



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

THE GENERAL COUNSEL

March 15, 2000

Ms. Sarah Russell  
Legislative Correspondent  
Office of Senator Don Nickles  
Suite 133, Hart Senate Office Building  
Washington, D.C. 20510-3602

Re: December 3, 1999, Letter to Senator Nickles From Bob Parks, External Relations  
Coordinator, Oklahoma Department of Rehabilitation Services

Dear Ms. Russell:

Senator Nickles referred the above-referenced correspondence to the U.S. Department of Education (the Department) and requested that we respond directly to you. Bob Parks, External Relations Coordinator for the Oklahoma Department of Rehabilitation Services, wrote to Senator Nickles about his concern that the U.S. Department of Education, by referring to school districts in its funding programs, deprives state-supported schools in Oklahoma, specifically the Oklahoma School for the Deaf and the Oklahoma School for the Blind, of Federal funds. Mr. Parks recommends that the Department remedy this situation by referring to schools districts and state-supported schools when describing the parties eligible for Federal program funds.

Eligibility to receive funds under the programs administered by this Department is established by Congress in authorizing legislation. For that reason, state-supported schools cannot receive funds under a particular program unless the authorizing legislation makes them eligible. The Department, therefore, in the absence of appropriate legislative authority, cannot-acting on its own--make state supported schools eligible for funds under a particular program. Our practice, in inviting grant applications or providing other program information, is to track statutory provisions on eligibility. Many programs do not limit eligibility to school districts. There also may be instances where state-supported schools may qualify as school districts for the purpose of receiving funding under statutory provisions applicable to a particular program. For example, based on discussions we have had with officials in the Oklahoma Department of Education, we understand that the Oklahoma Schools for the Blind and Deaf do receive funds--in the same manner that school districts do--under Part B of the Individuals with Disabilities Education Act. If Mr. Parks is concerned about the eligibility of the state-supported schools in Oklahoma for funding under other Department programs, our office would be willing to discuss the matter with him. To that end, he should feel free to contact Ronald Petracca of this office at (202) 401-8316. In addition, Darla Griffin, Executive Director of the Special Education Division in the Oklahoma Department of Education, and John Corpolongo, Assistant State Superintendent for Special Education Services in the Oklahoma Department of Education, have also agreed to answer any

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questions that Mr. Parks might have on this matter. Ms. Griffin can be reached at (405) 521-3351 and Mr. Corpolongo can be reached at (405) 521-4873.

We hope this information will be of assistance to your office and Mr. Parks. If you have any further questions on this matter, please do not hesitate to, contact Ronald Petracca.

Sincerely,

Judith A. Winston

cc: John Corpolongo  
Oklahoma Department of Education  
Darls Griffn  
Oklahoma Department of Education