



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

January 18, 2002

(Address blacked out)

Dear (Name blacked out):

This letter is in response to your letter dated May 13, 2001, to Dr. JoLeta Reynolds of the Office of Special Education Programs (OSEP) regarding media attendance at individualized education program (IEP) meetings. Your letter also requests that OSEP investigate the Fresno Unified School District (FUSD) for violations of the Individuals with Disabilities Education Act (IDEA). I apologize for the delay in responding.

With respect to your concerns as to whether members of the news media may attend IEP meetings, neither the IDEA statute nor its implementing regulations specifically address this matter. However, OSEP provided guidance on this matter to the FUSD in a letter to Dr. Marilyn Shepherd, of the FUSD Department of Special Education dated July 2, 2001. A copy of our response is attached to this letter for your review.

As a general matter, OSEP does not perform investigations of local educational agencies (LEAs). Under the IDEA, each State that accepts IDEA funds is required to develop policies and procedures, through the State educational agency (SEA), to resolve signed written complaints filed by individual parents of children with disabilities, other individuals, or organizations. As part of its general supervisory responsibility under the IDEA, an SEA must implement complaint resolution procedures in a manner that meets the requirements of §§300.660-300.662. Section 300.661 of the IDEA implementing regulations specifies the minimum complaint procedures that each SEA is required to implement. OSEP, in turn, monitors each State's compliance with these requirements in its continuous improvement monitoring process. An SEA is required to resolve *any* complaint that meets the requirements of §300.662.

Thus, your complaint against the FUSD is more appropriately addressed by filing a signed written complaint with the California State Department of Education, Special Education Office at this address:

Dr. Alice Parker
Director of Special Education
California Department of Education
428 J Street
P.O. Box 1379
Sacramento, California 95812

You may access the IDEA statute and regulations via our website at <http://www.ed.gov/offices/OSERS/OSEP/>. We hope that this information is helpful. If you need further assistance, you may contact Dr. JoLeta Reynolds or Troy Justesen at 202-205-5507 at OSEP.

Sincerely,

A handwritten signature in black ink that reads "Patricia J. Guard". The signature is written in a cursive style with a large initial "P".

Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosure

cc: Dr. Alice D. Parker
California Department of Education
Marilyn Shepherd, Ed.D.
FUSD Department of Special Education