



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: October 21, 2021

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Dr. Scott M. Koenigsknecht, Deputy Superintendent 
P-20 System and Student Transitions

SUBJECT: Notice of Availability of Re-released Request for Proposal: Fiscal Agent for Michigan's Statewide Dispute Resolution Program

The Michigan Department of Education's Office of Special Education (MDE OSE) is seeking a grantee to serve as the fiscal agent to provide **fiscal management only** to the current statewide dispute resolution program, Special Education Mediation Services (SEMS). The fiscal agent will be responsible for facilitating the funding mechanism for the services and activities associated with SEMS, a grant-funded initiative, as coordinated through MDE OSE.

Purpose: The 1997 reauthorization of the federal IDEA established a requirement that parents of students with disabilities be provided an opportunity to attempt to resolve disputes with local education agencies (LEAs) through mediation, and at the same time be provided a process for doing so. IDEA explicitly outlines the state's obligations for establishing and implementing procedures for a mediation process.

34 CFR § 300.506(a) of the IDEA requires MDE to ensure that procedures are established and implemented to allow parties to dispute matters involving Part B of the IDEA, including matters arising prior to the filing of a due process complaint, to resolve disputes through a mediation process.

IDEA sets forth the requirements of a mediation process, under 34 CFR § 300.506(b), which requires that the mediation process is voluntary for both parties; is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny other rights afforded under Part B of the IDEA; and is conducted by a qualified and impartial mediator who is trained in effective mediation

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techniques. Additionally, the IDEA requires that the state make mediation available at no cost and to maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations related to the provision of special education and related services.

34 CFR § 300.704(b)(3)(ii) of the IDEA requires state education agencies to reserve a portion of its state-level activity funds to establish and implement a mediation process required by Section 615(e) of IDEA, including providing for the costs of mediators and support personnel to carry out the IDEA mediation requirements.

Funding: The proposal will be awarded an initial annual allocation of up to \$1,650,000 in IDEA, Part B, Section 611 grant-funded initiative funds.

Project Duration: The initial funding period, which is contingent upon the state superintendent's approval, begins April 1, 2022 and ends September 30, 2022. Based on satisfactory performance of the successful bidder and the availability of funds, the initiative and annual funding may continue, for the period of October 1 to September 30, for up to four additional years.

Eligibility: Intermediate school districts, local educational agencies including public school academies, institutions of higher education, and not-for-profit organizations.

The MDE OSE will continue the initiative's current work and will be utilizing as many of the current initiative staff as possible to ensure continuity and adherence to MDE OSE goals and objectives. Because of their ongoing involvement in the work of the initiative, current staff are not permitted to be involved in the preparation and submission of a proposal to MDE OSE. Any contact with the current initiative staff in preparing and submitting this RFP could result in disqualification.

Proposal Due Date: Friday, December 3, 2021, by 5:00 p.m.

Application: To receive a copy of the RFP for this initiative, please access the [Request for Proposal for the Dispute Resolution announcement](#) on the OSE website or contact Ms. Liz Hengesbach at 517-241-1235.

If you have any questions regarding the competitive bid procedures, process, or intent of the initiative, please contact Christopher Kelley, financial analyst, Program Finance, at kelleyc9@michigan.gov or call 517-241-0108.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors