



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

DEC 18 2003

Dr. Susan Barnes  
Associate Commissioner for  
Standards and Programs  
Texas Education Agency  
1701 N. Congress Avenue, Room 3-121Q  
W.B. Travis Building  
Austin, TX 78701-1494

Dear Dr. Barnes:

This letter is in response to your question to Dean Kern, Director of the Charter School Program at the U.S. Department of Education regarding students with disabilities and virtual charter schools. You ask whether there is any federal guidance specifically for students with disabilities enrolled in virtual charter schools or other types of virtual education developed by states and/or their districts. By "virtual education," I assume that you mean education that uses information and communication technologies to deliver traditional educational programs (e.g., via the Internet, teleconferencing, tele-video conferencing).

The Office of Special Education Programs has not developed guidance specific to virtual charter schools or other types of virtual education. The Individuals with Disabilities Education Act (IDEA) requires that each State make available a free appropriate public education to all children with disabilities (as defined by the IDEA) aged 3 through 21 residing in the State (20 U.S.C 1412(a)(1)). This includes the identification and evaluation of children with disabilities (20 U.S.C 1412(a)(3)), the development of an individualized educational program (20 U.S.C 1412(a)(4)), the provision of special education and related services in the least restrictive environment (20 U.S.C 1412(a)(5)), and the provision of procedural safeguards to children with disabilities and their families (20 U.S.C 1412(a)(6)).

The IDEA statute and its corresponding regulations do not make any exceptions to these requirements or allow States to waive or relax these requirements for virtual schools.

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I hope this information is useful. If you have any questions, please do not hesitate to contact Dr. Wendy Tada (202-205-9094) or Mr. Dale King (202-260-1156) of my staff.

Sincerely,

A handwritten signature in black ink that reads "Patricia J. Guand". The signature is written in a cursive style with a large initial "P".

for Stephanie Smith Lee  
Director  
Office of Special Education  
Programs

cc: Dean Kern