prohibit the use of State-approved grade-level standards to demonstrate a pattern of strengths and weaknesses under the Michigan Criteria for Determining the Existence of Specific Learning Disabilities
§300.309(a)(2)(ii)	Allegation 20	Whether the district's SLD-eligibility criteria can prohibit the use of assessments of intellectual intelligence to demonstrate a pattern of strengths and weaknesses under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 21	Whether the district's SLD-eligibility criteria can prohibit the use of assessments of intellectual intelligence to demonstrate a pattern of strengths and weaknesses under the Michigan Criteria for Determining the Existence of Specific Learning Disabilities
§300.309(a)(2)(ii)	Allegation 22	Whether the district has the discretion to choose from or otherwise limit the number of federally specified means by which a child can demonstrate strengths within a pattern of strengths and weaknesses under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 23	Whether the district has the discretion to choose from or otherwise limit the number of State-specified means by which a child can demonstrate strengths within a pattern of strengths and weaknesses under the Michigan Criteria for Determining the Existence of Specific Learning Disabilities
§300.309(a)(2)(ii)	Allegation 24	Whether the district's SLD-eligibility criteria can prohibit <i>strengths in achievement</i> as a way of demonstrating strengths within a pattern of strengths and weaknesses under federal regulations regarding determining the existence of a specific learning disability
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 25	Whether the district's SLD-eligibility criteria can prohibit <i>strengths in achievement</i> as a way of demonstrating strengths within a pattern of strengths and weaknesses under the Michigan Criteria for Determining the Existence of Specific Learning Disabilities

Summary of Allegations and Applicable Regulations and Rules

Case C-7599-13

(Revised May 2, 2013)

§300.309(a)(2)(ii)	Allegation 26	Whether the district's SLD-eligibility criteria can prohibit <i>combinations</i> of strengths in achievement <i>and</i> strengths in performance as a way of demonstrating strengths within a pattern of strengths and weaknesses under federal regulations regarding determining the existence of a <b>specific learning disability</b>
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 27	Whether the district's SLD-eligibility criteria can prohibit <i>combinations</i> of strengths in achievement <i>and</i> strengths in performance as a way of demonstrating strengths within a pattern of strengths and weaknesses under the Michigan Criteria for <b>Determining the Existence of Specific Learning Disabilities</b>
§300.309(a)(2)(ii)	Allegation 28	Whether the district's SLD-eligibility criteria can require the use of <i>national</i> norms as the only way for a child to demonstrate strengths within a pattern of strengths and weaknesses in order to be SLD-eligible under federal regulations regarding determining the existence of a <b>specific learning disability</b>
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 29	Whether the district's SLD-eligibility criteria can require the use of <i>national</i> norms as the only way for a child to demonstrate strengths within a pattern of strengths and weaknesses in order to be SLD-eligible under the Michigan Criteria for <b>Determining the Existence of Specific Learning Disabilities</b>
§300.309(a)(2)(ii)	Allegation 30	Whether the district's SLD-eligibility criteria can require a child to demonstrate a pattern of strengths <i>and</i> a pattern of weaknesses instead of a single pattern of strengths and weaknesses under federal regulations regarding determining the existence of a <b>specific learning disability</b>
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 31	Whether the district's SLD-eligibility criteria can require a child to demonstrate a pattern of strengths <i>and</i> a pattern of weaknesses instead of a single pattern of strengths and weaknesses under the Michigan Criteria for <b>Determining the Existence of Specific Learning Disabilities</b>
§300.309(a)(2)(ii) Commentary at 46652	Allegation 32	Under federal regulations regarding determining the existence of a specific learning disability, whether, the district's SLD-eligibility criteria require an excessive, inappropriate burden in requiring a child to demonstrate additional weaknesses beyond four national-norm-referenced grade-level assessments at or below the 9 <sup>th</sup> percentile, including at least one individually administered achievement measure.
Michigan Criteria Part VI §300.307(b) §300.201	Allegation 33	Under the Michigan Criteria, whether the district's SLD-eligibility criteria require an excessive, inappropriate burden in requiring a child to demonstrate additional weaknesses beyond four national-norm-referenced grade-level assessments at or below the 9 <sup>th</sup> percentile, including at least one individually administered achievement measure.
Michigan Criteria Part VII §300.307(b) §300.201	Allegation 34	Whether the district's SLD-eligibility criteria can employ the use of absolute cut-points to determine SLD eligibility under the Michigan Criteria for <b>Determining the Existence of Specific Learning Disabilities</b>
§300.304(b)(2)	Allegation 35	Whether the district's SLD-eligibility criteria require, in some cases, a single measure to determine SLD eligibility under federal regulations regarding <b>determining the existence of a specific learning disability</b>
§300.306(c)(1)(i)	Allegation 36	Whether the district's SLD-eligibility criteria, in some cases, prohibit the evaluation team from drawing upon a variety of sources in the <i>determination</i> of SLD eligibility under federal regulations
Michigan Criteria Part V §300.307(b) §300.201	Allegation 37	Whether the district's SLD-eligibility criteria, in some cases, prohibit the evaluation team from drawing upon a variety of sources in the <i>determination</i> of SLD eligibility under Michigan Criteria
§300.306(c)(1)(ii)	Allegation 38	Whether the district's SLD-eligibility criteria, in some cases, prohibit the evaluation team from carefully considering information from all sources in <i>determining</i> SLD eligibility under federal regulations
Michigan Criteria Part V §300.307(b) §300.201	Allegation 39	Whether the district's SLD-eligibility criteria, in some cases, prohibit the evaluation team from carefully considering information from all sources in <i>determining</i> SLD eligibility under Michigan Criteria

Summary of Allegations and Applicable Regulations and Rules

Case C-7599-13

(Revised May 2, 2013)

§300.308(a) R 340.1713(3)(a)	Allegation 40	Whether the district's SLD-eligibility criteria, in some cases, allow any meaningful, material, or influential input by the child's regular teacher in the <i>determination</i> of SLD eligibility; whether the <i>determination</i> of whether a child suspected of having a specific learning disability is a child with a disability is made by a team of qualified professionals, <i>including the child's regular teacher</i>
§300.307(b)	Allegation 41	Whether the district's SLD-eligibility criteria fails to comply with State criteria concerning specific learning disabilities, as required by federal regulation §300.307(b)
§300.111	Allegation 42	Whether the district has violated its affirmative duty of Child Find