

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

AGENCY: Department of Education.

ACTION: List of Correspondence from July 1, 1998 through September 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 8:00 a.m. and 8:00 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, audiotope, 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 July 1, 1998 and September 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: Other Health Impairments

- Letter dated August 19, 1998 to Mr. Robert Sterner, Parents' Place of

Maryland, Inc., regarding eligibility of children with multiple chemical sensitivity under the "other health impairment" category.

Section 607—Requirements for Prescribing Regulations

Topic Addressed: Applicable Regulations

- Memorandum dated July 1, 1998 to Chief State School Officers and State Directors of Special Education and Memorandum dated July 1, 1998 to Directors of Parent Training Institutes, regarding which regulations apply until final regulations are published.

Part B—Assistance for Education of All Children With Disabilities*Section 612—State Eligibility*

Topic Addressed: Free Appropriate Public Education

- Letter dated August 21, 1998 to Kristin M. Reedy, Barre City Supervisory Union, regarding the responsibility of the State and its public agencies to ensure the provision of a free appropriate public education to a student with a disability placed by a State agency.

- Letter dated September 16, 1998 to Dr. Ellenmorris Tiegerman, School for Language and Communication Development, regarding when a State is responsible for paying tuition costs for integrated placements for preschool-aged children with disabilities.

Topic Addressed: Last Restrictive Environment

- Letter dated September 3, 1998 to Rodney J. Trahan, Member of Acadia Parish School Board, regarding distinctions between the term inclusion and the least restrictive environment provision in the Individuals with Disabilities Education Act Amendments of 1997.

Topic Addressed: Children in Private Schools

- Letter dated August 26, 1998 to U.S. Congressman Steven R. Rothman, regarding the requirements of the Individuals with Disabilities Education Act Amendments of 1997 that govern the participation of children with disabilities placed in private schools by their parents in programs assisted or carried out under Part B of the Act.

Topic Addressed: State Advisory Panel

- Letter dated September 29, 1998 to U.S. Congressman Stephen Horn, regarding absence of Federal requirements for membership on local advisory boards.

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

Topic Addressed: Individualized Education Programs

- Letter dated September 29, 1998 to Leslie A. Collins, Esq., Pennsylvania State Education Association, regarding who may serve as the local educational agency representative on the Individualized Education Program Team.
- Letter dated September 29, 1998 to U.S. Congressman Jerry Kleczka, regarding the role of the Individualized Education Program Team in determining whether a child with disabilities who has not achieved the goals in his or her IEP receives extended school year services.

Section 615—Procedural Safeguards

Topic Addressed: Finality of Hearing Decisions

- Letter dated September 18, 1998 to Gene Lenz, Texas Education Agency, regarding timely implementation of final hearing decisions.
- Letter dated August 13, 1998, to Ms. Candy Von Ruden, Special Education Advocates of Nevada, regarding Federal requirements for reporting of final hearing decisions.

Topic Addressed: Independent Educational Evaluation

- Letter dated August 14, 1998, to Mr. Robert W. Runkel, Montana Office of Public Instruction, and letter dated August 14, 1998, to individual, (personally identifiable information redacted), regarding a public agency's responsibility to respond to a request for an independent educational evaluation at public expense within a reasonable period of time.

Topic Addressed: Student Discipline

- Letter dated July 2, 1998 to Dr. Gus G. Spiropoulos, Camas County School District, and letter dated July 10, 1998 to individual, (personally identifiable information redacted), regarding the provision of continued educational services to properly suspended or expelled disabled students.
- Letter dated August 13, 1998 to Jim Surratt, Wake County Public School System, regarding procedures governing placements for students with disabilities who potentially threaten school safety.
- Letter dated August 20, 1998 to U.S. Congressman Roscoe G. Bartlett, regarding options available to school authorities in disciplining students with disabilities.

- Letter dated September 10, 1998 to Sue Gamm, Chicago Public Schools, regarding an expedited hearing.

- Letter dated September 29, 1998 to Dr. Linda B. Eldridge and Ms. Peggy Trivelas, Aiken County Public Schools, regarding conditions that apply to the use of multiple suspensions of students with disabilities in the same school year.

Section 619—Preschool Grants

Topic Addressed: Distribution of Preschool Grants Funds

- Letter dated September 16, 1998 to Dr. Martha Fields, National Association of State Directors of Special Education, Inc., regarding allocations of preschool grants funds to local educational agencies.

Part C—Infants and Toddlers With Disabilities [previously PART H]

Sections 631–641

Topic Addressed: State Allocation Formula

- Letter dated July 27, 1998 to Dr. Howard K. Koh, Massachusetts Department of Public Health, regarding population basis for calculating State allocations of Part C funds.

Topic Addressed: Implementation of a System of Payments

- Letter dated June 5, 1998 to Dr. James T. Howell, Secretary, Florida Department of Health, regarding imposition of a system of payments in a State that uses Part B funds to pay for early intervention services for infants and toddlers with disabilities.

Section 636—Individualized Family Service Plan

Topic Addressed: Natural Environments

- Letter dated July 17, 1998 to Ms. Mary Elder, Texas Interagency Council on Early Childhood Intervention, regarding use of Part C and State funds to provide early intervention services to a child with a disability in a setting which has been determined by the child's Individualized Family Service Team not to be the child's natural environment.

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

Dated: February 4, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

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

[FR Doc. 99-3194 Filed 2-9-99; 8:45 am]

BILLING CODE 4000-01-P