

- Total number of migrant and seasonal farmworkers with disabilities served by the project who exited the project each reporting period without achieving an employment outcome.

- Total number of migrant and seasonal farmworkers with disabilities served by the project who exited the project each reporting period without achieving an employment outcome but who transfer to another State.

- Percentage of migrant and seasonal farmworkers with disabilities served by the project who achieved employment outcomes each reporting period (number of migrant and seasonal farmworkers with disabilities served by the project who achieved employment outcomes each reporting period divided by the number of migrant and seasonal farmworkers with disabilities who received services through the project that reporting period).

- Total number of migrant and seasonal farmworkers with disabilities served by the project who remain employed three months after achieving an employment outcome.

- Annual cost per participant who achieved an employment outcome (annual cost refers to the annual Federal funds awarded to the project divided by the actual number of migrant and seasonal farmworkers in the project who achieved employment outcomes that reporting period).

Each grantee must annually report on these measures in its annual performance report. We require reporting of annual performance measures at the time of the continuation award processing to ensure that grantees report information for individuals served exclusively by their project.

## VII. Agency Contact

*For Further Information Contact:* Sonja T. Turner, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5089, PCP, Washington, DC 20202-2800. Telephone: (202) 245-7557 or by e-mail: [sonja.turner@ed.gov](mailto:sonja.turner@ed.gov).

If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

## VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202-2550. Telephone: (202) 245-7363. If you use a TDD, call the FRS, toll-free, at 1-800-877-8339.

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**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.gpoaccess.gov/nara/index.html>.

Dated: March 15, 2010.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2010-5976 Filed 3-17-10; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services; List of Correspondence

**AGENCY:** Department of Education.

**ACTION:** List of Correspondence from July 1, 2009 through September 30, 2009.

**SUMMARY:** The Secretary is publishing the following list pursuant to section 607(f) of the Individuals with Disabilities Education Act (IDEA). Under section 607(f) of the IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the U.S. Department of Education (Department) received by individuals during the previous quarter that describes the interpretations of the Department of the IDEA or the regulations that implement the IDEA.

**FOR FURTHER INFORMATION CONTACT:** Laura Duos or Mary Louise Dirrigl. Telephone: (202) 245-7468.

If you use a telecommunications device for the deaf (TDD), you can call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of this notice in an accessible format (e.g., braille, large print, audiotope, or computer diskette) on request to the contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued from July 1, 2009 through September 30, 2009.

Included on the list are those letters that contain interpretations of the requirements of the 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 of and topic addressed by each 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 redacted, as appropriate.

### Part B—Assistance for Education of All Children With Disabilities

#### Section 612—State Eligibility

Topic Addressed: Children in Private Schools

- Letter dated September 25, 2009 to Impartial Hearing Officer Sinai Halberstam, clarifying that the U.S. Supreme Court's ruling in *Forest Grove School District v. T.A.*, 129 S.Ct. 2484 (2009) is consistent with the Department's regulations governing children with disabilities enrolled in private schools by their parents.

Topic Addressed: Participation in Assessments

- Letter dated August 25, 2009 to individual (personally identifiable information redacted), regarding the use of a portfolio assessment as an alternate assessment.

- Letter dated September 23, 2009 to Texas Education Agency General Counsel David Anderson, clarifying when students with disabilities incarcerated in State and local juvenile or adult correctional facilities must participate in Statewide assessments.

#### Section 613—Local Educational Agency Eligibility

Topic Addressed: Use of Federal Funds

- Letter dated September 25, 2009 to Fiscal and Policy Advisor for Greater California Special Education Fiscal Support Alliance J. Sarge Kennedy, regarding the excess costs, supplement not supplant, and local educational agency (LEA) maintenance of effort requirements in Part B of the IDEA.

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

Topic Addressed: Evaluations, Parental Consent, and Reevaluations

- Letter dated August 24, 2009 to New York attorney Tara Moffett,

regarding whether a school district is required to conduct additional testing of a child with a disability in order for that child to receive accommodations on the Scholastic Aptitude Test (SAT) or American College Test (ACT).

