

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

On February 24, 2017, President Trump signed Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy “to alleviate unnecessary regulatory burdens” on the American people. In accordance with the Executive Order, the U.S. Department of Education (Department) published a notice in the *Federal Register* on June 22, 2017, seeking input on regulations and guidance that may be appropriate for repeal, replacement, or modification. The deadline for submitting input was September 20, 2017. I am pleased to provide an update on the work that the Office of Special Education and Rehabilitative Services (OSERS) has been doing since the President’s Executive Order, and the closing of the public input period.

OSERS is currently reviewing regulations and guidance in phases, which includes analyzing the input submitted by the public. The first phase involved reviewing guidance that OSERS has published on the *Individuals with Disabilities Education Act (IDEA)*, and the *Rehabilitation Act of 1973 (Rehab. Act)*, as amended. Initially, we evaluated the guidance to determine those that were outdated, unnecessary, or ineffective. At this time, OSERS has a total of 72 guidance documents that have been rescinded due to being outdated, unnecessary, or ineffective—63 from the Office of Special Education Programs (OSEP) and 9 from the Rehabilitation Services Administration (RSA).

Attached is a chart that includes the guidance OSERS published on the *IDEA* and the *Rehab. Act.*, which have been rescinded due to being outdated, unnecessary, or ineffective.

I encourage you to visit the Department’s website to review the Department's Regulatory Reform Task Force's progress report. The Department is committed to an open and transparent process, and I will send periodic updates on the progress OSERS is making with the regulatory reform efforts.

Thank you for the work you do every day to improve the lives of individuals with disabilities.

Kimberly M. Richey  
Acting Assistant Secretary

## OSERS

#	Program	Title	Date Issued
1	Rehab. Act	Transition Programs & Services: High School/High Tech & Vocational Rehabilitation. <a href="#">IM 07-08</a>	7/23/2007
2	Rehab. Act	Factors State Vocational Rehabilitation Agencies Should Consider When Determining Whether a Job Position Within a Community Rehabilitation Program is Deemed to be in an Integrated Setting for Purposes of the Vocational Rehabilitation Program. (TAC-06-01) <a href="#">TAC 06-01</a>	11/21/2005
3	Rehab. Act	Whether Centers that do not Receive Title VII, Part C Grants are Included as Centers for Independent Living Under the Rehabilitation Act of 1973, as amended and the Implications for SILC Composition, Network of Centers, and Part B and Part C Funding. (PD 03-06) <a href="https://www2.ed.gov/policy/speced/guid/rsa/pd-03-06.pdf">https://www2.ed.gov/policy/speced/guid/rsa/pd-03-06.pdf</a>	8/8/2003
4	Rehab. Act	Satellite Centers for Independent Living. <a href="https://www2.ed.gov/policy/speced/guid/rsa/pd-02-03.pdf">https://www2.ed.gov/policy/speced/guid/rsa/pd-02-03.pdf</a>	7/3/2002
5	Rehab. Act	Retirement of Certain Policy Issuances. <a href="#">IM 00-30</a>	6/30/2000
6	Rehab. Act	Information on the Provision of Vocational Rehabilitation Services to Individuals with Hearing Loss (Deaf and Hard of Hearing). <a href="#">IM 00-21</a>	3/28/2000
7	Rehab. Act	Employment Goal for an Individual with a Disability. (PD 97-04) <a href="https://www2.ed.gov/offices/OSERS/RSA/guidance/PD-97-04.pdf">https://www2.ed.gov/offices/OSERS/RSA/guidance/PD-97-04.pdf</a>	8/19/1997
8	Rehab. Act	What a Designated Client Assistance Program Agency Must Do to Satisfy the Mediation Procedures Requirement. (TAC 97-01) <a href="https://www2.ed.gov/policy/speced/guid/rsa/tac-97-01.pdf">https://www2.ed.gov/policy/speced/guid/rsa/tac-97-01.pdf</a>	2/24/1997
9	Rehab. Act	Retirement of Policy Issuances. <a href="#">PD 95-06</a>	7/12/1995
10	IDEA	OSEP Dear Colleague Letter: To Chief State School Officers (CSSOs) on Local Educational Agency (LEA) Maintenance of Effort. <a href="http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/lea-moe-3-13-14.pdf">http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/lea-moe-3-13-14.pdf</a>	3/13/2014
11	IDEA	Final Regulations Related to Parental Consent for the Use of Public Benefits or Insurance — One-page Summary. <a href="https://www2.ed.gov/policy/speced/reg/idea/part-b/idea-part-b-parental-consent--one-pager.pdf">https://www2.ed.gov/policy/speced/reg/idea/part-b/idea-part-b-parental-consent--one-pager.pdf</a>	3/18/2013
12	IDEA	OSEP Dear Colleague Letter: Preschool Least Restrictive Environment (LRE). <a href="http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschoollre22912.pdf">http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschoollre22912.pdf</a>	2/29/2012

