

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

**AGENCY:** Department of Education.

**ACTION:** List of Correspondence from January 1, 2010 through March 31, 2010.

**SUMMARY:** The Secretary is publishing the following list pursuant to section 607(f) of the Individuals with Disabilities Education Act (IDEA). Under section 607(f) of the IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the U.S. Department of Education (Department) received by individuals during the previous quarter that describes the interpretations of the Department of the IDEA or the regulations that implement the IDEA.

**FOR FURTHER INFORMATION CONTACT:** Laura Duos or Mary Louise Dirrigl. Telephone: (202) 245-7468.

If you use a telecommunications device for the deaf (TDD), you can call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of this notice in an accessible format (e.g., braille, large print, audiotope, or computer diskette) on request to the contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued from January 1, 2010 through March 31, 2010. 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 of and topic addressed by each 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 redacted, as appropriate.

**Part B—Assistance for Education of All Children With Disabilities***Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations*

Topic Addressed: State Level Activities

○ Letter dated January 7, 2010 to Arizona Department of Education

Deputy Associate Superintendent for Exceptional Student Services Collette E. Chapman, about (1) a State's billing for indirect costs for IDEA American Recovery and Reinvestment Act of 2009 (ARRA) funds retained at the State level and (2) adjustments to the statutory caps on State administration under the IDEA and Title I of the Elementary and Secondary Education Act of 1965, as amended, that help defray the costs of data collection associated with the ARRA.

*Section 612—State Eligibility*

Topic Addressed: Personnel Qualifications

○ Letter dated January 27, 2010 to New Jersey Speech-Language-Hearing Association School Affairs Chair Sue A. Goldman, clarifying that the IDEA does not permit States to obtain a waiver of State-approved certification requirements for related services providers who currently do not meet State certification requirements but does permit States to use alternate certification routes for such personnel.

Topic Addressed: Maintenance of State Financial Support

○ Letter dated February 12, 2010 to the American Association of School Administrators Deputy Executive Director Bruce Hunter, clarifying that State Fiscal Stabilization Funds under the ARRA may be used, under certain circumstances, to meet Part B of the IDEA State and local maintenance of effort requirements.

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

Topic Addressed: Evaluation Procedures

○ Letter dated January 13, 2010 to an individual (personally identifiable information redacted) regarding students with high cognition who also require special education and related services under the IDEA.

Topic Addressed: Individualized Education Programs (IEPs)

○ Letter dated January 7, 2010 to Texas attorney Nona Matthews, regarding the requirement to include in a child's IEP information on the frequency, duration, and location of the special education and related services provided to the child.

○ Letter dated January 7, 2010 to educational advocate Dorothy M. Richards, regarding the role of a public agency representative on the IEP Team.

○ Letter dated February 12, 2010 to Alabama attorney James Irby, regarding how an IEP Team could ensure that students with disabilities who need additional reading instruction are not prevented from participating in mandatory physical education instruction.

*Section 615—Procedural Safeguards*

Topic Addressed: Independent Educational Evaluations

○ Letter dated January 4, 2010 to individuals (personally identifiable information redacted) regarding whether a public agency's procedures relating to a parent's right to obtain an independent educational evaluation at public expense are consistent with the IDEA.

Topic Addressed: Impartial Due Process Hearing

○ Letter dated February 2, 2010 to Miami-Dade County Public Schools Assistant Attorney Mary C. Lawson, clarifying that a local educational agency may not bring an attorney to a resolution meeting if a parent brings an advocate or other qualified representative to the meeting, in lieu of an attorney.

○ Letter dated February 12, 2010 to Alabama attorney James Irby, regarding parent participation at resolution meetings.

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

○ Letter dated February 12, 2010 to Florida Department of Health Early Steps Bureau Chief Janice M. Kane, clarifying the relationship of peer-reviewed research to the frequency and intensity of the early intervention services to be included in an infant's or toddler's individualized family service plan.

