



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

OCT 29 2002

Dr. Perry A. Zirkel
University Professor of Education
and Law
Lehigh University College of Education
Mountaintop Campus
111 Research Drive
Bethlehem, Pennsylvania 18015-4794

Dear Dr. Zirkel:

This is in response to your letter to JoLeta Reynolds of the Office of Special Education Programs. You ask “whether, and it [sic] so to what extent, the requirements of the IDEA and Section 504 (or the ADA), respectively apply to the following three types of overseas schools:

1. Department of Defense overseas schools
2. private international schools overseas that receive limited support from the U.S. Department of State
3. other private international schools that offer the ‘American Model’ of education but without any support from the Department of State.”

In preparing this response, we have consulted with the Office for Civil Rights (OCR) in the Department of Education (Department).

In reviewing your inquiry, we note that the substance of some of your questions is the same as that of questions to which the Department responded in a letter dated December 22, 1994. Based on the information you have provided, the prior response to you still represents the Department’s position with regard to the Individuals with Disabilities Education Act. Another copy of the 1994 letter is included for your convenience.

With respect to the application of Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) to Department of Defense overseas schools, since Department of Defense schools operate under separate statutory authority, you may wish to contact:

Ms. Lorie Sebestyen
Special Education Coordinator
Office of Dependents Education
Department of Defense Education Activity (DoDEA)
4040 North Fairfax Drive, 9th Floor
Arlington, VA 22203-1635
(703) 696-4235

400 MARYLAND AVE., S. W. WASHINGTON, D.C. 20202
www.ed.gov

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With respect to your questions regarding the application of Section 504 or the ADA to private international schools overseas, OCR in the Department, as you know, enforces Section 504, which applies to recipients of Federal financial assistance, and Title II of the ADA, which applies to public entities whether or not they receive Federal funds. Regarding the Department's position on the application of Section 504, please see the enclosed case closure letter issued by OCR, Arizona State University, 08-01-2047 (2001).

Your inquiry regarding the application of Section 504 to schools receiving "support" from the U.S. Department of State should be directed to:

Barbara Pope
Assistant Secretary for Civil Rights
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Because your inquiry does not appear to apply to public entities under Title II of the ADA, any specific questions regarding the applicability of other titles of the ADA should be directed to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAVE
Washington, DC 20530

Questions about the obligations or conditions attached to other funding programs would have to be responded to in the context of the particular program at issue.

We hope that this information is helpful to you.

Sincerely,



for Stephanie S. Lee
Director
Office of Special Education Programs

Enclosures