



Special Education State Complaints: Procedures and Model Forms

Michigan Department of Education

Office of Special Education

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Table of Contents

Statement of Authority.....	4
Purpose	4
Dispute Resolution Options.....	5
Definition of a State Complaint	5
Filing a State Complaint.....	5
Confidentiality	6
State Complaint Requirements	6
Assistance With Filing a State Complaint	7
State Complaint Model Form	8
Submitting a State Complaint.....	8
State Complaint Timelines.....	8
Extension for Exceptional Circumstances	9
Extension for Mediation	9
Abeyance	9
Options Available After Filing A State Complaint.....	10
Resolution Through Mediation.....	10
Withdrawal	10
Dismissal	10
State Complaint Investigation Procedures.....	10
Step 1: Receipt of State Complaint (Day 1)	11
Step 2: Intake and Determination of Sufficiency (Days 1-3)	11
Step 3: Notification (Days 1-5).....	12
Step 4: Issues Letter (Days 3-10)	13
Step 5: Investigation (Days 10-45).....	13
Step 6: Draft of the Final Decision (Days 15-50)	14
Step 7: OSE Administrative Review of the Draft Final Decision (Days 45-60).....	14
Step 8: MDE Issuance of the Final Decision (By Day 60)	14

Disagreement With a State Complaint Final Decision	15
Corrective Action	15
Examples of Corrective Action	15
Proof of Compliance	16
Procedural Safeguards Notice	17
Additional Resources	17
MDE OSE Information Line	17
Family Matters.....	17
Michigan Alliance for Families.....	17
Special Education Mediation Services.....	17
Disability Rights Michigan.....	18
Appendix A: Glossary	19
Appendix B: State Complaint Model Form.....	21
Appendix C: Examples of Alleged Violations, Supporting Facts, and Proposed Resolutions	25
Appendix D: Release of Information Model Form	26

Special Education State Complaints: Procedures and Model Forms

Statement of Authority

The *Individuals with Disabilities Education Act* (IDEA) provides federal funds to assist states in educating children and young adults with disabilities. The IDEA requires each state to ensure that districts and other publicly-funded educational agencies providing special education programs and services in the state comply with the requirements of the IDEA and its implementing regulations.

Michigan state law requires districts and other public agencies to provide appropriate special education and related services and requires Michigan Department of Education (MDE) to enforce all laws governing special education programs. MDE has adopted rules for implementing those requirements. The MDE Office of Special Education (OSE) enforces the compliance obligations under Part B of the IDEA and Michigan law. MDE Office of Great Start/Early Childhood Development and Family Education enforces the compliance requirements under Part C of the IDEA and Michigan law.

Purpose

The IDEA requires the state education agency (SEA) to adopt written procedures for the investigation and resolution of any formal written complaint alleging a public agency has violated a requirement of the IDEA. MDE adopts the following state complaint procedures for the purpose of resolving state complaints filed under the IDEA, its corresponding federal regulations, and the *Michigan Administrative Rules for Special Education* (MARSE). These state complaint procedures pertain to children, birth to 3 under Part C of the IDEA and MARSE, and students, 3 to 26, under Part B of the IDEA and MARSE. For ease of readability, throughout the remainder of this document, the term students include children birth to 3, and students with disabilities include children birth to 3 with an individual family service plans (IFSP).

It is the responsibility of MDE to resolve all state complaints that meet the requirements of the IDEA and are filed with the MDE OSE in accordance with these procedures. It is the responsibility of the OSE to monitor the completion of corrective action issued as a result of a state complaint investigation, as well as to take the steps necessary to ensure

compliance with corrective action, including providing technical assistance and taking additional enforcement actions, as appropriate.

The OSE ensures state complaint procedures are available to parents, organizations, public agencies, and the general public by posting the procedures on the [OSE website](#); providing a copy to each of the following organizations: Michigan Alliance for Families (MAF), Special Education Mediation Services (SEMS), and Disability Rights Michigan (DRM); and mailing or emailing a copy to individuals and organizations upon request.

Dispute Resolution Options

There are several dispute resolution options available to address disagreements regarding the education of children with disabilities. These procedures are specific to state complaints. For information about other dispute resolution options, refer to the [Special Education Dispute Resolution Options](#) guidance document, [OSE Due Process Complaint Procedures](#), and the Center for Appropriate Dispute Resolution (CADRE) [Quick Guide to Special Education Dispute Resolution Processes for Parents of Children and Youth](#).

