



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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NOV 24 1999

Mr. Lawrence Gloeckler
Deputy Commissioner for Vocational and
Educational Services for Individuals
With Disabilities
State Education Department
111 Education Building
Washington Avenue
Albany, New York 12234

Dear Mr. Gloeckler

I am pleased that the New York State Education Department (NYSED) has agreed to allocate its section 619 (Preschool Grant) funds under Part B of the Individuals with Disabilities Education Act (Part B) in accordance with the requirements of section 619(g) of Part B and its implementing regulations at 34 CFR 301.30-301.31. In a June 28, 1999 and an October 21, 1999 letter, we outlined the measures that NYSED must take to ensure that section 619 funds are distributed to local educational agencies (LEAs) in accordance with statutory and regulatory requirements. As a result of that letter, you asked in a November 2, 1999 letter whether the State legislature, through statutory action, can require school districts which place preschool age students with disabilities in approved private preschool special education programs to provide those programs with an amount equal to the flow-through dollars generated by the individual students who have been placed.

It is our understanding that section 619 funds would not be awarded directly to private schools. Nothing in Part B would preclude a State from requiring LEAs to make payments to private schools for the provision of special education and related services to children with disabilities. An LEA could be required to pay a private school that provided special education and related services to a child with a disability the amount of funds the LEA received under section 619 for that child. The LEA could use any source of funds to pay that amount. Section 619 funds could be used to make the payment so long as funds are used by the private school in accordance with the provisions of Part B and are used only for allowable costs in accordance with the general cost principles in OMB Circular A-87. If we can be of further assistance, please contact Carolyn Smith at (202) 205-8159.

Sincerely,

Judith E. Heuman
Assistant Secretary

600 INDEPENDENCE AVE., S W. WASHINGTON, D.C. 20202