



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JAN 13 1999

Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

I am writing in response to your letter on behalf of your constituents, The expressed concerns about receiving speech services in some district because that was far from regular day care environment. Because concerns are directly related to special education, your letter was referred to the Office of Special Education Programs (OSEP) for response.

In their letter, requested information on how they may be able to facilitate an interdistrict transfer so that may receive services in the district near day care facility. Furthermore, state that while the family resides in the School District, should be entitled to services in the School District, the preferred district, because they own and rent out a home in that district.

Under the Individuals with Disabilities Education Act Amendments of 1997 (IDEA). States and local school districts have an ongoing responsibility to make available a free appropriate public education (FAPE) to all eligible children. This includes providing special education and related services which meet State education standards and Federal requirements. These services, among other requirements, must be provided at public expense under public supervision and direction, without charge to the eligible child or his/her parents, and must be in conformity with each student's individualized education program (IEP). While the IDEA provides for a FAPE by the local school district, the Federal regulations do not extend to include or dictate interdistrict transfers or agreements.

One of the key purposes of the IDEA Amendments of 1997 was to expand and promote opportunities for parents to work in partnerships with the local and professional staff. Parents must now be part of the teams that determine what additional data are needed as part of an evaluation of their child; their child's eligibility; and the educational placement of their child. Parents' concerns and information that they provide regarding their children must be considered in developing and reviewing their children's IEPs.

If a child's IEP provides for specific services as part of his/her program of special education and related services and these services have not been provided to that child; the failure to provide these services is a denial of FAPE. In addition, if your constituent believes that a child has been denied FAPE or that any other violation of Part B has occurred, your constituent can file a complaint with the California Department of Education (CDE). CDE must investigate and

resolve any complaint that it receives within 60 calendar days, in accordance with the complaint provisions applicable to Part B of the IDEA at 34 CFR §300.660-300.662. To request a due process hearing, or to file a complaint, your constituents can contact the CDE official listed below, at the following address and telephone number:

Dr. Alice Parker
Director
Special Education Division
California Department of Education
515 L Street, Suite 270
Sacramento, CA 95814
Telephone: (916) 327-3706

In addition, _____ requested information regarding resources in their area. The Office of Special Education Programs sponsors parent training information projects around the Country. The one nearest to _____ is:

Team of Advocates for Special Kids (TASK)
Joan Tellefsen, Director
100 West Cerritos Avenue
Anaheim, California 92805
Tel. # (714) 533-TASK

I hope you find this information helpful to you in responding to your constituent. If this Office can be of further assistance, please let me know, or feel free to contact Ellen Safranek, California State contact, of my staff at (202) 205-9131.

Sincerely,



Thomas Hehir
Director
Office of Special Education
Programs

Enclosure