



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


RICK SNYDER
GOVERNOR

BRIAN J. WHISTON
STATE SUPERINTENDENT

MEMORANDUM

DATE: November 3, 2016

TO: Local and Intermediate School District Superintendents, Intermediate School District Special Education Directors, and Public School Academy Directors

FROM: Brian J. Whiston, Superintendent of Public Instruction 

SUBJECT: IDEA Dispute Resolution Procedures

In an effort to provide clear understanding and intent of the identified remedies specified in IDEA regulations 34 CFR §§ 300.151-153 the federal Office of Special Education Programs (OSEP) issued a *Dear Colleague* letter to all state agencies that we forwarded to your districts on March 25, 2016. This policy letter was written to provide information and guidance on a specific issue pertaining to the use of a due process hearing after the initiation of a state complaint investigation.

It is the expectation of OSEP as well as the Michigan Department of Education, that this *Dear Colleague* letter be abided by intermediate and local school districts. The remedies defined as part of the dispute resolution system; mediation, state complaint investigation and due process hearings, are designed to offer public agencies and parents an effective process for solving issues. These remedies are to be used in support of ensuring that the rights of students with disabilities are protected as it relates to the entitlements of special education programs and services for eligible children and youth.

Please review the contents of the *Dear Colleague* letter at:
<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/dcl04152015disputeresolution2q2015.pdf> as district decisions are made regarding the use of the dispute resolution system.

cc: Michigan Education Alliance

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