**Revised Q&A For the Problem Resolution System Office Procedures Guide Pertaining to BSEA “Set-aside”**

**May the Problem Resolution System Office respond to a state complaint at the same time that the problem is the subject of a proceeding at the Bureau of Special Education Appeals (BSEA)?**

**It depends.**

If your issue is subject of a **mediation** being conducted by the BSEA, PRS will ask both parties if they wish to consent to an extension of the timelines for resolution of the state complaint to allow the mediation process to proceed. 34 CFR § 300.152(b)(1)(ii). If both parties agree, PRS will extend the timeline for resolution of the state complaint until the conclusion of the mediation. After mediation, PRS will reopen the state complaint to address any issues that were not addressed in mediation. If either of the parties do NOT agree to extend the timeline for resolution of the state complaint during mediation, PRS will proceed to investigate the allegations in the state complaint and will make findings on issues within 60 days of when the complaint was filed with PRS.

If issues in your state complaint are also the subject of a **due process hearing**, then PRS is *required* by federal education law to “set aside” those parts of your complaint that are also part of your hearing at BSEA until there is a decision on the hearing. 34 CFR § 300.152(c)(1). All findings made by the BSEA hearing officer, however, cannot be appealed to PRS.

In order for PRS to resume work on your state complaint when your involvement with the BSEA is complete, certain information regarding your case will be shared between the two agencies, including case number, school district, and your child’s name.