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Q & A: May a Complaint Decision be Appealed?

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to provide technical assistance to questions raised about the available alternatives if a party to a complaint disagrees with a final decision.

Question 1: If a party to a complaint disagrees with the final decision, may the final decision be appealed?

Answer: The person who filed the complaint (usually a parent) or the school district can appeal a final complaint decision to the Minnesota Court of appeals within 60 days of the date of the final decision.
Minn. Stat. §§ 480.06, subd. 3, Minn. Stat. § 606.01; *See* In re Haymes, 444 N.W.2d 257, 259 (Minn.1989) (citing common law right to judicial review of an agency's decision when corresponding statute is silent).

Question 2: Can a party to a complaint raise issues that were decided in a complaint as part of a due process hearing?

The person who filed the complaint (usually a parent) or the school district may also have the right to a due process hearing before a hearing officer appointed by the Minnesota Department of Education (MDE) when there is a disagreement over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of Free Appropriate Public Education (FAPE) to a child with a disability. A due process hearing may be requested even if a complaint decision was issued on the same concerns. The parties may be prohibited from a hearing on claims the hearing officer determines are past the statute of limitations.

The hearing will be conducted by an impartial hearing officer in the district responsible for ensuring a FAPE for the child. Parties have the right to be accompanied by a lawyer and individuals with special knowledge or training with respect to the problems of children with disabilities.

If a hearing officer finds that a student has been denied a FAPE, the hearing officer may require the district to do any number of things designed to put the student in the place

the student would have been if the denial of FAPE had not occurred. This includes, but is not limited to: changes in the IEP, compensatory education and services, and reimbursement or future payment for services not provided by the school district. A parent may seek to have the cost of their lawyer reimbursed by the district by filing a claim in federal district court. The court may award attorneys' fees if the court determines the parents prevailed at the due process hearing.
34 C.F.R. §§ 300.152, 300.507, 300.530-532; Minn. Stat. § 125A.09.

For more information about hearings, including what to include in a hearing request, contact MDE at 651-582-8571.

Authority: Minn. Stat. §§ 480.06, subd. 3, Minn. Stat. § 606.01; *See* In re Haymes, 444 N.W.2d 257, 259 (Minn.1989) (citing common law right to judicial review of an agency's decision when corresponding statute is silent); 34 C.F.R. §§ 300.152, 300.507, 300.530-532; Minn. Stat. § 125A.09.