Definition of a State Complaint

A state complaint may be filed on behalf of an individual student, a group of students, or regarding a system-wide concern. A state complaint is a written, signed statement that alleges a public agency has violated the requirements of the IDEA, the MARSE, or the Michigan Revised School Code, as it pertains to special education programs and services. Additionally, a state complaint may be filed when it is believed a public agency has failed to implement an individualized education program (IEP), an administrative law judge (ALJ) decision, an intermediate school district (ISD) plan for the delivery of special education programs and services, or the state application for federal funds under the IDEA.

Filing a State Complaint

Anyone, including organizations, may file a state complaint with the OSE. The person filing the state complaint is referred to as the complainant. The complainant, who does not have to live in Michigan, may file a state complaint when they believe that a public agency, such as a district, an ISD, or any other entity providing education to students with disabilities, has violated any of the special education laws, rules, or other legal

authorities, as defined above in the definition of a state complaint. The complainant and the public agency, that the state complaint is filed against, are referred to as the parties.

The parties may choose to first pursue a solution to the alleged violations through collaborative dispute resolution options such as an informal meeting, a facilitated IEP Team meeting, or mediation. These dispute resolution options could result in a mutually agreeable resolution to a disagreement and could eliminate the need to file a state complaint. Attempts to resolve disputes through alternative dispute resolution options are encouraged, but not required, before filing a state complaint. Collaborative dispute resolution may also occur after a state complaint has been filed. For additional information regarding facilitated IEP Team meetings and mediation, please refer to the Additional Resources section of this document below.

Confidentiality

When a state complaint is filed on behalf of an individual student and the complainant is not the student's parent, as defined by the IDEA, a written release of information must be signed and dated by the parent, or the student if rights have been transferred, and submitted to the OSE in order for the OSE to communicate with the complainant. The complainant should provide the contact information for the parent(s), i.e., mailing address, telephone numbers, and email address.

When a release of information has been provided, all communication regarding the state complaint investigation will be sent to the parent and the nonparent complainant, otherwise only the parent will receive the communications.

An example of the OSE [Release of Information Model Form](#) can be found in Appendix D.

State Complaint Requirements

All state complaints must be written and signed by the complainant and must include:

- A statement that a public agency has violated the IDEA; the MARSE; the Michigan Revised School Code, as it pertains to special education programs and services; or failed to implement an IEP, an ALJ decision, an ISD plan, or the state application for federal funds under the IDEA.
- Facts on which the statement is based.
- Signature and contact information for the complainant.

- An allegation that the violation occurred not more than one year before the date the state complaint is received.

A state complaint about a specific student must also include:

- The student's name and address (or other available contact information if the student is homeless).
- The name of the school the student is attending.
- A description of the nature of the problem, including facts related to the problem.

To the extent known and available, a state complaint about a specific student must also include a suggested solution to the problem.

According to the IDEA, the complainant must forward a copy of the state complaint to the public agency the state complaint is filed against at the same time the party files the state complaint with the OSE. In an effort to reduce barriers for a complainant, to not delay the process, and to allow the public agency an opportunity to respond to the alleged violations, the OSE provides a copy of the state complaint, along with accompanying documentation, to the public agency upon receipt of the state complaint.

The MDE is only authorized to investigate allegations regarding special education. Examples of allegations that MDE cannot investigate include allegations of abuse, neglect, discrimination, retaliation, harassment, civil rights violations, employment matters, Section 504 plans, school policy matters, or anything not specifically related to special education.

Any issue raised in a state complaint that has previously been decided in a due process complaint, involving the same parties, cannot be investigated through a state complaint. An administrative law judge's decision in a due process hearing is legally binding.

Assistance With Filing a State Complaint

In accordance with the MARSE, when an allegation is made orally to a public agency, the public agency must offer to assist the person in filing a state complaint. Additionally, when requested, the ISD shall assist the person in writing a state complaint. Individuals may also contact a parent support organization, such as the Michigan Alliance for Families (MAF).

State Complaint Model Form

An example of the OSE [State Complaint Model Form](#) can be found in Appendix B. The model form contains the components required for the OSE to investigate a state complaint.

