



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

May 24, 2001

Honorable Mac Thornberry
House of Representatives
Washington, D.C. 20515

Dear Congressman Thornberry:

Your letter to Acting Assistant Secretary of the Office of Legislation and Congressional Affairs Sandra Cook, dated March 30, 2001, has been referred to the Office of Special Education Programs (OSEP) for response. OSEP administers the Individuals with Disabilities Education Act (IDEA), as amended by the IDEA Amendments of 1997.

In your letter, you express concern about Federal support for protection and advocacy services for the parents of children with disabilities. You request that the Department consider allowing State or Federal funds to be used to pay legal costs incurred by local education agencies (LEAs) involved in due process with parents who are receiving assistance from a Federally-funded protection and advocacy organization. Alternatively, you suggest that the Department should prohibit Federally funded protection and advocacy organizations from assisting or advising parents involved in litigation against publicly-funded institutions.

As you know, two major parts of IDEA expire on September 30, 2002: Part C—Infants and Toddlers with Disabilities; and Part D—National Activities to Improve Education of Children with Disabilities. The Assistance for Education of All Children with Disabilities program under Part B of the IDEA is permanent legislation with no expiration date. However, during the reauthorization process for Parts C and D, the Department intends to take the opportunity to identify issues and seek input regarding implementation of Part B. We are just beginning internal and external discussions about the reauthorization now. We look forward to working with Congress in the coming months on the reauthorization of IDEA.

It should be noted that, while IDEA does not permit LEAs to use their Federal IDEA funds to pay litigation expenses, they may use Federal funds to increase cooperative problem solving between parents and school personnel and to promote the use of alternative dispute resolution. I am certain that you share the Department's goal of promoting increased cooperation between parents and school personnel while ensuring that children with disabilities receive a free appropriate public education.

Thank you for bringing your constituents' concerns to our attention.

Sincerely,

Patricia J. Guard
Acting Director
Office of Special Education
Programs