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

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r- David Anderson
General Counsel
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701

Dear Mr. Anderson:

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This is in response to your March 22, 20 I 0 letter to me seeking guidance on whether State educational agencies (SEAs) may dismiss claims raised in a State complaint that were released in a previous settlement agreement resulting from mediation or a resolution session. Specifically, you describe a situation where a local educational agency (LEA) sought the dismissal of a State complaint on the basis that a previous mediation settlement agreement released the LEA from all claims related to the student's education that mayor may not have accrued on or before the effective date ofthe agreement. You ask whether the State is obligated to recognize the release and dismiss the matter just as a court would.

The Individuals with Disabilities Education Act (IDEA or Act) includes various means for a parent of a child with disabilities to resolve a dispute with an LEA relating to the identification, evaluation, or educational placement of, or the provision of a free appropriate public education to, that child. Generally, the options available to parents

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In the situation you describe, the LEA is seeking to have the State complaint dismissed based on an existing settlement agreement reached through mediation between the LEA and the parents. You do not address whether the allegations in the State complaint are specific to the child or are broader. To the extent that the State complaint only alleges violations specific to the child who is the subject ofthe settlement agreement, as with a due process hearing decision, the State may determine that the settlement agreement is binding on these parties as to one or more issues in the complaint and inform the complainant