



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

JUL 22 2004

This letter is in response to your electronic mail requesting a written response to whether local educational agencies (LEAs) may use federal IDEA [Individuals with Disabilities Education Act] dollars to pay the salary of a reading intervention specialist (who may or may not be certified in special education) to provide direct instruction to students with disabilities. Whether the service the reading intervention specialist is providing is covered under Part B of the IDEA is not clear from your correspondence. I encourage you to speak to officials in your local and State educational agencies about your specific question.

Under Part B the federal government provides funds to eligible State educational agencies (SEAs), and through them, to LEAs to assist them in providing special education and related services to children with disabilities in accordance with the provisions of the IDEA. Whether an LEA may pay the salary of a reading intervention specialist, who may or may not meet the State qualifications for employment under Part B of the IDEA, to provide direct instruction to students with disabilities, depends on the type of service provided and whether that service is covered under Part B of the IDEA as special education or a related service. Additionally, LEAs have discretion to determine how to spend Part B funds depending on the needs of the students with disabilities in their jurisdiction.


Under the Part B regulations, special education is defined as “specially designed instruction to meet the unique needs of the child with a disability including (i) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings and (ii) instruction in physical education.” See 34 CFR §300.26(a). A related service means:

transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic and evaluation purposes. The term also includes school health services, social work services in school and parent counseling and training. See 34 CFR §300.24(a).

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Given that your inquiry is determined on a case-by-case basis by the SEA and LEA, I again encourage you to speak to your local officials about your specific question.

Sincerely,

 for

Stephanie Smith Lee

Director

Office of Special Education Programs

cc: Mike Armstrong, Director
Office for Exceptional Children