

July 10, 2013

Michigan Department of Education
Office of Special Education and Early Education Services
Supervisor, Program Accountability
P.O. Box 30008
Lansing, Michigan 48909

Dearborn City School District
18700 Audette
Dearborn, Michigan 48124
Attention: Michael Shelton, Interim-Director of Special Education
Fax: (313) 827-3137

Wyandotte Public Schools
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Wyandotte, Michigan 48192
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Wayne RESA as the ISD issued the Federal sub-grant and responsible for ensuring the LPS compliance with the IDEA and MARSE. OSEP does not recognize the Dearborn City School District or Wyandotte Public Schools and only recognizes the Wayne RESA as an LEA along with the other 56 ISDs that are recognized as LEAs.

Wayne RESA
33500 Van Born Rd.
Wayne, MI 48184
Ph: (734) 334-1300

This is a written complaint against the Dearborn City School District (student's resident district during the 2012-13 school year), Wyandotte Public Schools (student's operating district during the 2012-13 school year) and the Wayne RESA (student's ISD during the 2012-13 and 2013-14 school years) pursuant to the IDEA 2004 Section 300.151-153, and Michigan Administrative Rules for Special Education R.340.1851-55, and on behalf of [REDACTED]. [REDACTED] date of birth is [REDACTED]. His parents, [REDACTED] are his legal guardians.

This written complaint is filed on behalf of [REDACTED], and by his parents and legal guardians, [REDACTED]. [REDACTED] and his parents reside at [REDACTED]. [REDACTED]. Their home phone number [REDACTED].

Allegation 1: Definition of an Individualized Education Program (IEP); §300.320 (3)(i); an Individualized Education Program Team (IEPT); §300. 324; an Individualized Education Program must be in effect on the first day of the new school year); §300. 323(a)

1. ██████████ attended an IEP team meeting at the Lincoln Center in the Wyandotte Public Schools on September 13, 2012.
2. As of the date this complaint is being filed, June 24, 2013 ██████████ has no active IEP or an IEP in place for the start of the 2013-14 school year.
3. At the IEP team meeting held on September 13, 2012 the only member of the IEP team who signed into the IEP was the district representative, Gail Mellas. No one else and including the parents, signed into this IEP.
4. The September 13, 2013 IEP states that the parents “have rescinded special education placement at this time.” The parents at no time revoked their consent for special education programs and services.
5. The IEP team did not draft a compliant IEP on September 13, 2012. The IEP has no documented information on ██████████ “initial or most recent evaluation; performance on state/district wide tests; progress toward current IEP goals and objectives; progress in the general education curriculum; student strengths/preferences; special factors; goals and short term objectives; supplementary aids and services, transition services; programs and services, extended school year consideration; special transportation; anticipated duration of services; and other considerations. This is in violation of the IDEA §300.112.
6. The district did not execute a “notice of provision” with their offer of a “free appropriate public education.” Further, the district did not document under “other considerations” that the parents were requesting the Burger Center or a program other than the one offered at the Lincoln Center.
7. The IEP only documents that the parents did not want ██████████ to attend the Lincoln Center.
8. ██████████ had no active IEP during the entire 2012-13 school year outside of the first week of school, and he received no special education programs or services.
9. The IEP team never considered ██████████ need for “positive behavior supports, a functional behavior assessment or positive behavior support plan;” nor did they consider access to instructional materials including assistive technology to provide him with access to literacy, numeracy, vocational skills, daily skills of living, organizational skills and communication. This is in violation of the IDEA §300.17; §300.5-6 and §300.105
10. The IEP team did not write an IEP that offered a “free appropriate public education” for the parents to reject and invoke their procedural safeguards, IDEA §300.121 that include “prior written notice,” a request for a new IEP team meeting, mediation, and Due Process.
11. The parents did not receive a copy of the IEP submitted with this complaint until February 2013 and only after ██████████ called and requested it because she wanted the IEP team to consider another placement and have her ██████████ attend school. At no time were the parents contacted following the September 13, 2012 IEP team meeting.
12. ██████████ only attended the Lincoln Center between May 8 through June 2012 and on September 6-7, 2012. They were very concerned over their son’s safety in this program and on the special transportation.
13. Pursuant to the IDEA §300.101(a)(b); §300.103(c); and §300.17 ██████████ has been denied a “free appropriate public education” during the entire 2012-13 school year and as such was not even considered for an extended school year over the summer of 2013.

The Wayne RESA, Dearborn City School District and Wyandotte Public Schools are required to be in compliance with the IDEA and the MARSE. [REDACTED] has lost educational benefit due to the Dearborn City School District and Wyandotte Public Schools' failure to craft an IEP in compliance with the IDEA and MARSE and execute a "notice of provision and offer of FAPE." [REDACTED] procedural safeguards have been substantively violated. [REDACTED] has lost almost an entire school year due to the Dearborn City School District and Wyandotte Public Schools' failure to have an IEP in place from September 13, 2012 through the balance of the 2013 school year. No attempt of any kind was made by [REDACTED] resident district, the Dearborn City School District or the operating district, the Wyandotte Public Schools, to convene a new IEP team meeting during the 2012-13 school year. The parents are requesting a new IEP team meeting for [REDACTED] and assurance of the LEAs' compliance with the MARSE and the IDEA.

[REDACTED]