A complainant is not required to use the model form. However, if the form is not used, all the required components must be included in the filing of a state complaint. If the state complaint does not contain all the required information, the OSE will consider the state complaint insufficient. In an effort to reduce barriers for a complainant and to not delay the process, the OSE may contact the complainant to obtain a missing signature or missing demographic information. The state complaint will not be considered filed until all required components are received by the OSE.

Submitting a State Complaint

The OSE does not accept anonymous or verbal state complaints. A written, signed state complaint must be submitted to the OSE by mail, fax, email, or hand-delivery.

Submit a state complaint to:

Michigan Department of Education
Office of Special Education – State Complaints
608 West Allegan
P.O. Box 30008
Lansing, MI 48909
Fax: 517-241-7141
Email: MDE-MIComplaints@michigan.gov

State Complaint Timelines

A state complaint is deemed received on the day a state complaint is delivered to the OSE, excluding weekends, federal and state holidays, and days the OSE office is closed. In the case of a state complaint received electronically (fax, email), when the last page of the state complaint is received after 5:00 p.m., the state complaint will be deemed received on the next business day.

A state complaint is considered filed when the OSE has received a copy of the state complaint containing all required information. MDE is required to issue a final decision within 60 calendar days of the state complaint being filed.

Extension for Exceptional Circumstances

The 60-calendar-day timeline for issuing a final decision on a state complaint may be extended for exceptional circumstances. The IDEA allowable timeline exceptions are determined by the OSE. The following do not meet the criteria for an exceptional circumstance: state staff shortages or heavy caseloads, school vacations and breaks, and the use of mediation or alternative dispute resolution without agreement from the complainant and public agency.

For more information about the availability of an exceptional circumstance extension, the complainant or public agency should contact the OSE. When an exceptional circumstance exists, the OSE will notify both parties of the need to extend the timeline and the new date the final decision will be issued.

Extension for Mediation

A parent and a public agency may agree to participate in mediation at any time during a state complaint investigation without stopping the 60-calendar-day timeline. However, the parent and public agency may agree to make a written request to the OSE for an extension of the 60-calendar-day timeline when engaging in mediation through [Special Education Mediation Services \(SEMS\)](#), the state-approved option for mediation.

Timeline extensions for the purpose of mediation are optional for parents and public agencies. Without agreement from both parties for an extension, the OSE will issue a final decision within the 60-calendar-day timeline.

Abeyance

When a written state complaint contains one or more issues that are part of a due process complaint, the OSE must set aside, or temporarily place on hold, any part of the state complaint that is being addressed in the due process complaint until the administrative law judge orders a decision. Any issue in the state complaint that is not a part of the due process complaint must be resolved within the 60-calendar-day timeline.

Options Available After Filing A State Complaint

Resolution Through Mediation

The parent and the public agency that is the subject of the state complaint may resolve some or all of the issues using mediation conducted by a neutral, third-party mediator. For complaints involving specific students, a nonparent complainant may request and engage in mediation with parent participation only. Following mediation, a state complaint, or a portion of a state complaint, is only withdrawn if specified in a mediation agreement or in a separate request by the complainant to withdraw the state complaint.

Withdrawal

A complainant may withdraw or stop, a state complaint investigation at any time within the 60-calendar-day timeline and for any reason. To withdraw a state complaint, the complainant must submit a written request to the OSE, which may be provided by mail, fax, email, or hand delivery. Upon receipt, a request to withdraw will be processed and the parties and other relevant individuals will be notified via mail.

Dismissal

A state complaint is dismissed by the OSE, in whole or in part, when the issues raised in the state complaint are resolved through a due process complaint final order issued by an administrative law judge.

State Complaint Investigation Procedures

The OSE investigator assigned to the state complaint is the case manager. The OSE will conduct an investigation into the alleged violations with support from the ISD when a state complaint is filed against a member district. The OSE case manager and an ISD representative will gather relevant information through various means which will be used to determine the facts of the case.

The OSE will conduct an investigation without support from the ISD when the state complaint is filed against the ISD, or when the OSE determines there may be a conflict of interest involving a member district. For state complaint investigations without an ISD representative, a second OSE complaint investigator will fulfill the responsibilities of the ISD representative.

For state complaints filed containing issues specific to Part C of the IDEA, the OSE will conduct the investigation with support from the Office of Great Start/Early Childhood Development and Family Education.

