

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

**AGENCY:** Department of Education.

**ACTION:** List of Correspondence from June 4, 1997 through September 30, 1997.

**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 this Act or the regulations implemented pursuant to this Act."

**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 June 4, 1997, the effective date of the Individuals with Disabilities Education Act Amendments of 1997, Public Law 105-17 (IDEA Amendments of 1997), and September 30, 1997.

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: Educating Children With Particular Disabilities

- Letter dated July 15, 1997 to an individual, (personally identifiable information redacted), regarding students with deafness and hearing impairments.
- Letter dated July 21, 1997 to an individual, (personally identifiable information redacted), regarding requirements for evaluating students suspected of having Attention Deficit Disorder (ADD) and for serving eligible students with ADD.
- Letter dated September 23, 1997 to an individual, (personally identifiable information redacted), regarding a student who has cancer and has been unable to attend school.

*Section 607 Requirements For Prescribing Regulations*

Topic Addressed: Scope of Department's Responsibility To Disseminate Reports Developed Pursuant to Section 607(d) of IDEA

- Letter dated August 12, 1997 to Jed Oliver, Austin, Texas.

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

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

- Letter dated June 30, 1997 to Thomas M. Maddock, California Department of Corrections.
- Letter dated September 4, 1997 to State of California Governor Pete Wilson, regarding responsibilities of all States to serve this population.
- Letter dated September 12, 1997 to Mr. Jack E. Shook, Illinois State Board of Education, concerning a State's responsibility to resolve a complaint filed under Part B of IDEA on behalf of an incarcerated youth with a disability.

Topic Addressed: Interagency Coordination and Role of State Medicaid Agency: Confidentiality Rights

- Letter dated July 22, 1997 to John T. Benson, Superintendent, Wisconsin Department of Public Instruction.

Topic Addressed: Personnel Standards

- Letter dated June 9, 1997 to Mr. Joseph Fisher, Assistant Commissioner, Tennessee Department of Education, regarding the applicability of the public participation provisions of IDEA-97 to a

proposal that modifies information contained in a prior year's Part B State plan.

- Letter dated August 18, 1997 to Kimberly K. McClanahan, Austin, Texas, regarding State licensure for school psychologists.

Topic Addressed: Participation of Children With Disabilities in State and District-Wide Assessments

- Dear Colleague letter dated September 29, 1997, from Judith E. Heumann, Assistant Secretary for the Office of Special Education and Rehabilitative Services, and Norma V. Cantu, Assistant Secretary for the Office for Civil Rights.

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

Topic Addressed: Evaluations

- Letter dated September 9, 1997 to Dr. Dennis Clarkson, East Helena, Montana, regarding criteria for administration of standardized tests.

*Section 615 Procedural Safeguards*

Topic Addressed: Independent Educational Evaluations

- Letter dated September 9, 1997 to Jerri Katzerman and Kathleen Ross, Phoenix, Arizona, regarding disclosure to school district of the results of an independent educational evaluation without parental consent.

Topic Addressed: Authority of Due Process Hearing Officers and State-Level Review Officers

- Letter dated June 11, 1997 to Mike Armstrong, Director, Division of Exceptional Children's Services, Kentucky Department of Education, regarding the authority of due process hearing officers and State-level review officers to impose financial penalties and sanctions, to issue an order against the State educational agency (SEA) even if the SEA is not a party to the hearing, and to determine what placement constitutes a child's current educational placement when agreement cannot be reached.

- Letter dated June 11, 1997 to Mr. Richard Steinke, former Director of Special Education, Maryland Department of Education, and

- Letter dated June 11, 1997 to an individual (personally identifiable information redacted), regarding the authority of due process hearing officers to compel the attendance of witnesses.

## Topic Addressed: Pendency Placement

- Letter dated July 1, 1997 to Mr. Howard Klebanoff, Fairfield, Connecticut, regarding whether a school district is required to maintain a placement developed for a two-year-old child with a disability under the Part H program during the pendency of a due process hearing conducted under Part B of IDEA.

## Topic Addressed: Suspensions of up To Ten School Days

- Letter dated July 15, 1997 to U.S. Congressman Robert C. Scott and Letter dated September 4, 1997 to U.S. Senator William Frist.

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

Dated: April 28, 1998.

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

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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