

written comments. Written comments should be submitted via e-mail by June 19, 2008 to Deborah Spitz at [Deborah.Spitz@ed.gov](mailto:Deborah.Spitz@ed.gov). These comments will be shared with the members of the Committee.

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**Amanda Farris,**

*Deputy Assistant Secretary, The Office of Elementary and Secondary Education.*

[FR Doc. E8-12587 Filed 6-4-08; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services; List of Correspondence

**AGENCY:** Department of Education.

**ACTION:** List of Correspondence from January 2, 2008 through March 31, 2008.

**SUMMARY:** The Secretary is publishing the following list pursuant to section 607(f) of the Individuals with Disabilities Education Act (IDEA). Under section 607(f) of IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the U.S. Department of Education (Department) received by individuals during the previous quarter that describes the interpretations of the Department of IDEA or the regulations that implement IDEA.

**FOR FURTHER INFORMATION CONTACT:** Melisande Lee or JoLeta Reynolds. Telephone: (202) 245-7468.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued from January 2, 2008 through March 31, 2008. Included on the list are those letters that contain interpretations of the requirements of IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date of and topic addressed by each letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

#### Part A—General Provisions

##### Section 602—Definitions

**Topic Addressed:** Child With A Disability.

○ Letter dated January 15, 2008 to Coalition of Learning Disabled Chief Executive Officer Allen Brumbaugh, regarding criteria used under Part B of IDEA for determining whether a child is a “child with a disability” and requirements for individualized education programs (IEPs).

#### Part B—Assistance for Education of All Children With Disabilities

##### Section 612—State Eligibility

**Topic Addressed:** Free Appropriate Public Education.

○ Letter dated March 11, 2007 to Mountain Plains Regional Resource Center Director John Copenhaver, clarifying that the policy regarding making a free appropriate public education (FAPE) available to children with disabilities, contained in the Office of Special Education Programs’ letter dated April 10, 1995 to Ms. Kathy Balkman, remains consistent with the requirements of the reauthorized IDEA.

○ Letter dated March 17, 2008 to individual (personally identifiable information redacted), regarding the policy on the use of mechanical restraints or other aversive behavioral techniques for children with disabilities.

**Topic Addressed:** Least Restrictive Environment.

○ Letter dated February 1, 2008 to New Jersey Office of Special Education Programs Director Roberta Wohle, clarifying reporting on indicators in the State Performance Plan and Annual Performance Reports relating to the least restrictive environment provisions in Part B of IDEA.

**Topic Addressed:** Confidentiality of Education Records.

○ Letter dated March 7, 2008 to Texas Education Agency General Counsel David Anderson, regarding complaints that allege violations of the confidentiality of information provisions in Part B of IDEA and the Family Educational Rights and Privacy Act.

**Topic Addressed:** Children in Private Schools.

○ Letter dated March 17, 2008 to individual (personally identifiable information redacted), regarding the interpretation of the requirements of Part B of IDEA that are applicable when a public agency places a preschool-age child with a disability in a private preschool that is not a school that is exclusively for children with disabilities as a means of providing FAPE to that child.

○ Letter dated January 25, 2008 to U.S. Senator Joseph I. Lieberman, regarding the obligations of States and local educational agencies (LEAs) to parentally-placed private school children with disabilities.

**Topic Addressed:** State Educational Agency General Supervisory Authority.

○ Letter dated February 4, 2008 to individual (personally identifiable information redacted), regarding a State complaint involving a public agency’s obligation to provide private placements for children with disabilities at public expense.

**Topic Addressed:** Methods of Ensuring Services.

○ Letter dated January 24, 2008 to Mountain Plains Regional Resource Center Director John Copenhaver, clarifying that Impact Aid funds and Medicaid funds are considered Federal funds, and may not be treated as State and local funds for maintenance of effort calculations.

**Topic Addressed:** State Advisory Panel.

○ Letter dated March 11, 2008 to Mountain Plains Regional Resource Center Director John Copenhaver, regarding requirements for membership on the State Advisory Panel.

**Topic Addressed:** Access to Instructional Materials.

○ Letter dated January 30, 2008 to New Mexico State Director of Special

Education Denise Koscielniak, clarifying issues surrounding State and LEA implementation of the National Instructional Materials Accessibility Standard.

*Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements*

*Topic Addressed:* Individualized Education Programs.

○ Letter dated March 31, 2008 to individual (personally identifiable information redacted), clarifying that Part B of IDEA does not require that public agencies obtain parental consent within a specific time period when a child is referred for an evaluation.

○ Letter dated March 31, 2008 to individuals (personally identifiable information redacted), regarding how public agencies meet the requirements for notifying parents of the individuals who will be attending meetings of their child's IEP Team.

○ Letter dated March 17, 2008 to Howard County, Maryland Public School System Facilitator Ronald Caplan, regarding when it is appropriate to invite a representative of any participating agency likely to be responsible for providing or paying for transition services to an IEP Team meeting involving the consideration of the child's postsecondary goals and the transition services needed to assist the child in reaching those goals.

○ Letter dated March 17, 2008 to Utah At Risk and Special Education Services Director Nan Gray, regarding the requirement to obtain the consent of the parents or a child who has reached the age of majority prior to inviting a representative of any participating agency that is likely to be responsible for providing or paying for transition services to an IEP Team meeting involving the consideration of the child's postsecondary goals and the transition services needed to assist the child in reaching those goals.

*Section 615—Procedural Safeguards*

*Topic Addressed:* Impartial Due Process Hearing.

○ Letter dated March 17, 2008 to Mountain Plains Regional Resource Center Director John Copenhaver, regarding electronic mail filings of State complaints and due process complaints.

○ Letter dated March 17, 2008 to New Jersey Office of the State Board of Appeals Acting Director John Worthington, clarifying when the due process hearing timeline would begin under specific circumstances after the 30-day resolution process has expired.

*Section 618—Program Information*

*Topic Addressed:* Disproportionality.

○ Letter dated February 1, 2008 to Nevada Office of Special Education and Diversity Programs Director Frankie McCabe, clarifying that OSEP continues to believe that the position set out in the April 24, 2007 memorandum, requiring States to reserve funds for comprehensive coordinated early intervening services when there is a finding of significant disproportionality based on race and ethnicity in disciplinary actions, is correct.

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: May 30, 2008.

**Tracy R. Justesen,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. E8-12639 Filed 6-4-08; 8:45 am]

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**DEPARTMENT OF EDUCATION**

**Office of Special Education and Rehabilitative Services: Overview Information; Rehabilitation Continuing Education Program (RCEP)—Regional Technical Assistance and Continuing Education (TACE) Centers; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008**

Catalog of Federal Domestic Assistance (CFDA) Number: 84.264A.

*Dates: Applications Available:* June 5, 2008.

*Deadline for Transmittal of Applications:* July 31, 2008.

*Deadline for Intergovernmental Review:* September 3, 2008.

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* The purpose of the Rehabilitation Continuing Education Program is to support training centers that serve either a Federal region or another geographical area and provide for a broad integrated sequence of training activities that focus on meeting recurrent and common training needs of employed rehabilitation personnel throughout a multi-State geographical area.

*Priority:* This priority is from the notice of final priority and definitions for this program, published elsewhere in this issue of the **Federal Register**.

*Absolute Priority:* For FY 2008, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

*This priority is:* Regional Technical Assistance and Continuing Education (TACE) Centers.

*Program Authority:* 29 U.S.C. 772.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for this program in 34 CFR parts 385 and 389. (c) The notice of final priority and definitions, published elsewhere in this issue of the **Federal Register**.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

**II. Award Information**

*Type of Award:* Cooperative agreement.

*Estimated Available Funds:* \$7,900,000.

*Maximum Award:* We will reject any application that proposes a budget exceeding the maximum amount for a single budget period of 12 months, as follows:

*Region I:* \$727,185.  
*Region II:* \$802,710.  
*Region III:* \$796,122.  
*Region IV:* \$969,100.  
*Region V:* \$821,579.  
*Region VI:* \$832,684.  
*Region VII:* \$728,738.  
*Region VIII:* \$711,421.  
*Region IX:* \$792,405.  
*Region X:* \$718,056.

The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.