



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR -6 1998

Dear

This letter is in response to letters of September 9, September 18 and October 6, 1997 and the documentation you sent in support of these letters regarding the problems you have experienced with \_\_\_\_\_ Regional School District and the legal challenges you have initiated regarding educational services for your \_\_\_\_\_. Your letters have been referred to the Office of Special Education Programs (OSEP) for response.

Part B of the Individuals with Disabilities Education Act (Part B) is the Federal law that authorizes financial assistance to States, and through them to local school districts, to assist in meeting the special educational needs of eligible children with specified disabilities. Under Part B, the Massachusetts Department of Education (MASSDE) is responsible for ensuring that the requirements of Part B are carried out.

The documentation you submitted and your telephone conversations with Dr. Ken Kienas of my staff, outline a history of administrative and court actions that have occurred since you filed a request for a due process hearing on February 20, 1995. The due process provisions of Part B are specifically designed to provide parents with an independent forum for resolving disagreements with a public agency. Decisions made in a due process hearing are final unless a party to the hearing appeals the hearing officer's decision. See 34 CFR §300.509. The Department does not have jurisdiction over decisions reached in a due process hearing or subsequent court action. Therefore, the Department cannot grant any relief for the issues raised in that forum.

In addition, if you believe that there were violations of Part B that were not raised in your administrative and court actions,

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you may file a complaint with MASSDE. Under the current Part B regulations, MASSDE must investigate and resolve any complaint it receives within 60 calendar days, in accordance with the complaint provisions applicable to Part B at §§300.660-300.662. Once MASSDE has issued you a written decision on the complaint, you have the right to request the Secretary of Education to review MASSDE's decision.

I hope this information is helpful, and I wish your every success in her schooling and beyond.

Sincerely,

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

Thomas Hehir  
Director  
Office of Special Education  
Programs

cc: Ms. Marcia Mitnacht  
Massachusetts Department of  
Education