

Troy R. Justesen
U.S. Department of Education
400 Maryland Avenue, SW
Potomac Center Plaza, Room 5126
Washington, DC 20202-2641

July 1, 2005

Dear Troy R. Justesen,

I am writing to express my support for the proposed regulations, recently released by the Department, which clarifies in the preamble the LEA and state's responsibilities toward homeschool and private school students when conducting initial evaluations.

We urge the regulators at the Department of Education to stand by the proposed IDEA regulations in §300.300 paragraph (a)(3) as currently drafted and to keep the current preamble language which accurately explains these regulations. The explanation in the preamble that prohibits agencies from conducting evaluations of students who are not in the public school and who are not receiving educational services, is critical to the appropriate application of the law on initial evaluations, will protect parental rights, and will prevent litigation and inconsistent application among school districts. The proposed regulations draw a clear and appropriate line between the state's responsibility to public school students and their responsibility to respect the parents of private and homeschooled students not receiving or seeking IDEA services.

Sincerely,