

Student Rights Handbook



Van Buren Intermediate School District

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It is the policy of the Van Buren Intermediate School District that no discriminatory practices based on race, color, national origin, sex, (including sexual orientation or transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes"), be allowed in its programs and activities, including employment opportunities. Inquiries regarding the non-discrimination policies should be directed to Barbara Matthews, Director of Finance & Operations or Dave Manson, Assistant Superintendent, 490 S. Paw Paw Street, Lawrence, MI 49064, 269-674-8091.

Dear Student,

Welcome to adulthood! You are receiving this handbook because you are 18 years old or within a year of turning 18 years old. In Michigan, when you turn 18, it means that you have reached the age of majority and are now in charge of your education.

You are a student with unique learning needs. State and federal laws describe those learning needs using the term “disability.” An important federal law for you to know about is the Individuals with Disabilities Education Act (IDEA), which gives you certain guarantees about your education. These guarantees are called “procedural safeguards.”

It is critical that you know and understand your procedural safeguards. So take some time to read over the information in this handbook.

If you would like to listen to the handbook instead of reading it, you can contact your special education teacher. If you have any questions, talk to your special education teacher or your school’s special education contact person (see the inside cover of this booklet for contact information).



Congratulations on becoming of age!

STUDENT RIGHTS AND PROCEDURAL SAFEGUARDS

Under Michigan law, when you turn age 18, all of the decision-making rights that your parents/ guardians have transfer to you.

The school district must discuss with you and your parents/guardians the impact of this transfer of rights at least a year before your eighteenth (18th) birthday.

1) Your Transfer of Rights Notice

This student rights handbook serves as notice to both you and your parents regarding your transfer of rights at age 18.

The Individuals with Disabilities Education Act (IDEA), requires that: If you are a student who receives services to assist you in school, all rights and responsibilities covered by this law are transferred to you at age 18. If the court has given you a guardian, this individual will assist you with the rights and responsibilities of the IDEA law.

Every year you will meet with your school team to develop a plan of services called your Individualized Educational Plan (IEP). It is now your job to speak for yourself and to make the decisions about your school services.

Reaching the Age of Majority means that you have a whole new set of

- (1) Rights and**
- (2) Responsibilities**

2) Michigan Procedural Safeguards Notice

You and your parents/guardians should both receive a copy of the Michigan Procedural Safeguards Notice at least once a year. This notice contains all the safeguards (rights) and meets precise legal requirements.

3) Prior Notice

Your school must tell you, in writing (prior written notice) anytime it:

- proposes or asks you to give permission to change things or
- refuses to take action on something you have requested.

These proposed changes or requests can involve:

- your eligibility (type of disability),
- your evaluation (qualifying for special education), and
- your school program, services and accommodations.

The written notice must:

- contain the school's description and explanation of why the changes are proposed or why your requests are refused,
- be written so you understand it. If you have trouble reading it, the school must tell you in a way you can understand, and
- include resources for you to contact for help in understanding special education laws.

This notice may be written in your IEP or in another document.

4) Giving Consent

You must give your consent or permission before you:

- have any type of evaluation,
- make a change in your special education services,
- allow a representative from a community agency to attend your IEP meeting, and
- have your school records sent to someone else.

Also, you must:

- be given an explanation of the evaluation or change in services in a way that you will understand,
- agree to the evaluation or change of services in writing, often by signing a form,
- be told that you have a choice about allowing the evaluation or change in services and that you can change your mind at any time, and

- sign permission (consent) to invite a community agency representative to your IEP meeting and to have your records released to the agency.

5) Evaluation Procedures

You may be asked to give your permission (consent) to have a special education evaluation to see if you continue to be eligible for special education services.

Your rights include having:

- the opportunity to tell the evaluators about your disability and your learning strengths and needs; Your parents can also give information if you want;
- testing given in a way so that you can best understand;
- testing that cannot discriminate against you on the basis of race, language or cultural background;
- tests given to you by trained people who understand your disability and give the tests according to instructions;
- at least two tests given to you to make sure that there is enough information to make any decisions regarding your needs;
- an interpreter or translator if you are deaf, hearing impaired, visually impaired, or if you speak another language;
- an age-appropriate transition assessment that will help you plan your transition to adult life; and
- a vocational evaluation that will give you valuable information about your skills and interests.



You can expect a re-evaluation every 3 years; unless you agree it is not necessary. You can request a re-evaluation at any time, but generally not more than once a year.

You are a member of the IEP Team. When the evaluation is completed, all of the information must be shared with you so you can fully participate in decision making.

6) Continuum of Services

The law is very clear that you and your IEP Team must consider more than one option when planning your special education services. You need to work with the Team to find the best choice.

7) Access to Records

You have a right to see any records that your school keeps about you. You may also request information or remove items from your file that you believe are not accurate, or that violate your rights. There is a process to access your records; ask your principal to explain this process to you.

You must give written permission for your records to be shared with other people outside of your school district.

Even though your rights transfer to you at age 18, your parents/ guardians will continue to receive all the required IEP and evaluation notices/paperwork from the school. They will be able to inspect your educational records, even though you make your own educational decisions.

