



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

September 29, 1998

Honorable Jerry Kleczka
United States House of Representatives
5032 West Forest Home Avenue
Milwaukee, Wisconsin 53219-4589

Dear Mr. Kleczka:

Thank you for your letter to the U.S. Department of Education which has been forwarded to the Office of Special Education Programs (OSEP) for reply. Your letter states that you are writing on behalf of your constituent, Mr. . Specifically, the letter states that Mr. has been informed by administrators at his 's school that according to Federal law, a child in special education who does not meet their individual education program (IEP) must participate in an extended school year requirement such as summer school. Mr is visually impaired and is currently in the grade. is about a year behind to mathematics and six months behind in reading skills.

The Individuals with Disabilities Education Act Amendments of 1997 requires that once a child has been determined eligible for special education and related services, that an IEP team be convened to develop the child's IEP. The team must be composed of (1) the parents of a child with a disability; (2) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment); (3) at least one special education teacher, or where appropriate, at least one special education provider of such child; (4) a representative of the local educational agency who is qualified to provide, or supervise the provision of specifically designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the local educational agency; (5) an individual who can interpret the instructional implications of evaluation results; (6) at the discretion of the parent or the agency, other individuals who have knowledge or, special expertise regarding the child, including related services personnel as appropriate; and (7) whenever appropriate, the child with a disability.

There is no Federal requirement which stipulates that if the child does not meet the goals of the IEP, that the child must participate in extended school year (ESY) services. The IEP team, during the IEP meeting is responsible for discussing and making a determination whether or not a child requires ESY services. ESY services are services that are provided: (1) in conformance with an IEP; (2) on an individual basis; and (3) at no cost to the parent. It is unclear from your letter whether Mr. is referring to ESY services, which are services specific to a child with a disability, or the provision of summer school services which can be provided for both disabled and nondisabled students. I am requesting that Mr. contact OSEP so that additional information can be obtained.

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The person to contact is Ms. Barbara Route. Ms. Route, the Wisconsin State contact, may be contacted at (202)205-9029.

I hope this information will be of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir
Director
Office of Special Education
Programs