

serve Indian children, that are awarded under a statutory or administrative formula, for the purposes of providing education and related services that would be used to serve Indian students. Instructions for an Integration of Services project are included in the application package.

**Eligible Applicants:** LEAs and certain schools funded by the Bureau of Indian Affairs; and Indian tribes under certain conditions, as prescribed by statute in ESEA section 7112(c).

**Applications Available:** Applications were mailed May 27, 2003. To request a copy of the application, see the contact information under the "For Applications or Information Contact" heading.

**Deadline for Transmittal of Applications:** July 23, 2003.

Applications not meeting the deadline will not be considered for funding in the initial allocation of awards. However, if funds become available after the initial allocation of funds, applications not meeting the deadline may be considered for funding if the Secretary determines, under section 7118(d) of ESEA, that reallocation of those funds to late applicants would best assist in advancing the purposes of the program. However, the amount and date of an individual award, if any, may be less than the applicant would have received had the application been submitted on time.

**Deadline for Intergovernmental Review:** August 22, 2003.

**Available Funds:** The appropriation for this program for FY 2003 is \$96,501,636, which should be sufficient to fund all eligible applicants.

**Estimated Range of Awards:** \$4,000 to \$2,210,000.

**Estimated Average Size of Awards:** \$75,040.

**Estimated Number of Awards:** 1,286.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Up to 48 months for new applications.

**Budget Requirement:** All projects with budgets of \$115,000 or more are encouraged to plan and budget for one person to attend a one-day Project Directors' meeting to be held in Greensboro, NC in November 2003. Other projects not meeting that level of funding specified may attend at their discretion.

**Applicable Regulations:** The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

**For Applications or Information Contact:** Cathie Martin, Office of Indian

Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W115, Washington, DC 20202-6335. Telephone: (202) 260-3774. An electronic version of the application is available at: <http://www.ed.gov/offices/OESE/oie/index.html>.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request of the person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format, also, by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

#### Electronic Access to This Document

You may review this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/legislation/FedRegister>.

To use PDF you must have Adobe Acrobat Reader, which is available free this previous site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>

**Program Authority:** 20 U.S.C. 7421.

Dated: June 17, 2003.

**Eugene Hickok,**  
Under Secretary.

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**BILLING CODE 4000-01-P**

#### DEPARTMENT OF EDUCATION

##### Office of Special Education and Rehabilitative Services

**AGENCY:** Department of Education.

**ACTION:** List of correspondence from January 2, 2003 through March 31, 2003.

**SUMMARY:** The Secretary is publishing the following list pursuant to section 607(d) of the Individuals with Disabilities Education Act (IDEA).

Under section 607(d) of IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of IDEA or the regulations that implement IDEA.

#### FOR FURTHER INFORMATION CONTACT:

Melisande Lee or JoLeta Reynolds.  
Telephone: (202) 205-5507.

If you use a telecommunications device for the deaf (TDD), you may call (202) 205-5637 or the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to Katie Mincey, Director of the Alternate Format Center. Telephone: (202) 205-8113.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued from January 2, 2003 through March 31, 2003.

Included on the list are those letters that contain interpretations of the requirements of IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date and topic addressed by a letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been deleted, as appropriate.

#### Part B

*Assistance for education of All Children With Disabilities Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations Section 619—Preschool Grants*

Topic Addressed: Use of funds

- Letter dated March 25, 2003 to American Samoa Special Education Division Director Moeolo Vaatausili, regarding whether the purchase of vehicles to meet the transportation needs of children with disabilities using Part B funds is an allowable cost.

- Letter dated March 21, 2003 to Louisiana Department of Education Director Virginia Beridon, regarding criteria for determining whether use of Part B funds for international travel is an allowable cost.

