



Michigan Department of Education, Office of Special Education

State Complaint Investigation Process

July 2017

Step 1: Receipt of State Complaint (Day 0-1)

1. The Office of Special Education (OSE) receives the potential state complaint via mail, fax, or hand delivered.
2. The potential state complaint is date-stamped when it is received.
3. If a fax or email comes through after 5:00 p.m., it will be deemed to be received on the next business day.
4. The 60-day timeline begins on the day the complaint is received by the OSE.

Step 2: Intake and Sufficiency (Day 2-5)

1. If the state complaint meets the sufficiency criteria, proceed to Step 3.
2. A state complaint determined to lack sufficiency, will be addressed in the following manner. The OSE will:
 - a. Contact the Complainant by phone or email, if due to a fax error or missing a signature.
 - b. Notify the Complainant (and other appropriate parties) by letter with an explanation, if the lack of sufficiency is more substantial.

Step 3: Notification (Day 2-5)

1. The OSE will notify the Intermediate School District (ISD) of the receipt of the complaint and established timelines. If the complaint is against the LEA, the OSE will encourage the ISD to assist the Local Educational Agency (LEA) in resolving the issue, encouraging mediation, etc.
2. The OSE will send the Introduction Letter to relevant parties.
3. The Introduction Letter will include the date the complaint was received and the date the final report is due. The Complainant will also receive the Michigan Department of Education (MDE) Procedural Safeguards, Part 8 of the Michigan Administrative Rules for Special Education (MARSE) and the State Complaint Procedures as enclosures.
4. The Introduction Letter will explain and encourage mediation.
5. If the complaint is against an ISD program or service, the OSE will lead the complaint investigation process to obtain documents, records, etc. The ISD personnel will be interviewed as an additional source of information as needed. The OSE will determine the appropriate corrective action, in the event of identified noncompliance.

Step 4: Issue Letter (Day 10-15)

1. The OSE will identify the issues to be investigated in the complaint. The OSE and the ISD will consult on the issues identified in the complaint, to be investigated. Statements in the state complaint request that may require further clarification will be discussed with the complainant and the ISD as warranted.
2. The Issue Letter will define the issues that are to be investigated.
3. The OSE may discuss the issues with the ISD.
4. The Issue Letter will identify and request specific documents and records from the district.
5. The Issue Letter will be sent to the relevant parties.

Step 5: Investigation (Day 10-40)

1. The OSE will gather relevant information through various means including, but not limited to, questionnaires, records, interviews, etc. and will provide an opportunity to the Complainant, the District, and the parent (if not the Complainant) to be interviewed.
2. When conducting interviews, the OSE in coordination with the ISD, will prepare a list of questions, designed to obtain additional information related to the issues identified.
3. The OSE will conduct necessary interviews. The ISD will be a participant in these interviews.
4. The OSE will review the data, consider all information received and determine whether more information is needed.
5. An on-site investigation will only be necessary if sufficient information cannot be gathered through other means.

Step 6: Draft of State Education Agency (SEA) Report (Day 40-50)

1. The OSE will compose the report containing the following sections:
 - a. Introduction,
 - b. Issues,
 - c. Investigatory process,
 - d. Applicable federal or state regulations,
 - e. Relevant time-period for the investigation,
 - f. Findings of fact,
 - g. Conclusions,
 - h. Decisions, and
 - i. Corrective action, if applicable.



2. The OSE will consult with the ISD to determine what, if any, corrective action is required.
 - a. The decision regarding any compensatory education will be determined as needed based on identified noncompliance.

Step 7: Administrative Review of the Final Report containing the SEA final decision (Submitted by day 50-55)

1. The draft report will be reviewed by the Supervisor of the Program Accountability Unit, and revisions will be made if necessary.

Step 8: Issuing of SEA Final Report (no later than day 60)

2. The OSE will distribute the final report to all appropriate recipients.
3. The OSE will notify the Complainant by email or phone call, that the SEA Final Report has been issued.