



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

April 2, 2009

MEMORANDUM

TO: Local and Intermediate School District Superintendents, Local and Intermediate School District Directors of Special Education, Public School Academy Administrators, State Parent Advisory Committee, Intermediate School District Parent Advisory Committee Chairs

FROM: Sally Vaughn, Ph.D.
Deputy Superintendent/Chief Academic Officer

SUBJECT: Implementation of New Part 8 – Michigan Administrative Rules for Special Education (MARSE) and Michigan Department of Education (MDE) State Complaint Procedures

It is anticipated that the new MARSE – Part 8 rules and the MDE, Special Education State Complaint Procedures will take effect on April 3, 2009, or shortly thereafter. Attached are the proposed MARSE – PART 8 rules and the draft of the MDE Special Education State Complaint Procedures. The final versions of these documents, without the watermarks, will be sent as soon as the rules are in effect.

The new rules and procedures include some changes regarding the responsibilities for parents, districts, intermediate school districts (ISDs), and the Office of Special Education and Early Intervention Services (OSE-EIS) in the state complaint process.

Some of the changes to the state complaint rules and procedures are summarized below. However, the OSE-EIS recommends that you thoroughly review the attached documents as soon as possible.

1. A state complaint must be sent to the OSE-EIS **and** the district, not the ISD.
 - The state complaint will be “filed” and the 60-day timeline for investigation begins when both the OSE-EIS and the district have a copy of the complaint containing all the required components.

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- The state complaint will not be filed if it does not contain the elements required by the Individuals with Disabilities Education Act (IDEA). The MDE will inform the complainant of the missing elements and allow the complainant to submit the additional/necessary information.
 - An MDE Model State Complaint form is available on the MDE website at: www.michigan.gov/ose-eis. Use of the form is not required, but it will assist the complainant in addressing the required components of a state complaint.
2. Districts must immediately inform the OSE-EIS when it receives a state complaint; and the OSE-EIS must immediately inform the district when a complaint is received.
 3. A ten day Resolution Period is built into the process, similar to the Resolution Session included in the due process hearing procedures.
 - The complainant and district are encouraged to resolve issues during this time without the intervention of the MDE.
 - The Resolution Period may be extended by written agreement of the complainant and the district.
 4. In addition to the Resolution Period, complainants and districts are encouraged to utilize alternative dispute resolution processes, including mediation, to resolve issues.
 5. Allegations that do not meet the definition of a special education complaint will be dismissed without an investigation.
 6. Only one complaint investigation will be conducted. It will be done collaboratively between the MDE and the ISD.
 - One report (the Final Report) will be written and sent to the complainant and the district.
 7. If the complainant or the district has factual information that was not available during the investigation, and they believe the information will cause a change to the final report; they may submit the information according to the directions.
 - If the information causes a change to the conclusions of the original investigation an amended final report will be issued.

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The OSE-EIS will inform you, via the listserv, when we receive confirmation that the rules have been received and signed by the Michigan Office of the Great Seal.

Additional training and technical assistance will be provided throughout the spring and summer, including webinars and live presentations. The OSE-EIS is also working with the Michigan Virtual University in the development of a training package. We will inform you of these opportunities as the dates and locations are finalized.

If you have questions please contact Harvatee Saunto, Coordinator, State and Due Process Complaints at (517) 241-7507.

Attachments