



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV 14 1997

Dear _____ :

Thank you for your letter and a subsequent telephone conversation with Mr. Martin Benton, a member of my staff. You asked for clarification from the Office of Special Education Programs (OSEP) as to whether a non-response to a parent's or guardian's request for an assistive technology evaluation of the child is the equivalent to a denial of access to education, and if there are specific time limits on implementation of various supports systems, i.e., that would guarantee a student's right to a free appropriate public education.

As Mr. Benton informed you, neither Part B of the Individuals with Disabilities Education Act (IDEA) nor the 1997 Amendments to the IDEA, Pub. L. 105-17, contain specific time periods within which a local educational agency must respond to a parent's request for an evaluation, either by scheduling the evaluation or notifying the parents that they are not going to conduct the requested evaluation. I am enclosing a copy of an OSEP-policy clarification letter, dated December 4, 1995, which provides information about independent assistive technology policy clarifications. However, there may be provisions in the District of Columbia Public Schools' (DCPS) regulations that require the school system to respond to an evaluation request within a specified time period. I would suggest that you contact Mr. Jeff Myers, at the following address and telephone number, for information about the DCPS requirements:

Director
Special Education Branch
Giddings Administrative Building
315 G Street, SE
Washington, DC 20003
Telephone: (202) 724-4800

I hope that this information is helpful to you. If I may be of further assistance, please let me know.

Sincerely,

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

Thomas Hehir
Director
Office of Special Education
Prngmaos

Enclosure