



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

August 16, 2006

MEMORANDUM

TO: Intermediate School Districts, Local Education Agencies, Public School Academies, Institutions of Higher Education, Professional Organizations, Private Profit and Non-profit Organizations, including Parent and Advocacy Organizations and Other Interested Parties

From: Jacquelyn J. Thompson, Ph.D., Director
Office of Special Education and Early Intervention Services

SUBJECT: Due Process Hearing Procedures

Based on recent events, it has come to the attention of the Michigan Department of Education (MDE), Office of Special Education and Early Intervention Services (OSE/EIS) that there has been some confusion in the field related to the implementation of the new administrative rules for special education and our transition to a one-tier due process hearing system with hearing officers provided by the State Office of Administrative Hearings and Rules (SOAHR).

As many of you know, pursuant to Executive Order 2005-1, beginning on January 1, 2006, the MDE assigned requests for state level review of local due process hearing decisions to a SOAHR hearing officer for review. During that period of time, as it did before, and as it does now, the MDE administered the hearing and review process. Any requests for due process hearings initiated after July 1, 2006 will be processed under the new one-tier system. However, those hearings in process prior to July 1, 2006 will be finalized under the two-tier system. While SOAHR hearing officer decisions are not binding precedent on non-parties, such decisions are valid and enforceable as they pertain to the parties involved in the hearing.

The OSE/EIS believes that implementation of the one-tier system will work to the advantage of all parties involved, and the OSE/EIS will continue to provide guidance to the field as needed as we move forward.

If you have further concerns, please contact Ann Omans, Supervisor of Program Accountability at (517) 373-0924 or Harvalee Saunto, Due Process Hearing Consultant, at (517) 241-7507.

JJT:HS:mh

OSE/EIS-06-22

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