



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

MAR 11 1999

Dear

This letter is in further response to your request for Secretarial review of the Minnesota Department of Children, Families, and Learning (MDCFL) decision regarding a complaint that You filed on behalf of \_\_\_\_\_ against the \_\_\_\_\_ . MDCFL issued its letter of findings on \_\_\_\_\_ . Copies of the requisite documents and your request for Secretarial review were received on \_\_\_\_\_ .

The regulations for Part B of the Individuals with Disabilities Education Act (Part B) require that each State educational agency (SEA) adopt procedures for resolving complaints, including the right of the complainant or the public agency that is the subject of the complaint to request the Secretary to review the SEAs final decision on the complaint. So 34 CFR §§300.660-300.662.

You and \_\_\_\_\_ have confirmed that a due process hearing has been scheduled on \_\_\_\_\_ to address issues that are identical to those raised in your request for Secretarial review. We have also received a letter from MDCFL addressed to you, dated \_\_\_\_\_ which indicates that your active complaint is held in abeyance until the due process hearing is completed. Based upon this information, we have decided to deny your request for Secretarial review. Our decision is primarily based on the fact that there is a pending active complaint and a due process hearing on the same issues.

Under the Department's guidelines for resolving State-level complaints and for Secretarial review, the State is acting properly by holding your complaint in abeyance pending the outcome of the hearing. In addition, the guidelines permit the State to resolve your complaint by deferring to a due process hearing decision that addresses the issues raised in your complaint. However, after a decision is rendered, the State would be obligated to resolve any and all complaint issues not addressed by the due process hearing decision. At that time, should you be dissatisfied with the decision rendered by the State on your complaint through its complaint management procedures, our decision does not preclude you from requesting a Secretarial review by writing to us at the following address:

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Suzy Roan Singleton  
Monitoring and State Improvement Planning  
Office of Special Education and  
Rehabilitative Services  
Mary E. Switzer Building  
330 C Street, SW  
Washington, D.C. 20202-2722.

If there are further questions or concerns, please contact Suzy Roan Singleton of my staff who is the State contact person for the State of Minnesota, at (800) 877-8339 ext. 202-260-3180.

We appreciate the efforts you have made to obtain appropriate educational services for Michael and Thomas, and we wish you every success in obtaining a favorable resolution for their schooling and beyond.

Sincerely

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir  
Director  
Office of Special Education  
Programs

cc: Dr. Lombard, MDCFL