*Other Letters That Do Not Interpret Idea But May Be of Interest to Readers*

Topic Addressed: Seclusion and Restraints

○ Letter dated January 26, 2010 to National Leadership Consortium on Developmental Disabilities representative Nancy R. Weiss, regarding the use of seclusion and restraints and other aversive behavioral interventions in schools.

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Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister/index.html>.

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**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

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

Dated: September 7, 2010.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### **Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students With Disabilities**

**AGENCY:** U.S. Department of Education, Office of Special Education and Rehabilitative Services, Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities.

**ACTION:** Notice of a Partially Closed Meeting.

**SUMMARY:** The notice sets forth the schedule and agenda of the meeting of the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities. The notice also describes the functions of the Commission. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of its opportunity to attend.

**DATES:** September 27–28, 2010.

**TIME:** September 27, 2010: 8 a.m.–4:30 p.m. The Commission will meet in closed session between the hours of 1:30 p.m. and 3 p.m.; September 28, 2010: 8 a.m.–4 p.m.

**ADDRESSES:** The Commission will meet at the Office of Special Education and Rehabilitative Services, United States Department of Education, Potomac Center Plaza, 10th Floor Auditorium, 550 12th Street, SW., Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Shook, Program Specialist, Office of Special Education and Rehabilitative Services, United States

Department of Education, 550 12th Street, SW., Washington, DC 20202; telephone: (202) 245-7642, fax: 202-245-7638.

**SUPPLEMENTARY INFORMATION:** The Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (the Commission) is established under Section 772 of the Higher Education Opportunity Act, Public Law 110-315, dated August 14, 2008. The Commission is established to (a) conduct a comprehensive study, which will—(I) Assess the barriers and systemic issues that may affect, and technical solutions available that may improve, the timely delivery and quality of accessible instructional materials for postsecondary students with print disabilities, as well as the effective use of such materials by faculty and staff; and (II) make recommendations related to the development of a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a time frame comparable to the availability of instructional materials for postsecondary nondisabled students.

In making recommendations for the study, the Commission shall consider—(I) How students with print disabilities may obtain instructional materials in accessible formats within a time frame comparable to the availability of instructional materials for nondisabled students; and to the maximum extent practicable, at costs comparable to the costs of such materials for nondisabled students; (II) the feasibility and technical parameters of establishing standardized electronic file formats, such as the National Instructional Materials Accessibility Standard as defined in Section 674(e)(3) of the Individuals with Disabilities Education Act, to be provided by publishers of instructional materials to producers of materials in specialized formats, institutions of higher education, and eligible students; (III) the feasibility of establishing a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such clearinghouse, repository, or network; (IV) the feasibility of establishing market-based solutions involving collaborations among publishers of instructional materials, producers of materials in specialized formats, and institutions of higher education; (V) solutions utilizing universal design; and

(VI) solutions for low-incidence, high-cost requests for instructional materials in specialized formats.

The purpose of the meeting is to swear in the members of the Commission, provide the members with ethics and other administrative training, and elect a Chair and Vice-Chair of the Commission. In addition, the Commission, at the direction of the Chair and Vice-Chair, will meet to discuss their plans to complete the study within the one-year framework provided by Congress. On September 27, the Commission will meet in closed session from 1:30 p.m. to 3 p.m. to discuss the qualifications of members to serve as Chair and Vice-Chair. These discussions pertain solely to internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 U.S.C. This notice is appearing in the **Federal Register** less than 15 days before the meeting due to efforts to schedule the meeting before the end of the fiscal year.

Detailed minutes of the meeting, including summaries of the activities of the closed sessions and related matters that are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c), will be available to the public within 14 days of the meeting. Records are kept of all Commission proceedings and are available for public inspection at the Office of Special Education and Rehabilitative Services, United States Department of Education, 550 12th Street, SW., Washington, DC 20202, Monday–Friday during the hours of 8 a.m. to 4:30 p.m.

### **Additional Information**

Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Elizabeth Shook at (202) 245-7642, no later than September 20, 2010. We will make every attempt to meet requests for accommodations after this date, but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

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