

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 the IDEA or the regulations that implement the IDEA.

FOR FURTHER INFORMATION CONTACT: Melisande Lee or JoLeta Reynolds. Telephone: (202) 205-5507 (press 3).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact persons listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from April 1, 2003 through June 30, 2003 with the exception of two letters, one dated March 17, 2003, which was inadvertently omitted from the 1st Quarter list, and one dated August 1, 2003, which relates to the subject matter of the March 17, 2003 letter.

Included on the list are those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents 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: Child With a Disability

- Letter dated June 30, 2003 to individual (personally identifiable information redacted), clarifying that although neither the IDEA nor its implementing regulations require that students who are deaf or hard of hearing be assessed to determine their American Sign Language (ASL) skills or proficiency, the individualized education program (IEP) may specify that certain assessment methods be used

to assess the student's proficiency in ASL.

Section 603—Office of special education programs

Topic Addressed: Responsibilities of the Office of Special Education Programs

- Letter dated April 16, 2003 to the National Council on Disability General Counsel Jeff Rosen, regarding the efforts of the Office of Special Education Programs (OSEP) to focus its monitoring system on better outcomes for infants, toddlers, children and youth with disabilities and their families.

- OSEP memorandum 03-5 dated April 8, 2003 to Chief State School Officers and Lead Agency Directors, regarding OSEP's implementation of the Continuous Improvement and Focused Monitoring System to target resources on those performance issues most closely related to improved results for children with disabilities and to those States most in need of improvement on those performance issues.

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: Allocation of Grants

- OSEP memorandum 03-7 dated April 15, 2003 to State Directors of Special Education, regarding calculating State grants and the determination of the age cohort for which each State ensures the availability of a free appropriate public education (FAPE).

Section 612—State Eligibility

Topic Addressed: Free Appropriate Public Education

- Letter dated June 27, 2003 to individual (personally identifiable information redacted), clarifying whether Federal funds provided under the IDEA can be used to pay tuition at public or private State-approved special education programs designed to offer parents alternate State-approved school placement options.

Topic Addressed: Least Restrictive Environment

- Letter dated June 26, 2003 to Maryland Disability Law Center Managing Attorney Leslie S. Margolis, clarifying that OSEP does not intervene in State decisions regarding construction of new schools and that there are no statutory or regulatory provisions which require a State to take certain steps before concluding there is

no viable alternative to construction of a new separate facility.

Topic Addressed: State Educational Agency General Supervisory Authority

- Letter dated June 25, 2003 to individual (personally identifiable information redacted), clarifying the State Educational Agency's general supervisory responsibilities and explaining that the IDEA and its implementing regulations do not (1) specify the manner or method in which a State educational agency (SEA) must conduct an independent onsite-investigation of a complaint or (2) require that students with disabilities attain particular graduation rates for a State to meet its obligations under the IDEA.

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

- Letter dated June 26, 2003 to individual (personally identifiable information redacted), regarding (a) participation by students placed in private schools or facilities in State and district-wide assessments and in alternate assessments; (b) the appropriate configuration and authority of the IEP team; (c) the provision of direct services by the SEA and remedies available under State complaint procedures; (d) the filing of a State complaint in an alternative format and the completeness of a complaint investigation; and (e) procedural safeguards for parents with disabilities.

- Letter dated April 10, 2003 to New York State Education Department Deputy Commissioner Lawrence Gloeckler, regarding a State's ability to (1) determine what accommodations in administration invalidate a test or a part thereof and (2) provide appropriate direction to school districts and IEP teams on issues including the design and constructs measured by various required tests, which accommodations and modifications in administration are valid, and which accommodations and modifications would invalidate the assessment or part of the assessment.

Section 613—Local Educational Agency Eligibility

Topic Addressed: Charter Schools

- Letter dated April 4, 2003 to Hawaii Department of Education Special Education Director Debra Farmer, clarifying the State's obligations, under its unitary school system and parental choice programs, to provide a FAPE to students with disabilities whose parents choose to place them in a charter school.