MDE will issue a final decision within the 60-calendar-day timeline using the following process.

Step 1: Receipt of State Complaint (Day 1)

1. The OSE receives the potential state complaint via mail, fax, email, or hand-delivery.
2. When the OSE receives the last page of a fax after 5:00 p.m., the state complaint will be considered to be received on the next business day.
3. The OSE will date-stamp the potential state complaint with the date received.

Step 2: Intake and Determination of Sufficiency (Days 1-3)

1. The OSE will review the state complaint to ensure all required components are included.
 - a. When all required components are included, the OSE will consider the state complaint filed on the date the sufficient state complaint was received by the OSE.
 - i. The 60-calendar-day timeline will begin and an OSE case manager will be assigned.
 - b. When a state complaint is missing a signature or demographic information, the OSE may contact the complainant to obtain the required information before sufficiency is determined.
 - c. When all required components are not included, or a missing signature or demographic information cannot be obtained, the state complaint will be considered insufficient and will not be considered filed.
 - i. The OSE will notify the parties and other relevant individuals by letter that the state complaint will not be investigated and will provide an explanation why the state complaint is not sufficient.
 - ii. The original state complaint documents will be returned to the complainant with the insufficiency letter.
 - iii. When a state complaint is determined to be insufficient due to missing information, the state complaint may be resubmitted with the missing information, as applicable.

2. In an effort to reduce barriers for a complainant, to not delay the process, and to allow the public agency an opportunity to respond to the alleged violations, the OSE provides a copy of the state complaint, along with accompanying documentation, to the public agency.

Step 3: Notification (Days 1-5)

1. When a complaint is determined to be sufficient, the OSE will notify the parties and other relevant individuals, such as an authorizer of a charter school or a parent, when a state complaint is filed by a nonparent complainant, of the receipt of the state complaint and the established timelines, by sending an introduction letter. When the state complaint is filed against a member district, the ISD, while remaining a neutral party, may assist the complainant and the member district in resolving the issues of the state complaint.
 - a. The introduction letter will include the date the state complaint was filed, the date the final report is due, and contact information for the OSE case manager who will be conducting the state complaint investigation. The complainant will also receive Procedural Safeguards, Part 8 of the MARSE, State Complaints: Procedures and Model Forms, and a Special Education Mediation Services (SEMS) brochure, as enclosures.
 - b. For a nonparent complainant who has filed a state complaint involving a specific student, a current release of information must be signed and dated by a parent, as defined by the IDEA, in order for the complainant to receive any communication from the OSE following the introduction letter.

A [Release of Information Model Form](#) can be found in Appendix D.

 - i. When a nonparent complainant does not submit a signed release of information, the investigation will continue and the complainant will receive no communication from the OSE following the introduction letter, including a copy of the final decision.
2. The OSE shall require the public agency to maintain the educational status, program placement, and services of a student during the state complaint investigation 60-calendar-day timeline when the OSE determines not doing so would constitute a violation of the student's due process protections.

Step 4: Issues Letter (Days 3-10)

1. The OSE will identify the issues to be investigated in the state complaint based upon a review of the state complaint and available accompanying documentation. The OSE will contact the complainant when issues are not clear or not understandable.
2. The OSE case manager will share the identified issues with the ISD representative to obtain feedback and determine whether further clarification is necessary.
3. The issues letter will define the issues to be investigated, will request specific documents from the public agency, and will be mailed to the parties and other relevant individuals.
4. The public agency has 10 calendar days after the issues letter is sent to provide all requested documentation.
 - a. Parties may submit additional relevant information for consideration through day 50 of the investigation.

Step 5: Investigation (Days 10-45)

1. The OSE will gather relevant information through various means including, but not limited to, questionnaires, records, and interviews. As there is no requirement or expectation for parties to review submissions from other parties during the investigatory process, the OSE does not share additional documents submitted, after the filing of the original state complaint, with either party.
2. The OSE, with support from the ISD representative, will provide an opportunity for the complainant to be interviewed, respond to a questionnaire, or submit additional information.
 - a. For complaints filed by a nonparent complainant involving a specific student:
 - i. A release of information, signed and dated by a parent, is required prior to the interview of a nonparent complainant.
 - ii. An interview will be offered to the parent.
3. The OSE, with support from the ISD representative, will request interviews, the completion of questionnaires, or additional information from the relevant staff of the public agency.
4. When conducting interviews, questions will be designed to obtain additional information related to the identified issues.

