August 18, 2009

**Q & A: Extension of the 60-day Time Limit of Special Education Complaints**

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding extension of the 60-day time limit of special education complaints.

Question 1: If a parent and a school district request mediation in an attempt to resolve the issues brought forth by the parent in the letter of complaint, how does this affect the complaint investigation and issuance of MDE's final written decision?

Answer: Normally, MDE must complete its investigation and issue its final written decision within 60 days after receiving the parent's letter of complaint.

Authority: 34 C.F.R. § 300.152(a).

MDE must permit an extension of the 60-day time limit if the parent and the school district involved agree to extend the time limit to engage in mediation, or to engage in other alternative means of dispute resolution, if available.

Authority: 34 C.F.R. § 300.152(b)(1)(ii).

Therefore, if the parent and the involved school district do not agree to extend the 60-day time limit while they engage in mediation, MDE must complete its investigation and issue its final written decision within the 60-day time limit.

Question #2: In what other circumstances must MDE permit an extension of the 60-day time limit?

Answer: If exceptional circumstances exist with respect to a particular complaint, MDE must permit an extension of the 60-day time limit.

Authority: 34 C.F.R. § 300.152(b)(1)(i).