Topic Addressed: Revocation of Consent

○ Letter dated August 21, 2009 to Virginia Assistant Superintendent for Special Education and Student Services H. Douglas Cox, regarding what LEAs are required to do when parents, both of whom have legal authority to make educational decisions for their child, disagree on the revocation of consent for special education and related services.

Topic Addressed: Individualized Education Programs

○ Letter dated August 21, 2009 to Maryland Assistant State Superintendent for the Division of Special Education/Early Intervention Services Carol Ann Heath, denying the request to waive the requirement for a measurable postsecondary goal in employment for students with disabilities who have severe medical conditions and developmental needs and denying the State's request to exclude data on this population of students when reporting on the relevant State Performance Plan/Annual Performance Report indicator.

*Section 615—Procedural Safeguards*

Topic Addressed: Discipline Procedures

○ Letter dated August 21, 2009 to New Jersey attorney Rotimi Owoh, clarifying when a LEA is required to conduct a manifestation determination review prior to a short-term disciplinary removal of a child with a disability.

*Other Letters That Do Not Interpret Idea But May Be of Interest to Readers*

Topic Addressed: Seclusion and Restraints

○ Letter dated July 31, 2009 to Chief State School Officers from Secretary of Education Arne Duncan, encouraging schools to review and, if appropriate, revise their current policies and guidelines on the use of seclusion and restraints in schools to ensure that every student is safe and protected from unnecessary or inappropriate restraint or seclusion.

#### Electronic Access to This Document

You can view 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/news/fedregister/index.html>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

**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.gpoaccess.gov/nara/index.html>.

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

Dated: March 12, 2010.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2010-5977 Filed 3-17-10; 8:45 am]

**BILLING CODE 4000-01-P**

#### DEPARTMENT OF EDUCATION

##### Proposed Waivers for the Comprehensive Centers Program and Funding of Continuation Grants

**AGENCY:** Office of Elementary and Secondary Education.

**ACTION:** Notice.

**SUMMARY:** The Secretary proposes to waive the requirements in 34 CFR 75.250 and 75.261(c)(2) of the Education Department General Administrative Regulations (EDGAR) that, respectively, generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. The proposed waivers would enable the 21 current eligible grantees under the Comprehensive Centers program to continue to receive Federal funding beyond the five-year limitation contained in 34 CFR 75.250.

**DATES:** We must receive your comments on or before April 19, 2010.

**ADDRESSES:** Address all comments about these proposed waivers to Frances Walter, U.S. Department of Education, 400 Maryland Ave., SW., Room 3W113, Washington, DC 20202-2800. You may provide comments by e-mail addressed to [fran.walter@ed.gov](mailto:fran.walter@ed.gov). You must include the term "Comprehensive Centers Program Waivers" in the subject line of your electronic message.

**FOR FURTHER INFORMATION CONTACT:** Frances Walter. Telephone: (202) 205-9198 or via Internet: [Fran.walter@ed.gov](mailto:Fran.walter@ed.gov).

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print,

audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

#### SUPPLEMENTARY INFORMATION:

##### Invitation To Comment

We invite you to submit comments regarding this notice of proposed waivers.

During and after the comment period, you may inspect all public comments about this notice of proposed waivers in Room 3W113, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

##### Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed waivers. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### Background

Under the Comprehensive Centers program, the Department supports grants to operate regional technical assistance centers and national content centers as authorized by sections 203 through 207 of the Educational Technical Assistance Act of 2002 (ETAA) (20 U.S.C. 9602). The purpose of these centers is to provide technical assistance to States as States work to help local educational agencies (LEAs) and schools to close achievement gaps in core content areas and raise student achievement in schools, especially to help those in need of improvement (as defined by section 1116(b) of the Elementary and Secondary Act of 1965, as amended (ESEA)) in implementing the school improvement provisions under section 1116 of the ESEA.

Eligible applicants for Comprehensive Center grants are research organizations, institutions, agencies, institutions of higher education, partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in the notice inviting applications published in the **Federal Register** on June 3, 2005 (70 FR 53283) and corrected on June 20, 2005 (70 FR 35415).

We do not believe it would be in the public interest to hold new