5. The OSE will review the data, consider all information received, and determine whether additional information is needed.
6. An on-site investigation may be scheduled when the OSE considers it necessary.

Step 6: Draft of the Final Decision (Days 15-50)

1. The OSE case manager will compose a draft report containing the issues, a description of the investigatory process, including documents reviewed and individuals interviewed, findings of fact, conclusions, proposed decisions, and, when applicable, proposed corrective action.

Step 7: OSE Administrative Review of the Draft Final Decision (Days 45-60)

1. The OSE will undertake an internal review of the draft final decision, including a review by the supervisor of the OSE Program Accountability Unit.
2. The drafted findings of fact will be shared with the ISD representative, for their review only, to ensure accuracy and clarity of the facts.
3. The OSE case manager will consult with the ISD representative to discuss conclusions, proposed decisions, and, when applicable, proposed corrective action. These discussions are for internal purposes only and are not disclosed to other parties.
4. Revisions to the draft report will be made, as necessary.
5. The OSE will prepare the MDE's final decision of the state complaint.

Step 8: MDE Issuance of the Final Decision (By Day 60)

1. The OSE will send the MDE final decision to the parties and other relevant individuals.
2. The OSE will notify the complainant by email that the MDE's final decision has been issued. When an email address is not available, the OSE will notify the complainant by phone.
3. The final decision includes:
 - a. An introduction, including the relevant time period for the investigation.
 - b. The identified issues.
 - c. A description of the investigatory process.
 - d. Applicable federal regulations or state rules.
 - e. The findings of fact.
 - f. Conclusions.
 - g. Decisions.

- h. When applicable, corrective action, which may include compensatory education.

Disagreement With a State Complaint Final Decision

When a final decision is issued by the MDE, the decision is final. While the IDEA allows for a state to establish a state-level appeal process, the entire process, including issuing a final decision and receiving, reviewing, and responding to a potential appeal, would be required to be conducted and completed within the 60-calendar-day timeline. The MDE state complaint process values and utilizes the 60-calendar-day timeline to ensure a comprehensive state complaint investigation. Therefore, no administrative appeal or reconsideration requests are permissible in Michigan.

Corrective Action

The OSE will order [corrective action](#) when a violation is identified. Corrective action is intended to ensure future compliance, specific to the violation, for all students with disabilities within the public agency, and student-level corrective action is intended to correct the noncompliance for an individual student.

Examples of Corrective Action

Corrective action may include but is not limited to:

- Reviewing and, if necessary, revising procedures specific to the violation(s).
- Providing staff training specific to the violation(s).
- Conducting file reviews for subgroups of students specific to the violation(s).
- Informing or presenting to the board of education, specific to the violation(s), when persistent noncompliance occurs.
- Participation in grant funded initiatives (e.g., SEMS, MAF, Michigan's Multi-Tiered System of Supports Technical Assistance Center (MI MTSS TA Center), Alt+Shift).

Student-level corrective action may include but is not limited to:

- Conducting an evaluation.
- Convening an IEP or an IFSP Team meeting.
- Developing a behavior intervention plan.
- Awarding compensatory education.

Proof of Compliance

The IDEA requires identified noncompliance to be corrected as soon as possible, but in no case greater than one year from the date the final decision is issued. The OSE and the ISD will monitor and verify progress on the completion of ongoing corrective action activities prior to closing out the state complaint. Verification of the completion of corrective action activities will include a review of documentation submitted as evidence of correction and will also include a random selection of special education file reviews, specific to the violation, and will not include the file of the student from the final decision. When files specific to the violation are not available, verification will include interviews with relevant staff responsible for implementing correction. Technical assistance by the ISD and the OSE will be provided, as appropriate.

