

Section 612—State Eligibility.

Topic Addressed: Confidentiality of Education Records

- Letter dated February 14, 2003 to Bergen County, New Jersey Freeholder Louis A. Tedesco, clarifying that rights under the confidentiality provisions of the Family Educational Rights and Privacy Act (FERPA) and the IDEA vest with the parent or eligible student and that FERPA does not provide for these rights to be vested in a third party that has not suffered an alleged violation.

Topic Addressed: Procedural Safeguards

- Letter dated February 26, 2003 to Vermont Director of Special Education Dennis Kane, regarding issues the State needs to review and resolve pursuant to State complaint procedures and the complaint requirements in the part B regulations at 34 CFR 300.660–300.662.

- Letter dated March 6, 2003 to individual, (personally identifiable information redacted), regarding the change in the Part B regulations that removed the Secretarial review process under the State complaint procedures effective May 11, 1999.

Topic Addressed: State Education Agency General Supervisory Authority

- Letter dated March 24, 2003 to Connecticut Commissioner of Education Theodore S. Sergi, regarding the State's due process hearing procedures and compliance with the Special Conditions on its Federal fiscal year 2002 grant award under Part B.

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

Topic Addressed: Evaluations and Reevaluations

- Letter dated March 20, 2003 to Vermont Department of Education Legal Counsel Geoffrey A. Yudien, clarifying (1) that a school district may not override parental consent for the initial provision of special education and related services, (2) that a school district is not required to obtain separate parental consent for additional services that the individualized education programs team deems necessary or for a continuation of services after the parent has previously consented to the initial provision of services, and (3) that the protections under the IDEA, including the discipline procedures at 34 CFR 300.520–300.529, would not apply to children whose parents have refused consent for the initial provision of special education and related services.
- Letter dated February 11, 2003 to New Jersey Director of Special

Education Barbara Gantwerk, clarifying (1) the ways in which school districts can document efforts to obtain parental consent for the initial provision of special education and related services and reevaluations, and (2) that school districts are not required to provide the Part B discipline protections to children who are not receiving special education because their parents have refused to consent.

Topic Addressed: Individualized Education Programs

- Letter dated February 4, 2003 to West Virginia Advocate Susan Given, regarding factors that States may use in determining when extended school year services are appropriate under Part B.

Section 615—Procedural Safeguards

Topic Addressed: Independent Educational Evaluations

- Letter dated March 20, 2003 to Arkansas Volunteer Educational Advocate David Young, clarifying that a school district's practice of maintaining and requiring a parent to use a list of qualified independent educational evaluation (IEE) examiners is not inconsistent with the parent's right to an IEE.

Topic Addressed: Surrogate Parents

- Letter dated March 11, 2003 to Vermont Department of Education Legal Counsel Geoffrey A. Yudien, regarding the authority of the State and the role of the surrogate parent in making educational decisions for children with disabilities placed in State custody.

Part C*Infants and Toddlers With Disabilities**Section 636—Individualized Family Service Plan*

Topic Addressed: Early Intervention Services

- Letter dated March 25, 2003 to Connecticut Birth to Three System Director Linda Goodman, regarding whether assistive technology can be provided under Part C.
- Letter dated March 13, 2003 to South Carolina Part C Coordinator David K. Steele, clarifying that although the provision of respite or other care arrangements may be necessary for some families to participate in appropriate early intervention activities, the term "respite" is not intended to serve as child-care or "baby-sitting" assistance in ordinary circumstances.

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

Dated: June 18, 2003.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

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DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER03–769–000]

American PowerNet Management, LP; Notice of Issuance of Order

June 16, 2003.

American PowerNet Management, LP (APN) filed an application for market-based rate authority, with an accompanying tariff. The proposed tariff provides for the sale of capacity and energy at market-based rates. APN is a limited partnership located in Pennsylvania that intends to engage in the wholesale trading of electricity. APN also requested waiver of various Commission regulations. In particular, APN requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by APN.

On June 6, 2003, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by APN should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426,