8) Discipline

- If you violate your school's code of conduct you can be suspended from school for not more than 10 school days; just like any other student.
- After the 10th day, your school can still suspend you, but needs to provide special education service so that you can continue to participate in your school program and work on your IEP goals.
- Your school should also offer to address your problem behaviors/situations so they do not occur again. This can be done with a Behavior Intervention Plan.

- Your school can not use normal disciplinary procedures if the members of your IEP team believe that your behavior/situation was directly caused by your disability or the schools failure to implement the IEP.
- Your school district can automatically change your educational placement if you: 1) Carry or possess a weapon, 2) knowingly possess, use or sell drugs, or 3) inflict serious injury on another person.
- You must be notified by your school district on the date they decide to take disciplinary action against you.



9) Disagreements

If you disagree with decisions made by your IEP Team, you have options for action. You may file a special education complaint or request a due hearing process. There are rules and processes for disagreeing; ask your special education teacher to help you or contact your local special education director or coordinator. You can also request a complete copy of the *Michigan Procedural Safeguards Notice* from your school for more information.

10) Responsibilities

With rights come responsibilities. In order for all of this to work right there are some things that you need to do:

- **Follow timelines-** If you need to respond to the school, you will be told in writing. Don't miss deadlines because they are usually very important.
- **Have goals and ideas-** You will build a good school program on them.
- **Get the support that you need-** If you need help reading the letters that are sent to you or help in understanding information...ASK SOMEONE that you trust.
- **Tell people about yourself and your ideas-** You are an adult member of the team.
- **Take time to listen** to what people tell you about your strengths and abilities. It is how you can all work together to make good decisions.
- **Learn about your disability-** Know what works best for you and what kind of support you need. In the future, people will only provide them if you ask.

- **Disagreement is OK**- Work with your team to solve the problems. The solutions are there.
- **Be your own advocate**- Get to know yourself and teach others.

11) Information from IDEA, Federal Special Education Law

§300.320(c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520.

This means that around your 17th birthday you should be notified (in a meeting or through the IEP paperwork) that your rights will transfer to you at age 18. It also means that your teachers and your family should ensure that you know what that means—get ready to assume your rights as an adult.

§300.520 (a) General. A State may provide that, when a student with a disability reaches the age of majority under State law that applies to all students (except for a student with a disability who has been determined to be incompetent under State law)—

(1)(i) The public agency shall provide any notice required by this part to both the individual and the parents; and

(ii) All other rights accorded to parents under part B of the Act transfer to student and

(2) All rights accorded to parents under part B of the Act transfer to the student who are incarcerated in an adult or juvenile, State or local correctional institution.

(3) Whenever a State transfers rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency shall notify the individual and the parents of the transfer of rights.

*(4)(b) **Special Rule.** If, under State law, a State has a process to determine that a student with a disability, who has reached the age of majority under State law that applies to all children and has not been determined incompetent under State law, does not have the ability to provide informed consent with respect to or her educational program, the State must establish procedures for appointing the parent, or, if the parent is not available another appropriate individual, to represent the educational interest of the student throughout the student’s eligibility under part B of the Act.*

In transferring these rights to the student, it is important that first the notice be given but also that second, the district help the student to understand their rights. Third it is important to document these activities.

This means that you will receive another notification that your rights have actually transferred to you, as of your 18th birthday, or, because you are not able to provide informed consent, someone will be designated to provide consent on your behalf.

12) Frequently Asked Questions



Q stands for Question and A stands for Answer.

- Q.** Do all of my IDEA rights transfer to me when I turn 18 years old in Michigan?
- A.** Yes. Under IDEA, a State may provide that all rights of parents under IDEA transfer to you when you reach the age of majority, unless you continue to need assistance, and have been determined to be “incompetent,” a legal term that describes needed legal protections under State law. Michigan has provided that the rights accorded to parents under IDEA do transfer when the student reaches 18 years of age.

Q. After I turn 18, is my school district required to give my parents notice of IEP meetings or notice of decisions about special education services if my parents have not obtained a guardianship for me?

A. Yes. A school district is still required to give notice of IEP meetings and special education programs and services, however, all other IDEA rights (for example, requesting a due process hearing and signing your IEP) transfer to you at age 18 in Michigan.

Q. In Michigan, do the parents of a student over the age of 18 have the right to participate in IEP Team meetings?

A. At age 18, you have the right to arrange your own IEP Team meeting and agree to the programs and services of your choice. Your parents have the right to be notified of your IEP Team meeting, but cannot participate unless they are invited by you or by the school.

Q. In Michigan, does the parent of a student over the age of 18 have the right to request a due process hearing?

A. No, with an exception. Since Michigan has provided for the transfer of IDEA rights at age 18, parents no longer have the right to request a due process hearing after you turn 18 years of age. The exception to this right involves a student who has not been determined to be incompetent, yet is unable to give informed consent or permission—in this case, a parent or other appropriate person must be appointed to represent the educational interests of the student.

If you have more questions, ask your parents, your teacher or counselor, or your special education director or coordinator to provide answers. We all want to help you assume your full rights and safeguards as you reach adulthood.

Best wishes to you in your education!





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