



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV 13 1998

Honorable Jo Ann Emerson
House of Representatives
Washington, D.C. 20515

Dear Ms. Emerson:

This is in response to your letter written to Assistant Secretary Scott S. Flaming of the Office of Legislation and Congressional Affairs, on behalf of your constituent, . has contacted you because is concerned about the publication of final regulations implementing the Individuals with Disabilities Education Act Amendments of 1997 Pub. L. 105-17 (IDEA '97).

On October 22, 1997, the Department published in the Federal Register, at 62 Fed. Reg. 55026, a Notice of Proposed Rulemaking (NPRM) to implement statutory changes made to Part B of the Individuals with Disabilities Education Act (Part B) by IDEA '97. Numerous public comments were received on this NPRM on a wide variety of issues and concerns. Public comments received on this NPRM have been carefully reviewed, and areas warranting clarification in the final regulations have been identified. At present, the Department is in the process of finalizing the Part B regulations for publication in the Federal Register in the very near future.

You may wish to advise your constituent that States and school districts must comply with all applicable provisions of IDEA '97 and provisions of current regulations that are not in conflict with IDEA '97, pending publication of final Part B regulations. In particular, with regard to your constituent's concerns, IDEA '97 provides, at §614(d)(3)(B)(iv), that the IEP Team, "in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode... " We agree with your constituent about the importance of ensuring that deaf children receive appropriate educational services, and believe that the above statutory provision will facilitate the education of deaf and hard of hearing children under Part B.

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We hope that your constituent finds this information helpful. If
would like further assistance, should contact Helen Eano,
the State contact in the Monitoring and State Improvement
Planning division at (202) 205-9583 or call (202) 205-5465 for
TDD services.

Sincerely,

A handwritten signature in black ink that reads "Thomas Hehir". The signature is written in a cursive style with a horizontal line at the end.

Thomas Hehir
Director
Office of Special Education
Programs