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Dispute Resolution Options

When a dispute arises between two parties, typically between parents and school districts, there are several options available to try to resolve the issues.

Collaborative Problem Solving Resources

When parents and schools work together on an issue, both parties are more likely to be satisfied with the solution. Direct, early, and meaningful communication between parties helps create a positive working relationship.

- [Special Education Problem Solving Process \[PDF\]](#)
This document includes details about various problem solving options and provides additional resources.
- [Special Education Mediation Services \(SEMS\)](#)
SEMS provides free meeting facilitation and mediation services.
- [Michigan Alliance for Families: Communication](#)
The Michigan Alliance for Families provides resources to help you effectively communicate your child's needs.

Facilitated IEP Meetings and Mediation

A neutral third party can help parents and schools discuss issues at special education meetings.

Special Education Mediation Services (SEMS)

SEMS provides free facilitation for IEP meetings and special education mediation in Michigan.

IEP Facilitation: IEP facilitators support the full participation of all parties at IEP team meetings. For issues of disagreement, mediators assist with the discussion in a safe and neutral environment.

Mediation: At mediation, the parties explore options to meet student needs. Any decision reached must be agreed on by the two parties.

SEMS has a toll-free number (1-833-KIDS1ST) for requesting a facilitated IEP meeting and mediation. An intake coordinator can explain the process and discuss the different options available.

[SEMS website](#)

Phone: 1-833-KIDS1ST (1-833-543-7178)

State Complaints

A parent, interested party, or other entity may file a state complaint if they believe a school or other public agency has violated the IDEA, *Michigan Administrative Rules for Special Education* (MARSE), or the *Michigan Revised School Code* as it pertains to special education.

The State Complaint process must be completed within 60 days and includes the following:

1. The complainant (the person or organization filing a State Complaint) submits the allegation in writing to the Michigan Department of Education Office of Special Education (OSE). The complaint must be signed.
2. The OSE notifies the involved parties of the State Complaint and then conducts an investigation.
3. The OSE issues a final report with a finding of compliance or noncompliance. In the event of noncompliance, the OSE issues the school district a corrective action and requires proof of compliance.

Request a State Complaint Investigation

- [Request for a State Complaint Investigation Model Form \[PDF\]](#)
Complainants do not have to use the model form but must submit a written request that includes the same information required by the model form.

State Complaint Process

- [Special Education Problem Solving Process \[PDF\]](#)
This document explains how to file a state complaint and provides other problem solving options.
- [State Complaint Investigation Process \[PDF\]](#)
This document outlines the OSE process for investigating state complaints.
- [Corrective Action Process for Noncompliance With the IDEA and MARSE \[PDF\]](#)
The OSE may issue a corrective action plan if the OSE determines a district is noncompliant.

Due Process Complaints

A Due Process Complaint may be filed by a parent or public agency. The complaint must allege the other party made an improper decision for a student with a disability regarding:

- Identification
- Evaluation
- Educational placement
- Provision of a free appropriate public education (FAPE)

The Due Process Complaint process includes the following:

1. The complainant (the person or organization filing a Due Process Complaint) submits the complaint in writing to the Michigan Department of Education Office of Special Education (OSE) and the respondent (the party that is the subject of the complaint).
2. The OSE forwards the Due Process Complaint to the Michigan Administrative Hearing System (MAHS), and a Due Process hearing date is set.
3. The complainant and respondent enter a meeting called a resolution session to attempt to resolve the dispute before the hearing. The parties may agree in writing to waive the meeting or go to mediation.
4. The Due Process hearing is held in front of an Administrative Law Judge (ALJ). Lawyers may represent each party. The ALJ issues a decision.

5. If the ALJ rules that the respondent is in violation of the IDEA, the ALJ issues the respondent a corrective action. The respondent must provide proof of compliance to the OSE.

If either party disagrees with the final decision, they may pursue a lawsuit in state or federal court.

Request a Due Process Hearing

- [Special Education Due Process Complaint/Request for Hearing \[PDF\]](#)
Complainants do not have to use the model form but must submit a written request that includes the same information required by the model form.
- [Special Education Due Process Complaint Procedures \[PDF\]](#)
This document includes the Michigan Department of Education procedures regarding special education administrative due process hearings.

Due Process Hearing Decisions

- [Special Education Due Process Hearing Decisions](#)
Due process hearing decisions in Michigan are available through an online database.