



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

August 8, 2002

The Honorable John Boehner
Chairman
House Education and the Workforce Committee
2181 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Boehner:

Thank you for your letter of inquiry regarding how the Department of Education is complying with certain provisions of the Individuals with Disabilities Education Act (IDEA), as amended in 1997. I am sending an identical reply to Senator Gregg and Mr. Hoekstra.

As you are aware, under section 687(c)(2) of IDEA, the Department may support "...captioning of television programs, videos, or educational materials through September 30, 2001; and after fiscal year 2001, ...captioning of educational, news, and informational television, videos, or materials."

When the Department makes grant announcements for projects to provide captioning we often have required that the use of Federal funds be limited to a percentage (usually about 50 percent) of the costs for captioning programs. Grantees are required to meet the remaining cost of captioning programs. All of the programs captioned using IDEA funds or a combination of IDEA and other funds must meet the requirements of the IDEA. The Department does not make awards conditioned on grantees or other organizations providing captioning for programs outside of those funded by our awards. Programs for which captions are funded entirely by the private sector are outside of the Federal grant process and are not subject to the requirements of the IDEA.

In order to ensure effective implementation of the requirement that programs captioned be educational, news, or informational, we notified each project in existence on October 1, 2001 that it must add at least one educator in its advisory group. We also required each project to obtain a certification from its advisory group that the television, videos, or materials that it was currently captioning or proposing to caption were educational, news, or informational, as required by the IDEA, as amended. If, as a result of this advisory group review, any program failed to receive that certification, the grantee was requested to submit to the Department's project officer a list of alternative programs proposed for captioning that had been certified by its advisory group. As you have requested, a list of

names of the advisory panel members for the grantees under this program is provided as an enclosure.

Since October 1, 2001, the Department has also requested advisory group members to monitor the programs that they have certified as educational, news, or informational to help ensure that program content continues to be educational, news, or informational.

As part of the grant making process for new awards, the Department will rely on several levels of review to ensure that programming is educational, news, or informational within the conditions of the law. First, the Department already requires each applicant to establish, and maintain for the duration of their grant, an advisory group. These advisory groups, which must include at least one educator, are required to certify that the programs, videos, and materials that the grantees are proposing to caption are educational, news, or informational. Second, during the review of applications for new awards, the peer review panel will review proposed programs, videos, and materials to determine if they are educational, news, or informational. Finally, before an award is made, the Department's project officer will review programs to ensure that they are educational, news, or informational.

On July 8, 2002 the Department published a competition notice for this program with the following priority areas: national news and public information programs, local news and public information programs, Spanish language programs, and accessible children's television programs. In making new awards this year, it is our intent to target our resources on those programs that are likely to have the greatest educational benefits. I assure you that we take the statutory provisions very seriously and we are working very diligently to ensure that the provisions of the law will be carried out.

I hope that this information is helpful to you as you prepare for the reauthorization of the IDEA. If you have additional questions, please contact David Cleary in the Office of Legislation and Congressional Affairs at 401-1030.

Sincerely,



Stephanie Lee
Director
Office of Special Education Programs

Enclosure