

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

Topic Addressed: Evaluations and Reevaluations

- Letter dated June 26, 2003 to Maryland Department of Education Assistant State Superintendent Carol Ann Baglin, clarifying that (1) the determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the parents and a team of qualified professionals and (2) it would not be inconsistent with the IDEA for a State to require that the child's parent be afforded the opportunity to provide a statement presenting his or her conclusion regarding the determination of eligibility.

- Letter dated April 10, 2003 to New York State Education Department Deputy Commissioner Lawrence Gloeckler, clarifying that (1) the IDEA statute and Part B regulations reflect the clear and unequivocal intent of Congress to support parents' rights to choose whether their children would be enrolled initially in special education and (2) an individual parent's refusal to consent to the initial provision of special education and related services relieves the State's obligation to provide FAPE to that child until the parent provides that consent.

Topic Addressed: Individualized Education Programs

- Letter dated June 4, 2003 to individual (personally identifiable information redacted), regarding the audio or video recording of IEP meetings.

- Letter dated April 2, 2003 to Sonja D. Kerr, Esq., clarifying that neither the IDEA nor the final regulations (1) address the "write-up" of the IEP (whether or not parents must be physically present when the IEP is written is a State issue) or (2) prohibit the parties from using an IEP developed during a conciliation conference or from making offers of settlement or submitting such settlement offers to a hearing officer or court.

*Section 615—Procedural Safeguards*

Topic Addressed: Manifestation Determination Review

- Letter dated August 1, 2003 to Vermont Department of Education Legal Counsel Geoffrey A. Yudien, clarifying that (1) nothing in the IDEA statute or regulations limits a manifestation determination review only to the

disability that served as the basis for the eligibility determination and (2) the ten-day timeline set forth in 34 CFR 300.523(a)(2) is not intended to preclude the IEP team from making an appropriate determination that additional evaluations must be completed in order to make a manifestation determination.

- Letter dated March 17, 2003 to New Hampshire Department of Education Consultant Terry Brune, clarifying that, while the IDEA statute and regulations do not address the issue of conducting more than one manifestation determination review for the same incidence of behavior, any new information regarding the incident could be used as a basis for an IEP meeting to reexamine the student's program and placement.

**Part C—Infants and Toddlers with Disabilities**

*Section 636—Individualized Family Service Plan*

Topic Addressed: Early Intervention Services

- Letter dated June 30, 2003 to individual (personally identifiable information redacted), clarifying that the regulations implementing Part C require that (1) written parental consent be obtained before conducting the initial evaluation and placement of a child and before initiating the provision of early intervention services and (2) there is no provision authorizing public agencies to use mediation or due process procedures to override a parent's refusal to consent to the initial provision of early intervention or special education and related services.

*Section 641—State Interagency Coordinating Council*

Topic Addressed: State Interagency Coordinating Council

- OSEP memorandum 03-6 dated April 15, 2003, regarding the requirements for submitting annual performance reports, and clarifying that a single report can be used to satisfy both the Education Department General Regulations and the Part C Interagency Coordinating Council reporting requirements.

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

Dated: September 16, 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. ER03-262-001, et al.]

**Order Announcing Commission Inquiry Into Midwest ISO-PJM RTO Issues**

Issued September 12, 2003

Before Commissioners: Pat Wood, III,  
Chairman; William L. Massey and Nora  
Mead Brownell.

In the matter of: ER03-262-001, ER03-262-004, ER03-262-005, ER03-262-007, EC98-40-000, ER98-2770-000, ER98-2786-000, EL02-65-006, EL02-65-000 *et al.*, RT01-88-016; The new PJM Companies: American Electric Power Service Corp.; On behalf of its operating companies: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company, Commonwealth Edison Company, and Commonwealth Edison Company of Indiana, Inc. The Dayton Power and Light Company, and PJM Interconnection, LLC, American Electric Power Company, Inc., and Central and South West Corporation, Ameren Services Company, Illinois Power Company.

1. In various proceedings and at a recent technical conference in Wilmington, Delaware,<sup>1</sup> several Midwest and Mid-Atlantic states have supported efforts by their utilities to increase regional coordination by joining regional transmission

<sup>1</sup> This regional technical conference was held on August 28, 2003. See Notice on ("continued") Technical Conference dated August 19, 2003, Remedying Undue Discrimination through Open Access Transmission Service and Standard Electricity Market Design, Docket No. RM01-12-000.