

Guidance from the U.S. Department of Education

Alert! Alert!

Because NICHCY's website will only remain online until September 30, 2014, most of its rich content has moved to a new home, the **Center for Parent Information and Resources** (CPIR), where it can be kept up to date.

The new address of *Guidance from the U.S. Department of Education* at the CPIR is:

<http://www.parentcenterhub.org/repository/doe/>



Updated December 2012

The Office of Special Education Programs (OSEP) at the U.S. Department of Education regularly provides guidance to the field on the nation's special education law, the [Individuals with Disabilities Education Act \(IDEA\)](#). "Guidance" can take several forms:

- OSEP's correspondence in response to questions received from the field;
- policy documents and letters on priority issues; and
- non-regulatory guidance.

All are intended to clarify elements of the law and its regulations. Often, OSEP responds directly to questions from state and local special education directors. These letters are an important part of understanding IDEA and how to implement it.

We are pleased to connect you with OSEP/DOE's guidance and offer two kinds of information:

- links to the locations online [where OSEP/DOE posts guidance](#) on IDEA;
- links to high-priority guidances on [specific topics in IDEA](#).

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Where OSEP/DOE Posts Its Guidance on IDEA

OSEP's Legislation and Policy Guidance

<http://www.ed.gov/about/offices/list/osers/osep/policy.html>

OSEP Policy Correspondence

<http://www.ed.gov/policy/speced/guid/idea/letters/revpolicy/index.html>

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OSEP/DOE Guidance on Specific Topics in IDEA

Looking for a particular guidance document on IDEA? We identify the more recent guidance below, as well as letters and memos on high-priority topics. In alphabetical order, by topic:

2006 Determination Letters of State Implementation of IDEA

Determination letters for FY 2006, July 2008

<http://www.ed.gov/policy/speced/guid/idea/monitor/factsheet.html>

Access to Physical Education and Extracurricular Activities

Policy guidance under Executive Order #13422, August 2011

<http://www2.ed.gov/policy/speced/guid/idea/equal-pe.pdf>

Discipline Procedures

An informal Q&A, January 2007

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C7%2C>

Disproportionality

An informal Q&A on how states and LEAs can take steps to address disproportionate representation of racial/ethnic groups in special education, June 2009

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C9%2C>

Early Intervening Services

Memorandum to the Chief State School Officers and the State Directors of Special Education, July 28, 2008

<http://www.ed.gov/policy/speced/guid/idea/ceis.html>

Highly Qualified Teachers (HQT) Serving Children with Disabilities

An informal Q&A, January 2007

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C2%2C>

Homeless Children with Disabilities

Policy Guidance under Executive Order #13422, February 2008

<http://www.ed.gov/policy/speced/guid/spec-ed-homelessness-q-a.pdf>

IDEA Part B Supplemental Regulations

Non-regulatory guidance, December 2008

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C11%2C>

IEPs

An informal Q&A, June 2010

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C14%2C>

IEPs, Evaluations, and Reevaluations

An informal Q&A, updated June 2010

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C3%2C>

Modified Academic Achievement Standards

Non-regulatory guidance, July 2007

<http://www.ed.gov/policy/speced/guid/modachieve-summary.html>

Monitoring, Technical Assistance, and Enforcement

An informal Q&A, January 2007

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C4%2C>

NIMAS (National Instructional Materials Accessibility Standards)

An informal Q&A, revised August 2010

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C5%2C>

Procedural Safeguards and Due Process Procedures for Parents and Children with Disabilities

An informal Q&A, January 2007

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C6%2C>

Procedural Safeguards: Model Form

Updated July 2009

<http://idea.ed.gov/static/modelForms>

Providing Services to Children with Disabilities During an H1N1 Outbreak

Policy guidance, December 2009

<http://www2.ed.gov/policy/speced/guid/idea/h1n1-idea-qa.pdf>

RTI and Early Intervening Services (EIS)

An informal Q&A, January 2007

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C8%2C>

Serving Children with Disabilities Placed by Their Parents at Private Schools

An informal Q&A, January 2007

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C>

Transportation

An informal Q&A on IDEA's requirements for serving children with disabilities eligible for transportation, November 2009.

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C12%2C>

Waiving Maintenance of Effort

This guidance is called "Process and Criteria Used to Evaluate a Request by States to Waive Maintenance of Effort (MOE) Requirements under Part B of the Individuals with Disabilities Education Act (IDEA)." Issued in June 2010.

<http://www2.ed.gov/policy/speced/guid/idea/moe-waivers.pdf>

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