



MICHIGAN DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION

FINAL REPORT

of

C-XXXX-10

the State Complaint of

complainant name

against the

LEA name

Date

AUTHORITY

Pursuant to Rule (R) 340.1853 of the Michigan Administrative Rules for Special Education (MARSE), Sections (§§) 300.151 through 300.153 of the final regulations implementing the Individuals with Disabilities Education Act (IDEA), and the Michigan Department of Education (MDE) Special Education State Complaint Procedures (State Complaint Procedures), the Office of Special Education (OSE) issues this investigation report as a final decision in C- < >-10.

BACKGROUND INFORMATION

State Complaint:	C-XXXX-10
Date Filed:	XXX
<ISD/RESA/ESA/ESD name> (ISD) Investigator:	XXX
MDE Case Manager:	XXX
Complainant:	XXX
Address:	XXX XXX
Telephone:	(XXX) XXX-XXXX
Student:	XXX
Date of Birth:	XXX
Grade:	XXX
Eligibility:	XXX (Eligibility Type, not rule #)
Program/Service:	XXX
Resident/Operating District:	XXX (District)
Operating District: (If different than Resident District)	XXX (District 2)

INDIVIDUALS CONTACTED DURING THE INVESTIGATION

1. Complainant
2. <name>, <Title/Role>, District (or ISD)
- 3.

PROCESS OF INVESTIGATION

On <date> the OSE informed the complainant by written communication that the above referenced state complaint had been filed with the MDE. The OSE provided the complainant with copies of Part 8 of the MARSE, the Michigan Department of Education Notice of Procedural Safeguards, the State Complaint Procedures, and information regarding mediation and dispute resolution.

On <date> the OSE informed the superintendent of the district and the superintendent of the ISD by written communication that the complainant filed a state complaint alleging the district was not in compliance with state or federal special education (SE) rules or regulations.

(To be completed by MDE Case Manager)

Allegation Withdrawn

The complainant withdrew the following allegation(s) prior to the investigation:

Allegation	Method of Communication	Date

(To be completed by MDE Case Manager)

Allegation Dismissed

Pursuant to the Michigan Administrative Rules for Special Education (MARSE) and/or the Individuals with Disabilities Education Act (IDEA) the OSE may dismiss allegations in a state complaint. In accordance with the MARSE Rule (R) and/or the IDEA regulations at 34 CFR 300 (§), the OSE may dismiss an allegation in a complaint for the following reasons:

- There is no special education rule, regulation or law that governs the alleged violation as defined at R 340.1701a(c)
- The alleged violation occurred more than one year before the complaint was filed, as required at R 340.1851(2)
- The allegation was resolved in a previous state complaint
- The allegation was previously resolved in a due process hearing, § 300.152(c)(2)

In a letter dated <date> the OSE informed the complainant that the following allegations <were> dismissed.

Allegation/Issue	Reason for Dismissal	Rule/Regulation

The complainant was provided information regarding agencies and organizations that may be able to address the dismissed allegation.

(To be completed by MDE Case Manager)

Timeline

Pursuant to § 300.152(a) a state complaint must be resolved within 60 calendar days. However § 300.152(b)(1) allows an extension of the timeline based on exceptional circumstances. During the investigation of this complaint the OSE found that exceptional circumstances existed and the following timeline extension was granted:

Exceptional Circumstances	Number of Days

(Include if district acknowledged noncompliance before the FR is issued)

District Acknowledges Noncompliance

The district acknowledged the following noncompliance:

Acknowledged Noncompliance	Governing Rule
1.	
2.	

Regarding Acknowledged Noncompliance 1:

Governing Rule/Regulation: §/R < > states:

<Insert citation language here>

1. The < > indicated:

- a.
- b.

2. The < > indicated:

- a.
- b.

Regarding Acknowledged Noncompliance 2:

Governing Rule/Regulation: §/R < > states:

<Insert citation language here>

1. The < > indicated:

- a.

- b.
- 2. The < > indicated:
 - a.
 - b.

Corrective action and proof of compliance for the district’s noncompliance will be directed in *Corrective Action and Proof of Compliance* section of this final report.

ALLEGATIONS INVESTIGATED

(Use a BRIEF description,--see Allegation 1 as an example)

Allegation 1: Implementation of Individualized Education Program (IEP);
School Social Work (SSW) Services

Allegation 2:

Allegation 3:

INVESTIGATION

Allegation 1: (Same wording here as used in Allegations Investigated)

The complainant clarified the allegation to mean <briefly clarify the allegation>.

(Include the specifics and details below regarding what the complainant indicated in correspondence and interviews)

Information Pertinent to Allegation 1

Governing Rule/Regulation: §/R < > states:

<Insert citation language here>

- 1. The complainant in correspondence and interview indicated:
 - a.
 - b.
- 2. The <title/role> indicated:
 - a.
 - b.
- 3. The <title/role> indicated:
 - a.
 - b.

4. The <date> IEP indicated: **(include if relevant to the allegation)**

- a.
- b.
- c. Programs/Services and Supplementary Aids/Services included:

Program/Service	Duration/ Frequency	Location

Supplementary Aids/Services	Duration/ Frequency	Location

(Include other relevant documents)

5. A letter from < > to < > dated < > indicated, in part:

- a.
- b.