*Section 612—State Eligibility.*

Topic Addressed: Confidentiality of Education Records

- Letter dated February 14, 2003 to Bergen County, New Jersey Freeholder Louis A. Tedesco, clarifying that rights under the confidentiality provisions of the Family Educational Rights and Privacy Act (FERPA) and the IDEA vest with the parent or eligible student and that FERPA does not provide for these rights to be vested in a third party that has not suffered an alleged violation.

Topic Addressed: Procedural Safeguards

- Letter dated February 26, 2003 to Vermont Director of Special Education Dennis Kane, regarding issues the State needs to review and resolve pursuant to State complaint procedures and the complaint requirements in the part B regulations at 34 CFR 300.660–300.662.

- Letter dated March 6, 2003 to individual, (personally identifiable information redacted), regarding the change in the Part B regulations that removed the Secretarial review process under the State complaint procedures effective May 11, 1999.

Topic Addressed: State Education Agency General Supervisory Authority

- Letter dated March 24, 2003 to Connecticut Commissioner of Education Theodore S. Sergi, regarding the State's due process hearing procedures and compliance with the Special Conditions on its Federal fiscal year 2002 grant award under Part B.

*Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements*

Topic Addressed: Evaluations and Reevaluations

- Letter dated March 20, 2003 to Vermont Department of Education Legal Counsel Geoffrey A. Yudien, clarifying (1) that a school district may not override parental consent for the initial provision of special education and related services, (2) that a school district is not required to obtain separate parental consent for additional services that the individualized education programs team deems necessary or for a continuation of services after the parent has previously consented to the initial provision of services, and (3) that the protections under the IDEA, including the discipline procedures at 34 CFR 300.520–300.529, would not apply to children whose parents have refused consent for the initial provision of special education and related services.
- Letter dated February 11, 2003 to New Jersey Director of Special

Education Barbara Gantwerk, clarifying (1) the ways in which school districts can document efforts to obtain parental consent for the initial provision of special education and related services and reevaluations, and (2) that school districts are not required to provide the Part B discipline protections to children who are not receiving special education because their parents have refused to consent.

Topic Addressed: Individualized Education Programs

- Letter dated February 4, 2003 to West Virginia Advocate Susan Given, regarding factors that States may use in determining when extended school year services are appropriate under Part B.

*Section 615—Procedural Safeguards*

Topic Addressed: Independent Educational Evaluations

- Letter dated March 20, 2003 to Arkansas Volunteer Educational Advocate David Young, clarifying that a school district's practice of maintaining and requiring a parent to use a list of qualified independent educational evaluation (IEE) examiners is not inconsistent with the parent's right to an IEE.

Topic Addressed: Surrogate Parents

- Letter dated March 11, 2003 to Vermont Department of Education Legal Counsel Geoffrey A. Yudien, regarding the authority of the State and the role of the surrogate parent in making educational decisions for children with disabilities placed in State custody.

**Part C***Infants and Toddlers With Disabilities**Section 636—Individualized Family Service Plan*

Topic Addressed: Early Intervention Services

- Letter dated March 25, 2003 to Connecticut Birth to Three System Director Linda Goodman, regarding whether assistive technology can be provided under Part C.
- Letter dated March 13, 2003 to South Carolina Part C Coordinator David K. Steele, clarifying that although the provision of respite or other care arrangements may be necessary for some families to participate in appropriate early intervention activities, the term "respite" is not intended to serve as child-care or "baby-sitting" assistance in ordinary circumstances.

**Electronic Access to This Document**

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: June 18, 2003.

**Robert H. Pasternack,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. ER03–769–000]

**American PowerNet Management, LP; Notice of Issuance of Order**

June 16, 2003.

American PowerNet Management, LP (APN) filed an application for market-based rate authority, with an accompanying tariff. The proposed tariff provides for the sale of capacity and energy at market-based rates. APN is a limited partnership located in Pennsylvania that intends to engage in the wholesale trading of electricity. APN also requested waiver of various Commission regulations. In particular, APN requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by APN.

On June 6, 2003, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by APN should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426,