



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: July 29, 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 Request for Proposal: Fiscal Agent for Michigan's
Statewide Dispute Resolution Program

Grant criteria for Michigan's statewide dispute resolution program, Special Education Mediation Services (SEMS), a federal Individuals with Disabilities Education Act (IDEA) grant-funded initiative, was approved by the state superintendent in 2020. As a result, the Michigan Department of Education's Office of Special Education (OSE) is seeking a grantee to serve as the fiscal agent to provide **fiscal management only** to the current statewide dispute resolution program, SEMS.

The fiscal agent selected will be responsible for facilitating the funding mechanism for services and activities associated with this initiative, as coordinated through OSE. It is OSE's intent to continue the work of the initiative and utilize as many current staff as possible to ensure continuity and adherence to OSE goals and objectives. Therefore, due to a conflict of interest, current initiative staff cannot be involved in the preparation and/or submission of a proposal. Any contact with the current initiative staff in preparing and/or submitting this RFP could result in disqualification.

Purpose: IDEA requires state education agencies to reserve a portion of its other state-level activity funds to establish and implement a mediation process required by section 615(e) of IDEA, including the provision of the costs of mediators and support personnel (34 CFR § 300.704(b)(3)(ii)).

IDEA (34 CFR § 300.506(a)) requires OSE to ensure that procedures are established and implemented to allow parties to resolve disputes which might be the subject of a special education state complaint or a due process complaint. This may include matters arising prior to the filing of a state complaint or due process hearing through a mediation process.

STATE BOARD OF EDUCATION

CASANDRA E. ULBRICH – PRESIDENT • PAMELA PUGH – VICE PRESIDENT
TIFFANY D. TILLEY – SECRETARY • TOM MCMILLIN – TREASURER
JUDITH PRITCHETT – NASBE DELEGATE • ELLEN COGEN LIPTON
NIKKI SNYDER • JASON STRAYHORN

While prior law permitted the use of mediation, the 1997 reauthorization of IDEA established mediation as a process that may be used in resolving conflicts between parents of students with disabilities and local educational agencies (LEAs), which in Michigan are intermediate school districts (ISDs) and local school districts, both traditional public school districts and public school academies (PSAs). IDEA explicitly outlines the state's obligations for creating a mediation process in which parents of students with disabilities and LEAs may voluntarily participate in mediation that is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

IDEA (34 CFR § 300.506(b)) also sets forth the requirements OSE must follow when developing a mediation program. Specifically, mediation must be voluntary for both parties. Mediation may not be used to deny or delay a parent's right to a due process hearing or to deny other rights guaranteed under the IDEA; and a qualified and impartial mediator who is trained in effective mediation techniques must conduct the mediation. Additionally, IDEA requires states to make mediation available at no cost and to maintain a list of qualified mediators.

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

Project Duration: The initial funding period is 12 months, beginning October 1, 2021, and ending September 30, 2022, and is contingent upon the state superintendent's approval. Based on satisfactory performance and availability of funds, the initiative and annual funding may continue up to five years.

Eligibility: ISDs, LEAs, institutions of higher education, and not-for-profit organizations.

Proposal Due Date: Friday, August 27, 2021, by 5:00 p.m.

Application: To receive a copy of the request for proposal (RFP) for this initiative, please access the link titled, *Fiscal Agent Request for Proposal for the Dispute Resolution program* under the OSE Spotlight section at the [MDE Special Education 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 program finance supervisor John Andrejack at andrejackj@michigan.gov or 517-241-1235.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors