



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

August 7, 2008

Angela Jones, Administrator
State of Idaho Commission for the
Blind and Visually Impaired
P.O. Box 83720
Boise, ID 83720-0012

Dear Ms. Jones:

This is in response to your letter to Secretary of Education Margaret Spellings, dated June 11, 2008, in which you inquire whether there is "any reason, regulation or statute preventing outreach education programs for blind children under a stand alone commissioned state agency who is not under the Department of Education or a Board of Education." You indicate that a task force has been created to "evaluate the possible need to separate the blind from the deaf students, as services and learning are very different."

Under 34 CFR §300.149 of the regulations implementing Part B of the Individuals with Disabilities Education Act (IDEA), the State educational agency (SEA) is responsible for ensuring that each educational program for children with disabilities administered within the State, including each program administered by any other State or local agency, is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA and meets the educational standards of the SEA (including the requirements of Part B).

Nothing in the IDEA would prohibit a stand-alone commissioned State agency, not under the Department of Education or a Board of Education, from implementing education programs for blind children; however, because such programs would be educational programs for children with disabilities "administered by any other State or local agency," they would have to be under the general supervision of the SEA, as described above in 34 CFR §300.149.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

If you have further questions, please do not hesitate to contact Ellen Safranek, of my staff, at 202-245-7515.

Sincerely,

William W. Knudsen
Acting Director
Office of Special Education Programs

cc: Ms. Jacque Hyatt