

*D.R. et al. v. MDE et al. – Initial Settlement FAQ
Establishing the Neurodevelopmental Center of Excellence
(NCE)*

1) How does the Settlement change what the Flint schools are currently doing?

Up till now, there is no mechanism in the Flint schools for universal screening of children who were exposed to elevated lead levels from the water crisis. The Settlement makes screening available for all of these children so that, if necessary, they can be referred for in-depth evaluations. Second, the Flint schools do not conduct any neuropsychological assessments -- a crucial tool for detecting the adverse cognitive and behavioral effects of lead exposure. The Settlement makes neuropsychological and other appropriate assessments available through the Neurodevelopmental Center of Excellence.

2) When can students begin to enroll in the FlintRegistry program?

Dr. Mona Hanna-Attisha and her team have established the Flint Registry program where families are able to enroll and be connected to resources within the community, the NCE is one such resource. To initiate the process families can go to www.flintregistry.org to sign up. There are now 1,000 children that have gone through this process and have received referrals to the NCE.

3) How will the screening and assessment results be used by the Flint schools?

When students are enrolled in the FlintRegistry program, parents can authorize the results to be shared with their school and request an evaluation for special education. The school is required to review that data in determining whether the student should be classified as eligible to receive special education and related services. If a student is determined eligible, the district must provide those programs and services. The families will be assisted through this process by NCE Navigators that can attend up to 5 meetings with the families to ensure that no child falls between the cracks in getting what they need in school.

4) How much time will it take to enroll? Is the form long? Will there be help in the Flint schools?

The FlintRegistry is designed to be accessible to families. The Settlement provides help to parents to enroll their child, as well as to complete the screening and evaluation process. The Flint Community Schools (FCS), Genessee Intermediate School District (GISD), and Michigan Department of Education (MDE) have agreed to provide full time employees to promote participation in the program, assist families to enroll, and facilitate coordination between the program and FCS and GISD. The Agreement also requires computers be made available in FCS and GISD schools for parents to enroll children in the FlintRegistry, and families can receive assistance through the Wellness Centers in FCS schools.

5) Will the district hire extra paraprofessionals and classroom help to work with children?

FCS, GISD, and MDE remain responsible for providing sufficient, qualified staff to address the needs of all students with disabilities in Flint schools.

6) What are the next steps in this lawsuit?

The Settlement only deals with the “child find” claim in the lawsuit. Other major claims have yet to be resolved. The first is the failure to provide students with disabilities a free appropriate public education (FAPE) as required by state and federal law, in the least restrictive environment that is appropriate. The second is the failure to provide students with disabilities the procedural protections that the law requires in school discipline proceedings such as suspension and expulsion. Plaintiffs will now vigorously pursue these claims.

7) Does the Settlement address suspending and expelling students?

Properly identifying students with special needs and conducting full evaluations to understand the nature of their disabilities is a crucial step in making sure that students are not punished for behavior associated with those disabilities. But the settlement does not resolve plaintiffs’ claims about the defendants’ failures to provide procedural safeguards to students with disabilities in the school discipline process—those issues will be addressed in the next phase of the case.

8) How many Flint children have special needs from their result of exposure to lead?

It is not yet known how many children will experience adverse cognitive, behavioral, or socio-emotional effects of lead exposure, especially before the screening and assessment process begins. The screening and assessment program and other measures are designed to identify students with disabilities through proper evaluations to determine their specific needs.

9) The Settlement provides \$4 million. Is that enough money?

The approximately \$4 million dollars provided by MDE in the Settlement will allow Dr. Mona Hanna-Attisha and her team to get the screening and assessment process up and running by the end of 2018. It is anticipated that the Medicaid program will fund the cost of the assessments. The Settlement does not address the cost to FCS, GISD and MDE for the special education services themselves. The Defendants remain responsible for providing those services as needed.

10) Is the Settlement a big change in the federal education disability law?

State and local education authorities are responsible for identifying, locating, and evaluating all students with disabilities. In most circumstances, a teacher, parent or caregiver has to request that a child be evaluated on an individual basis. But in Flint, the entire population was exposed to lead, which can lead to a variety of problems with attention, behavior, and other areas, or exacerbate existing disabilities. This Settlement provides for proactive screening of children

who were exposed to lead so that they can be referred for neuropsychological and other types of assessments as necessary. The program also provides a low threshold for further assessment, meaning that even if the screening does not show certain results but a parent is concerned and wants further assessment, they can request it.

11) How did this Settlement come about?

The lawsuit was filed in October 2016. In 2017, the plaintiffs filed a motion for preliminary injunction, which is a way to request expedited resolution of a claim when failure to receive more immediate relief would result in irreparable harm. Plaintiffs filed a motion for preliminary injunction regarding the “child find” portion of the case because failure to timely identify and evaluate students with disabilities makes it impossible to provide them with the programs and services they need during crucial early years that they can never recoup. This settlement resolves the preliminary injunction and child find portion of the case.

12) Can the Settlement program be used outside of Flint?

The Settlement program could serve as a model for proactive screening and appropriate evaluations, including neuropsychological assessments, for students who may have disabilities and require special education in other places with widespread exposure to lead and other dangerous toxins or trauma. More generally, it provides a template for improving child find efforts in places where schools are failing to identify or comprehensively evaluate students with disabilities.