



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

June 14, 2007

Susan A. Aysenne, Ed.D.
Director
Division of Educational Improvement and Assistance
1201 N. 3rd Street
P.O. Box 94064
Baton Rouge, Louisiana 70802

Dear Dr. Aysenne:

This letter is in response to your electronic mail (email) communication of April 16, 2007, in which you ask the Office of Special Education Programs (OSEP) to confirm, in writing, that it is permissible for the Louisiana Department of Education (LDE) to reallocate the excess Individuals with Disabilities Education Act (IDEA) funds identified in Orleans and, if a reallocation is allowable, what method should be used to distribute these funds to the remaining districts.


Under 34 CFR §300.705(c), if a State educational agency (SEA) determines that a local educational agency (LEA) is adequately providing a free appropriate public education (FAPE) to all children with disabilities residing in the area served by that agency with State and local funds, the SEA may reallocate any portion of the funds under Part B of the IDEA that are not needed by that LEA to provide FAPE, to other LEAs in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other LEAs.

Therefore, if LDE determines that the funds identified in Orleans are not required to provide FAPE to children with disabilities residing in the Orleans Parish, LDE may reallocate these funds to a single LEA or to multiple LEAs that it identifies as not adequately providing special education and related services to all children with disabilities residing in the areas served by those LEAs.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

If you have further questions, please do not hesitate to contact Marion Crayton at 202-245-6474.

Sincerely,

 for

Alexa Posny, Ph.D.
Director
Office of Special Education Programs