

DEPARTMENT OF EDUCATION**List of Correspondence—Office of Special Education and Rehabilitative Services**

AGENCY: Department of Education.

ACTION: List of Correspondence from April 1, 1998 through June 30, 1998.

SUMMARY: The Secretary is publishing the following list pursuant to section 607(d) of the Individuals with Disabilities Education Act (IDEA). Under section 607(d) of IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of IDEA or the regulations that implement IDEA.

FOR FURTHER INFORMATION CONTACT: JoLeta Reynolds or Rhonda Weiss. Telephone: (202) 205-5507. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205-5465 or the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday, except Federal holidays.

Individuals with disabilities may obtain a copy of this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to Katie Mincey, Director of the Alternate Formats Center. Telephone: (202) 205-8113.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued between April 1, 1998 and June 30, 1998.

Included on the list are those letters that contain interpretations of the requirements of IDEA and its implementing regulations, as well as letters that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date and topic addressed by a letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been deleted, as appropriate.

Part A—General Provisions*Section 602—Definitions*

Topic Addressed: Use and Transfer of Ownership of Equipment

- Letter Dated June 21, 1998 to Susan Goodman, Esq., Assistive Technology Funding and Systems Change Project, Washington, DC, regarding transfer of

ownership of equipment purchased with Part B funds to a State vocational rehabilitation agency for use by an individual transitioning to and participating in a State vocational rehabilitation services program funded under Title I of the Rehabilitation Act of 1973, as amended.

Part B—Assistance for Education of All Children With Disabilities*Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations**Section 619—Preschool Grants*

Topic Addressed: Distribution of IDEA State Grant Funds

- OSEP Memorandum 98-10 dated May 29, 1998, to State Directors of Special Education, regarding State Awards, Set-Aside Amounts, and Flow-Through Funds for LEAs.

Section 612—State Eligibility

Topic Addressed: Free Appropriate Public Education for Eligible Youth with Disabilities Incarcerated in Adult Prisons

- Letter delivered May 15, 1998 to U.S. Congressman Frank E. Riggs, regarding the importance of providing educational services to disabled youths incarcerated in adult prisons and the flexibility afforded States in meeting this statutory requirement.

Topic Addressed: Least Restrictive Environment

- Letter dated June 26, 1998 to U.S. Congressman Wayne Gilchrest, regarding a State's continued ability under the IDEA Amendments of 1997 to place a disabled student at a costly, intensive private school, if that placement is determined necessary for that student to receive FAPE.

Topic Addressed: General Supervision

- Letter dated May 7, 1998 to Patricia A. Hertzler, Esq., Port Royal, Pennsylvania, regarding a public agency's responsibility to maintain, for three years, records demonstrating that all eligible children with disabilities are provided FAPE, consistent with their IEPs.

- Letter dated June 22, 1998 to Donna Hutcheson, Funding Advocate, Illinois Assistive Technology Project, regarding the responsibilities of State Educational Agencies in ensuring the provision of assistive technology devices and services to children with disabilities.

Topic Addressed: Interagency Coordination

- Letter dated April 30, 1998 to U.S. Senator Christopher J. Dodd, regarding interagency financing of costly programs designed by school districts for students whose disabilities have behavioral components.

Topic Addressed: Personnel Standards

- Letter dated May 14, 1998, to Linda J. Garvin, Pediatric Registered Nurse/Advocate, Oceanside, California, regarding State standards under Part B for private providers of special education services.

Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Topic Addressed: Individualized Education Programs

- OSEP Memorandum 98-8 to Chief State School Officers and Directors of Special Education, and letter dated May 27, 1998 to individual (personally identifiable information redacted), regarding effective date of new IEP requirements.
- Letter dated April 29, 1998 to Linda Garvin, Educational Advocate/FEAT, Oceanside, California, regarding presence of non-attorney advocates at an IEP meeting.

Section 615—Procedural Safeguards

- Topic Addressed: Finality of Hearing Decisions
- Letter dated April 3, 1998 to Philip A. Drumheiser, Advocate for Children with Disabilities, of Carlisle, Pennsylvania, regarding Department's lack of jurisdiction under Part B to review a decision in a due process hearing or a decision from a due process hearing appealed to the State educational agency.

Topic Addressed: Student Discipline

- Letter dated May 27, 1998 to individual, (personally identifiable information redacted), and letter dated June 16, 1998 to individual, (personally identifiable information redacted), regarding the requirements of IDEA Amendments of 1997 that are applicable to students whose disabilities have behavioral components and the importance of using positive behavioral interventions and supports.
- Letter dated June 26, 1998 to individual, (personally identifiable information redacted), regarding options available to school authorities in disciplining students with disabilities.

Part C—Infants and Toddlers With Disabilities (Previously Part H)*Sections 631–641*

Topic Addressed: Period of Obligation of Federal Education Funds

- Letter dated May 19, 1998 to Howard A. Peters III, Secretary, Illinois Department of Human Services, regarding the Department's lack of authority to grant a State's request for an extension of the period of obligation of any Federal grant funds.

Section 636—Individualized Family Service Plan

Topic Addressed: Natural Environments

- Letter dated April 27, 1998 to individual, (personally identifiable information redacted), regarding a State's responsibility to ensure the provision of early intervention services in natural environments, to the maximum extent appropriate to the needs of the child, and the Individualized Family Service Plan Team's responsibility to determine the

location in which those services are provided.

Part D—National Activities To Improve Education of Children With Disabilities*Section 673—Personnel Preparation*

Topic Addressed: Professional Development

- Letter dated April 3, 1998 to Dr. David L. Porretta, President, National Consortium for Physical Education and Recreation for Individuals with Disabilities, regarding priorities for professional development programs for adapted physical educators.

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Note: The official version of a document is the document published in the **Federal Register**.

(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: October 14, 1998.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

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