Student-level corrective action must be completed within 30 school days unless otherwise specified in the state complaint final decision. When compensatory education is ordered, the plan for compensatory education must be developed within 30 school days. The actual compensatory education services, however, must be provided as soon as possible, but in no case greater than one year from the date the final decision is issued. When closing out student-level corrective action, the OSE will complete verification of assigned activities through a review of documentation submitted as evidence of correction. When the submitted documentation does not demonstrate the correction, the OSE will order the public agency to make further corrections until all assigned activities can be verified. Prior to the closure of student-level corrective action, the OSE will include communication with parents as a part of the verification process when the documentation submitted does not clearly demonstrate that all student-level corrective actions have been implemented. Examples of when the OSE will include communication with parents as part of the verification process include, but are not limited to:

- When the compliance issues were regarding a partial day placement or removals (formal or informal) due to lack of appropriate behavior supports.
- The district reports that the student rejected the offer of compensatory education services or was absent from compensatory education sessions.

Upon closure of student-level corrective action, the OSE will provide written notification to the complainant, as permitted by law, that the student-level corrective action has been closed.

Procedural Safeguards Notice

The [Procedural Safeguards Notice](#), which informs parents about the rights and protections available for their child with a disability under the IDEA, contains information about dispute resolution options. Parents must be provided the procedural safeguards notice once per school year, upon an initial referral or request for an evaluation, when filing a state complaint, when required by discipline procedures, and upon request. The Procedural Safeguards Notice is available on the OSE website in a variety of languages. The Family Matters [Procedural Safeguards fact sheet](#) provides a parent-friendly overview of key information from the procedural safeguards document.

Additional Resources

MDE OSE Information Line

The MDE OSE information line is answered Monday through Friday. The information line is available to all stakeholders and enables the OSE staff to provide information and answer questions related to special education. Contact the MDE OSE information line by phone at 888-320-8384 or email mde-ose@michigan.gov.

Family Matters

[Family Matters](#) is a resource page developed by the OSE specifically for parents and families. The Family Matters website provides information through a series of one-page fact sheets specific to special education topics that are written in parent-friendly language.

Michigan Alliance for Families

[Michigan Alliance for Families](#) is an IDEA grant-funded initiative which provides parent mentors, information and resources, support, and education for families who have children and young adults (birth to 26 years of age) who receive (or may be eligible to receive) special education services. Contact Michigan Alliance for Families by phone at 800-552-4821 or by email info@michiganallianceforfamilies.org.

Special Education Mediation Services

[Special Education Mediation Services \(SEMS\)](#) helps students by fostering cooperation and effective teamwork among those who plan their education. SEMS provides free mediation and meeting facilitation by a neutral, third-party mediator or facilitator. The

use of a facilitator or mediator is voluntary, must be agreed to by both parties, and can be requested by a parent or public agency. SEMS is an IDEA grant-funded initiative that uses trained, independent facilitators and mediators who are not employees of the MDE, an ISD, or a district. The overall goal is to help students, parents, and educators make decisions that improve educational outcomes. Contact SEMS by phone at 833-543-7178, by email info@MiKids1st.org, or by using the [SEMS online request for services form](#).

Disability Rights Michigan

[Disability Rights Michigan \(DRM\)](#) is the independent, private, nonprofit, nonpartisan protection and advocacy organization authorized by federal and state law to advocate and protect the legal rights of people with disabilities in Michigan. Contact DRM by phone at 800-288-5923 or use the [DRM online request form](#).

Appendix A: Glossary

Administrative Law Judge (ALJ)—The individual who conducts due process hearings.

Allegation—A statement describing how a public agency has violated any special education laws, rules, or other legal authority included in the definition of a state complaint.

Compensatory Education—A remedy under the IDEA that is awarded to a student after a finding of noncompliance which resulted in a denial of a free appropriate public education (FAPE).

Complainant—A parent, any individual, or organization filing a state complaint.

District – A local school district or a Public School Academy.

Due Process—A formal administrative hearing with an impartial administrative law judge who is not an employee of the OSE or any school district or educational program.

Free Appropriate Public Education (FAPE)—Special education and related services provided at public expense in conformity with an IEP.

Individuals with Disabilities Education Act (IDEA)—Federal regulations to ensure children with disabilities receive a FAPE.

Individualized Education Program (IEP)—A written statement for a student with a disability that identifies the special education and related services required for the student to progress in the general curriculum, to make progress on annual goals, and to participate with nondisabled peers.

Individualized Family Service Plan (IFSP)— A written plan for providing early intervention services to eligible children and families that is developed jointly by the family and appropriate qualified personnel. An IFSP is based on an assessment of the child's unique strengths and needs, including a review of the comprehensive multidisciplinary child evaluation (if one was conducted), and on a family directed assessment of the family's resources, priorities, and concerns.

