



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

APR - 3 1998

Mr. Philip A. Drumheiser  
Advocate for Children with  
DisAbilities  
2202 Circle Road  
Carlisle, Pennsylvania 17013

Dear Mr. Drumheiser:

This is in response to your October 9th, 1997 letter to Ms. Judith Gregorian of the Office of Special Education Programs (OSEP). In your letter, you enclosed a copy of the Special Education Due Process Appeals Review Panel Opinion dated September 10, 1997. That decision affirmed the hearing officer's decision, which concluded that a family did not have the right to withdraw a request for a due process hearing. In your letter, you requested that this Office review and comment on the panel's conclusion.

Your request concerns a matter that previously was the subject of decisions in a due process hearing and a review panel hearing, rendered in accordance with Part B of the Individuals with Disabilities Education Act (Part B). Part B specifies that a decision in a due process hearing or an appeals panel is final, unless a party aggrieved by the decision brings a civil action in an appropriate State or Federal court. 34 CFR §§300.509-300.511. Therefore, since there is nothing in Part B that gives the Department jurisdiction to review a due process hearing decision or the decision of an appeals board panel, this Office must decline your request.

We regret that we are unable to assist you in this matter, and hope that you are able to obtain what you believe are appropriate educational services for this student.

Sincerely,

Thomas Hehir  
Director  
Office of Special Education  
Programs

cc: Dr. William W. Penn  
Pennsylvania Department  
of Education