(Include other relevant rule/regulation citations)

6. The following Rules/Regulations were reviewed:

a. Section/Rule < > states:

<insert rule/reg>

b. Section/Rule < > states:

<insert rule/reg>

7. The Federal Register (Regulations), Analysis of Comments and Changes relative to § < > at page < > states, in part:

<insert commentary language>

Findings in Allegation 1

Section/Rule < >: Compliance/Noncompliance

<conclusion and rationale>

(Include the following if a finding of noncompliance is found)

Corrective action and proof of compliance for the district's noncompliance will be directed in the section titled *Corrective Action and Proof of Compliance*.

Allegation 2: (Same wording here as used in Allegations Investigated)

The complainant clarified the allegation to mean <briefly clarify the allegation>.

(Include the specifics and details below regarding what the complainant indicated in correspondence and interviews)

Information Pertinent to Allegation 2

Governing Rule/Regulation: §/R < > states:

<Insert citation language here>

1. The complainant in correspondence and interview indicated:
 - a.
 - b.
2. The <title/role> indicated:
 - a.
 - b.
3. Information pertinent to Allegation 1, items # **x, y, and z** are incorporated into this allegation.

Findings in Allegation 2

Section/Rule < >: Compliance/Noncompliance

<conclusion and rationale>

(Include the following if a finding of noncompliance is found)

Corrective action and proof of compliance for the district's noncompliance will be directed in the section titled *Corrective Action and Proof of Compliance*.

Allegation 3:

(Use the following format if an allegation was not dismissed previously and is to be dismissed here.)

The complainant clarified the allegation to mean <briefly clarify the allegation>

Information Pertinent to Allegation 3

Governing Rule/Regulation: None

(Include specifics and details about what the complainant indicated during interviews and in correspondence below)

1. The complainant in correspondence and interview indicated:

- a.
- b.

(You may or may not need to interview anyone else)

2. The <title/role> indicated:

- a.
- b.

3. Relevant to this allegation, Rule 340.1701a(c) states:

(c) "Complaint" means a written and signed allegation that includes the facts on which the allegation is based, by an individual or an organization, that there is a violation of any of the following:

(i) Any current provision of these rules.

(ii) 1976 PA 451, MCL 380.1 et seq., as it pertains to special education programs and services.

(iii) The individuals with disabilities education act of 2004, 20 U.S.C., chapter 33, §1400 et seq., and the regulations implementing the act, 34 C.F.R. part 300 and 34 C.F.R. part 303.

(iv) An intermediate school district plan.

(v) An individualized education program team report, hearing officer decision, administrative law judge decision, or court decision regarding special education programs or services.

(vi) The state application for federal funds under the individuals with disabilities education act.

Findings in Allegation 3

No Governing Rule or Regulation: Allegation Dismissed

Rule 340.1701a(c) identifies the standards that define the authority of the special education complaint investigation process. Allegations related to <issue> are not identified in R 340.1701a(c) and the MDE does not have authority to rule on such allegations. Therefore, this allegation must be dismissed.

Enclosed with the Final Report is a list of agencies and organizations that may be of assistance in this matter.

CORRECTIVE ACTION AND PROOF OF COMPLIANCE

Corrective Action	Proof of Compliance	Allegation
Pursuant to <governing rule/regulation> the district shall: 1.	The district shall submit: 1.	
2.	2.	
Pursuant to <governing rule/regulation> the district shall: 3.	3.	
4.	4.	

SUBMISSION OF PROOF OF COMPLIANCE

Pursuant to R 340.1854, § 300.151(b), and the State Complaint Procedures, the OSE directs the district to implement the corrective actions and submit the proof of compliance specified above as evidence that the district corrected the noncompliance. The ISD is responsible for assisting the district and for monitoring progress of the corrective action.

The district must submit the proof of compliance jointly under the signature of the administrator primarily in charge of special education programs and services for the district, the chief administrative officer of the district, and the president of the board of education. The proof of compliance must be submitted to: Supervisor, Program Accountability, Office of Special Education, P.O. Box 30008, Lansing, Michigan 48909 by <date>. **(Remove the following sentence if the complaint is against the ISD.)** The district must also submit a copy of the proof of compliance to the ISD.

REQUEST FOR RECONSIDERATION

Either the complainant or the public agency may submit a Request for Reconsideration if they have factual information that was not available during the investigation which they believe will cause a change to the findings in the investigation. The MDE will consider the new information and will issue an amended final report if the information causes a change to the findings of the original investigation. The Request for Reconsideration must be submitted within ten days of receipt of the Final Report to: Supervisor, Program Accountability, Office of Special Education, P.O. Box 30008, Lansing, Michigan 48909.

CLOSING STATEMENTS

A parent or the public agency may have the right to appeal a state complaint finding by filing a due process complaint with the MDE which initiates a due process hearing. Not all state complaint issues can be resolved through a due process hearing.

A party aggrieved by a finding in this Final Report may appeal to a court of competent jurisdiction. In some cases, the party must have filed a special education due process complaint before filing an action in a court. The MDE recommends that parties consider consulting with an attorney when considering what options are available when there is disagreement with the MDE Final Report or Amended Final Report.

This document is a record of the MDE. It is maintained pursuant to the IDEA and the MARSE requirements. It may contain information of a confidential and personally identifiable nature. It is to be released only to individuals entitled under the Family Educational Rights and Privacy Act or the Freedom of Information Act. Individuals who are authorized to receive this information by specific written permission of a named student or parent, by authority granted to educational

agency personnel, by authority granted to other federal or state offices, or by virtue of attorney/client relationship, are advised that further disclosure to unauthorized individuals by authorized individuals may constitute a violation of existing law to which those authorized individuals are subject.

Pursuant to the State of Michigan Record Retention and Disposal Schedule, the case file in this matter will be destroyed when it has been inactive (closed) for three years.

12/15/10