Intermediate School District (ISD)—May also be called an educational service agency (ESA), a regional educational service agency (RESA), or a regional educational service district (RESA). ISDs have general supervision authority to ensure the provision of a FAPE for all eligible students with disabilities within their member districts, including Public School Academies, within the ISD's boundaries.

Michigan Administrative Rules for Special Education (MARSE)—State rules for special education.

Michigan Department of Education (MDE)—State education agency (SEA).

Mediation—A voluntary process where a neutral third-party mediator assists the parent and public agency to reach a mutually acceptable resolution of a dispute.

Procedural Safeguards Notice—A notice document that identifies parent and student rights as they relate to the IDEA and the MARSE.

Office of Special Education (OSE)—The office within the MDE that provides the general supervision, administration, and funding of special education programs and services for eligible children and youth with disabilities from birth through age 25, in accordance with federal and state law.

OSE Case Manager—The person(s) assigned by the OSE to conduct the state complaint investigation.

Parent—As defined by the IDEA, parent means a biological or adoptive parent, a foster parent, a guardian generally authorized to act as the child’s parent or authorized to make educational decisions, an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, an individual who is legally responsible for the child’s welfare, or an appointed surrogate parent.

Public Agency—An SEA, local education agency (LEA), ESA or ISD, district, nonprofit Public School Academy, or any other political subdivisions of the state that are responsible for providing education to children with disabilities.

R—Rule in the MARSE.

Special Education Mediation Services (SEMS)—An IDEA grant-funded initiative that provides free mediation and IEP facilitation services to families and public agencies in Michigan.

Systemic Complaint—A state complaint filed on behalf of a group of students or regarding a system-wide concern.

Appendix B: State Complaint Model Form

A parent, any individual, or an organization may file a state complaint when they believe a public agency has violated the requirements of the *Individuals with Disabilities Education Act* (IDEA), the *Michigan Administrative Rules for Special Education* (MARSE), or the Michigan Revised School Code, as it pertains to special education programs and services, or when it is believed a public agency has failed to implement an individualized education program (IEP), an administrative law judge (ALJ) decision, an intermediate school district (ISD) plan for the delivery of special education programs and services, or the state application for federal funds under the IDEA. For any complaint that involves a child with an Individualized Family Service Plan (IFSP), the Michigan Department of Education (MDE) Office of Great Start/Early Childhood Development and Family Education is notified by the Office of Special Education (OSE) to ensure coordination and involvement of IDEA Part C staff in the process. The use of this form is optional; however, all required information noted on the form must be included to file a state complaint.

The Michigan Department of Education (MDE) is only authorized to investigate allegations regarding special education. Examples of allegations MDE cannot investigate include allegations of abuse, neglect, discrimination, retaliation, harassment, civil rights violations, employment matters, matters pertaining to Section 504 of the *Rehabilitation Act* of 1973 and the *Americans with Disabilities Act* (ADA), or school policy matters.

Person Filing the State Complaint (Complainant)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Email: _____ Telephone: _____

Complainant's Relationship to Student:

____ Parent ____ Attorney ____ Advocate ____ Self

Other: _____

Student Information

(Required for alleged violations regarding a specific student. If the student is homeless, include available contact information.)

Name of Student: _____

Date of Birth (optional): _____

Home Address (if different from above): _____

Name of School Student is Attending: _____

Statement of Complaint

To file a state complaint, the written state complaint must include the alleged violation(s) with supporting facts and a proposed resolution, to the extent known and available to the complainant. Additional pages may be attached if needed.

The Public Agency the State Complaint is Filed Against

Name of Public Agency: _____

Alleged Violation

Describe the problem or issue(s). If alleging a violation with respect to a specific student, include a description of the problem. (1,800 character limit. Attach additional pages if necessary.)

Statement of Facts

Provide facts to support the statement of the alleged violation(s). Describe the relevant events, including dates, and documents that support the alleged violations. (1,800 character limit. Attach additional pages if necessary.)

Proposed Resolution

To the extent known, describe a proposal or suggestion to resolve the alleged violations. (1,800 character limit. Attach additional pages if necessary.)

