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November 9, 2000

Mr. Alan E. Duncan
840 Ardmoor Dr.
Bloomfield Hills, MI 48301

Re: *Alex Duncan*

Dear Mr. Duncan:

In a memo dated November 6, 2000 directed to Dr. Hoeffler and Mr. Koneval you have requested a special education due process hearing on behalf of your son, Alex. Please be advised that under Rule 24 of the Michigan Revised Administrative Rules for special education, a parent has the right to request a due process hearing only in connection with the matters described in R 340.1723a(1)(a) and (b). This portion of the Rule provides:

Rule 23a.(1) Written notice that meets the requirements of R 340.1723b shall be given to the parents of a person who is disabled or who is suspected to be disabled 10 calendar days before the public agency does either of the following:

(a) Proposes to initiate or change the identification, evaluation, special education program, educational placement of the person, or the provision of special education programs and services designed to develop the maximum potential of the person who is disabled.

(b) Refuses to initiate or change the identification, evaluation, special education program, educational placement of the person, or the provision of special education programs and services designed to develop the maximum potential of the person who is disabled.

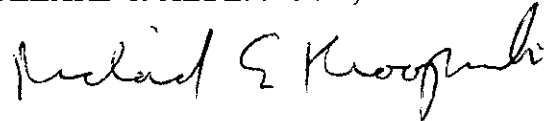
As set forth in my letter dated November 2, 2000 to Dr. Hoeffler, which I understand has been forwarded to you, your request is barred by the finality of the decisions of Mr. Wawrzaszek and Dr. Sosnowsky. Moreover, the subject matter is not within the contemplation of the above-

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mentioned administrative rules. For these reasons, the Birmingham Public Schools will not agree to your request for a special education due process hearing.

Very truly yours,

POLLARD & ALBERTSON, P.C.

A handwritten signature in black ink, appearing to read "Richard E. Kroopnick". The signature is written in a cursive style with a large, stylized initial "R".

Richard E. Kroopnick

REK/kbj

cc: Birmingham Public Schools
70042