



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

September 22, 2022

Dear Mrs. Lipsitt:

This letter is in response to your electronic correspondence received on March 28, 2022, addressed to Ronda Sortino, State Lead for Michigan in the Office of Special Education Programs' (OSEP) Monitoring and State Improvement Planning Division. In your email, you inquired about the Michigan Department of Education's (MDE) use of certain Federal court cases and OSEP correspondence when resolving State complaints. You also note that you have shared these same concerns with Teri Rink, Special Education Director, MDE, and Rebecca McIntyre, Unit Supervisor, Program Accountability Unit, MDE. We regret the delay in responding.

As part of its general supervisory responsibilities, each State must have procedures to resolve any complaint that meets the requirements of 34 C.F.R. §§ 300.151 through 300.153. However, neither the Individuals with Disabilities Education Act (IDEA) nor the IDEA Part B regulations address a State's reliance on case law or OSEP's policy guidance as the basis for its decision in a State complaint resolution. We understand that you are dissatisfied with this aspect of the State's implementation of its complaint procedures and the outcome in certain complaints you have filed with MDE. However, OSEP does not have the authority to review State complaint decisions as under IDEA, those matters are left to the State educational agency.

OSEP wants to acknowledge our continued responsibility to ensure that Michigan and other States are meeting the requirements of IDEA. We have taken note of the issues you have raised regarding the implementation of IDEA requirements in Michigan, especially those regarding denial of FAPE. Please note we have no further information to share regarding the issues you have raised in your correspondence. Accordingly, absent any new information related to the implementation of IDEA requirements in Michigan, we will not be responding further to the matters set forth in your correspondence. Should new issues arise regarding the implementation of IDEA requirements in Michigan, please direct them to OSEP's State Lead for Michigan, Ronda Sortino, at 202-245-6505 or [Ronda.Sortino@ed.gov](mailto:Ronda.Sortino@ed.gov).

Sincerely,

Gregory R. Corr  
Director  
Monitoring and State Improvement Planning  
Office of Special Education Programs

cc: Teri Rink

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