Mediation: Release of Contact Information to SEMS

A parent or public agency can request mediation by a neutral, third-party mediator through [Special Education Mediation Services \(SEMS\)](#). For state complaints involving a specific student, a nonparent complainant may only participate in mediation with parent participation. Mediation services are provided at no cost to the parties. The mediator will assist the parent and public agency in attempting to reach a mutually acceptable resolution of the dispute. SEMS is an *Individuals with Disabilities Education Act* (IDEA) grant-funded initiative that uses trained, independent mediators. The mediators are not employed by the Office of Special Education (OSE), a district, or an intermediate school district (ISD). Mediation may proceed at the same time as the state complaint investigation process, is completely voluntary, and is confidential.

_____ Yes, I am interested in mediation and authorize the OSE to forward my name and contact information to SEMS. I understand SEMS will contact me directly.

_____ No, I am not interested in mediation. I understand SEMS will not contact me, and at any point, I can contact the public agency or SEMS to request mediation. Visit the SEMS website or call 833-543-7178 for more information.

Submit State Complaint

The state complaint must be signed and mailed, hand delivered, or electronically (fax, email) submitted to the OSE.

_____ A copy of this state complaint was forwarded to the public agency.

Signature

Date

If the person filing the state complaint is not the student's parent, or if the student has reached the age of majority (18 in Michigan) and is not the complainant, this state complaint must include a signed and dated release of information before any information will be shared with the complainant.

Michigan Department of Education
Office of Special Education – State Complaints
608 West Allegan
P.O. Box 30008
Lansing, MI 48909
Fax: 517-241-7141
Email: MDE-MIComplaints@michigan.gov

Appendix C: Examples of Alleged Violations, Supporting Facts, and Proposed Resolutions

Alleged Violations	Supporting Facts	Proposed Resolutions
The school district did not implement my son's IEP.	My son's IEP includes 30 minutes per week of speech services, and I heard at conferences that he has not seen the speech therapist all year.	Provide make-up services to my son.
The ISD didn't implement the IFSP as written.	The service provider was on medical leave for 8 weeks and the ISD didn't provide a substitute.	Provide compensatory education.
The district has not provided a FAPE with reading instruction for my son.	My son is in the 4th grade and is still at a beginning reading level. At the last IEP meeting, I asked for more reading instruction and an IEP goal about reading. The district refused.	Have a new IEP meeting and include a reading goal.
The school district did not complete a special education evaluation within 30 school days.	I asked for a special education evaluation because my 6th grader had a hard transition to middle school. He is failing his classes and has been suspended several times. I signed a consent form in October. It is April, I never received the results of the testing, and my student is still having trouble in school.	Send me a copy of the completed evaluation and have an eligibility meeting to consider the results.
The general education teachers refuse to accommodate my son's disability.	My 11th grader has a specific learning disability. His October IEP says teachers will let him have extra time to complete assignments and he can take tests in the resource program so they can be read to him. His teachers lower his grades on assignments when he takes extra time to complete them and will not let him go to the resource program to take tests.	Provide training to the general education teachers and make sure they implement my son's IEP.
The school suspended my son, didn't do a manifestation determination review (MDR), and hasn't given him services.	My son has been suspended three times this year for a total of 21 days. I told the principal my son's behavior is caused by his disability and he should not be suspended. The school has not done an MDR and they did not give my son any services while he was suspended.	Give my son the services he needs and hold an MDR.

Appendix D: Release of Information Model Form

Student Information

Student Name: _____ Date of Birth: _____

Parent/Guardian Information

Name: _____ Relationship: _____

Phone Number: _____ Email Address: _____

Complainant Information

Agency Name (if applicable): _____

Complainant Name: _____

Consent for Release

Regarding the state complaint filed on behalf of the aforementioned student, I give permission for the following:

1. The Michigan Department of Education (MDE) may send state complaint communications to the complainant, including but not limited to, the issues letter and final decision.
2. The MDE may communicate with the complainant via verbal or written communication.
3. The complainant may provide the MDE with student education records or any other records relevant to the state complaint.

Copies of Correspondence

If you wish to receive copies of all letters and reports sent to the complainant regarding the state complaint, please provide a current address.

Parent Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

By signing this form, I am permitting the MDE and complainant to communicate in any of the manners listed above regarding the state complaint. I understand this release is valid for one calendar year. I have the right to withdraw my consent at any time.

Parent Signature _____

Date _____