



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

JUN 27 2002

Dr. Anthony E. Sims
Director of Special Education
Specialized Support Programs
Illinois State Board of Education
100 N First Street, Room N243
Springfield, Illinois 62777-0001

Dear Dr. Sims:

[REDACTED] sent a letter to Senator Peter G. Fitzgerald, in which she raised issues regarding the Illinois State Board of Education's (ISBE's) response to a complaint that she had filed regarding extended school year services for her child. Senator Fitzgerald forwarded that letter to Assistant Secretary Rebecca O. Campoverde, Office of Legislation and Congressional Affairs, and asked that the Department of Education respond directly to [REDACTED]. Her letter has been referred to the Office of Special Education Programs for a response.

In reviewing documentation relevant to [REDACTED] letter, we reviewed a letter dated July 10, 2001 (copy enclosed) from ISBE's Special Education Compliance Division setting forth ISBE's decision on [REDACTED] complaint. In that letter, ISBE concludes that it was not inconsistent with the requirements of Part B of the Individuals with Disabilities Education Act (Part B) for the school district to charge parents a \$15 materials fee for students receiving extended school year services. ISBE's letter indicates that it based its decision on the provisions of 34 CFR §300.26(b)(1), which provides that, "At no cost means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program." ISBE noted that the district charged a \$15 materials fee to nondisabled students attending summer school.

As required by Part B at 34 CFR §300.309, if extended school year services are necessary in order to ensure that a child with a disability receives a free appropriate public education, the public agency must include such extended school year services in the child's individualized education program (IEP) and must provide them at no cost to the parents. Although, as provided at 34 CFR §300.26(b)(1), the Part B "at no cost" requirement does not "preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program," it would be inconsistent with the requirements of 34 CFR §300.309 for a public agency to charge parents a fee for extended school year services if summer school services, for which incidental fees are charged, are not a part of the extended school year services provided to the student.

Please review ISBE's decision and, to the extent that it is not consistent with this letter, please revise the decision and take appropriate action to ensure that the district corrects any noncompliance.

If you have any questions regarding this letter, please contact Lawrence Ringer or Cynthia Bryant of my staff.

Sincerely,



Stephanie S. Lee
Director
Office of Special Education Programs

cc: 