



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 20 1998

Ms. Larisa Cummings, Esq.
Client Rights Advocate
Regional Center of the East Bay
7677 Oakport St. #1200
Oakland, California 94621

Dear Ms. Cummings:

This is in response to your request for clarification of the current status of the federal regulations implementing Part B of the Individuals with Disabilities Education Act (Part B), in light of the enactment of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) and the publication of a Notice of Proposed Rulemaking (NPRM) to implement IDEA '97. Most of the provisions of IDEA '97, signed into law by President Clinton on June 4, 1997, took effect on that date. In the NPRM implementing IDEA '97, published in the Federal Register on October 22, 1997 at 62 Fed. Reg. 55026, the Department has proposed some revisions to the current regulations codified at 34 CFR Part 300 to implement statutory changes made by IDEA '97. However, nothing in this NPRM repealed current regulations for the Part B program. The NPRM put the public on notice of proposed regulatory changes and invited public comment, which was accepted through January 20, 1998.

At present, the Department is in the process of reviewing public comments on this NPRM in preparation for publication of final regulations. In the meantime, since the current regulations have not been repealed, the current regulations remain in effect until the Department publishes final regulations implementing IDEA '97. These final regulations, which will specify an effective date, will supersede current regulations. While the current regulations codified at 34 CFR Part 300 are still in effect, if there is a conflict between the statutory provisions of IDEA '97 and the provisions of the current regulations, the provisions of IDEA '97 would supersede those in the current regulations.

We hope that this explanation clarifies the federal requirements during this period of transition. If you have any further questions, please do not hesitate to contact Dr. JoLeta Reynolds

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or Ms. Rhonda Weiss in the Office of Special Education Programs
at (202) 205-5507.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir
Director
Office of Special Education
Programs

cc: Alice Parker, Ed.D.
California State Department
of Education