



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

NOV 19 2002

Perry A. Zirkel
University Professor of Education and Law
Lehigh University
Department of Education and Human Services
College of Education
Mountaintop Campus
1111 Research Drive
Bethlehem, PA 18015-4794

Dear Dr. Zirkel:

Thank for your letter regarding interlocutory appeals in two-tier states. I apologize for the delay in responding to your question. Neither the Individuals with Disabilities Education Act (IDEA) nor the regulations implemented pursuant to this Act address interlocutory appeals. Therefore, whether or not interlocutory appeals are allowed is a State decision. However, the State needs to ensure that the timeline provisions of 34 CFR §300.512 are met, even if there is an interlocutory appeal.

If you need further assistance, please contact Dr. JoLeta Reynolds of my office at (202) 205-5507.

Sincerely,

for Stephanie S. Lee
Director
Office of Special Education Programs