



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

Dated February 26, 2003

Mr. Dennis Kane  
Director of Special Education  
Vermont Department of Education  
120 State Street  
Montpelier, Vermont 05620

Dear Mr. Kane:

The Office of Special Education Programs (OSEP) received the enclosed complaint from \_\_\_\_\_ of \_\_\_\_\_ Vermont. OSEP responded to \_\_\_\_\_ letter by stating that many of his claims did not raise Individuals with Disabilities Education Act (IDEA) compliance issues (copy enclosed). Therefore, OSEP closed this matter with regard to those issues.

However, we are forwarding several issues from \_\_\_\_\_ May 7, 2002 letter to the State for review pursuant to its State complaint procedures under 34 CFR §§ 300.660 – 300.662. The specific issues which the State must address in its review are: (1) whether there is an individualized education program (IEP) in place for \_\_\_\_\_ (2) whether the public agency took steps to ensure that \_\_\_\_\_ was present at, or was afforded the opportunity to participate in, each IEP meeting for \_\_\_\_\_ in accordance with 34 CFR §300.345(a); and (3) whether the placement decisions for \_\_\_\_\_ were made by people knowledgeable about the evaluation data and the placement options.

Please resolve this complaint in accordance with the complaint requirements in the regulations applicable to Part B of the Individuals with Disabilities Education Act at 34 CFR §§300.660-300.662. Consistent with these regulations, your agency, among other duties, must do the following within 60 calendar days of receiving this complaint:

Conduct an independent on-site investigation if your agency determines such an investigation is necessary;

Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B; and

Issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact, conclusions, and the reasons for your agency's final decision.

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Please send your agency's final decision to \_\_\_\_\_ and a copy to:

Ms. Jill Harris  
U.S. Department of Education  
Office of Special Education Programs  
Room 3618, Switzer Building  
400 Maryland Avenue, SW  
Washington, D.C. 20202-2640

Thank you in advance for your attention to this matter. If you have questions or concerns, you can contact Ms. Harris at (202) 205-9583.

Sincerely,

 for

Stephanie S. Lee  
Director  
Office of Special Education Programs

Enclosures

cc: Geoffrey A. Yudien