



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 1 2008

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED] and [REDACTED]:

This is in response to your January 29, 2008 letter to this office regarding your previously-transmitted complaints to this office. We apologize for the delay in responding to your initial complaints. During the time between receipt of your complaints and referring these complaints to the [REDACTED] Department of Education (DOE), we were determining: (1) that there was more than one complaint involved; (2) what the complaints may have had in common; (3) whether the State educational agency (SEA) had also received the complaints; and (4) whether the SEA had or had not responded to either or both of the complaints and whether they were in the process of resolving the complaints. Ultimately, these complaints were referred to DOE for resolution under 34 CFR §§300.151-300.153.

An SEA has 60 days after a complaint is filed under 34 CFR §300.153 to issue a written decision, unless the SEA has granted an extension pursuant to 34 CFR §300.152(b). 34 CFR §300.152(a). The 60-day time limit for complaint resolution begins on the date that the complaint is received by the State. A State's complaint procedures must permit an extension of the 60-day time limit if exceptional circumstances exist with respect to a particular complaint or the parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation or to engage in other alternative means of dispute resolution, if available in the State. 34 CFR §300.152(b)(1). (Whether mediation is available in [REDACTED] to resolve a State complaint between the SEA and a party other than a parent is controlled by State procedures.) We hope this information clarifies the regulations regarding the time limits for resolving State complaints.

400 MARYLAND AVE., S.W., WASHINGTON, D.C. 20202
www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

We regret any inconvenience the delay in resolving your issues has caused.

Sincerely,

/s/

William W. Knudsen
Acting Director
Office of Special Education Programs

cc: [REDACTED]