#	Program	Title	Date Issued
13	IDEA	OSEP Memo: 11-06 American Recovery and Reinvestment Act (ARRA) Monitoring Announcement. <a href="https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-06arramonitoringannouncementmemo.pdf">https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-06arramonitoringannouncementmemo.pdf</a>	12/6/2010
14	IDEA	Implementing Response to Intervention (RTI) Using Title I, Title III, and CEIS Funds. No Link Available.	8/25/2009
15	IDEA	Guidance on Procedural Safeguards and Due Process Procedures for Parents and Children with Disabilities. <a href="http://www2.ed.gov/policy/speced/guid/idea/procedural-safeguards-q-a.pdf">http://www2.ed.gov/policy/speced/guid/idea/procedural-safeguards-q-a.pdf</a>	6/11/2009
16	IDEA	OSEP Memo 08-08: Implementing the Funding Formula Under the IDEA—Year of Age Cohorts for Which FAPE is Ensured. No Link Available.	5/2/2008
17	IDEA	OSEP Memo: 07-10 Interpretation of 34 CFR §300.154(d)(2)(iv)(A). <a href="http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep07-10interpretationof34cfr300154.pdf">http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep07-10interpretationof34cfr300154.pdf</a>	5/3/2007
18	IDEA	Questions and Answers On Highly Qualified Teachers Serving Children With Disabilities. <a href="http://idea.ed.gov/uploads/07-0006.HQT.pdf">http://idea.ed.gov/uploads/07-0006.HQT.pdf</a>	1/29/2007
19	IDEA	Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools. <a href="https://www2.ed.gov/policy/speced/guid/idea/faq-parent-placed.pdf">https://www2.ed.gov/policy/speced/guid/idea/faq-parent-placed.pdf</a>	3/27/2006
20	IDEA	Dear Colleague Letter addressing administrative costs added to the Individuals with Disabilities Education Act (IDEA) by the 2004 Amendments. <a href="https://www2.ed.gov/policy/speced/guid/idea/letters/2005-3/dearcolleague072505admin3q2005.pdf">https://www2.ed.gov/policy/speced/guid/idea/letters/2005-3/dearcolleague072505admin3q2005.pdf</a>	7/25/2005
21	IDEA	OSEP Memo 05-10 Notice of Proposed Rulemaking (34 CFR Part 300, 301, and 304), Assistance to States for the Education of Children with Disabilities; and Service Obligations Under Special Education – Personnel Development to Improve Services and Results for Children with Disabilities. No Link Available.	7/22/2005
22	IDEA	OSEP Memo: 05-09 Obligations of States and Local Educational Agencies to Parentally-placed Private School Children with Disabilities. <a href="http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep05-09childrenwithdisabilitiesplacedinprivateschoolsbytheirparents.pdf">http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep05-09childrenwithdisabilitiesplacedinprivateschoolsbytheirparents.pdf</a>	6/27/2005
23	IDEA	OSEP Memo 04-09 Implementation of OSEP’s Continuous Improvement and Focused Monitoring System During Calendar Year 2004. <a href="http://www.ed.gov/policy/speced/guid/idea/monitor/osep-memo-04-09.doc">www.ed.gov/policy/speced/guid/idea/monitor/osep-memo-04-09.doc</a>	4/6/2004

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24	IDEA	OSEP Memo 04-04 New Technical Assistance Initiative. No Link Available.	1/29/2004
25	IDEA	OSEP Memo 03-09 New Technical Assistance Initiative. No Link Available.	8/18/2003
26	IDEA	OSEP Memo 03-05 Implementation of OSEP's focused monitoring during 2003. No Link Available.	4/8/2003
27	IDEA	OSEP Memo 02-10 Medicaid and upcoming compliance deadlines under HIPAA and ASCA. No Link Available.	9/26/2002
28	IDEA	OSEP Memo 02-06 Implementing new funding formula under IDEA. <a href="https://www2.ed.gov/policy/speced/guid/idea/letters/2002-2/osep0206-2q2002.pdf">https://www2.ed.gov/policy/speced/guid/idea/letters/2002-2/osep0206-2q2002.pdf</a>	4/26/2002
29	IDEA	OSEP Memo 01-09 Information about new childhood regulations under the SSI Program. <a href="https://www.ed.gov/policy/speced/guid/idea/letters/2001-2/osep0109ssi.doc">https://www.ed.gov/policy/speced/guid/idea/letters/2001-2/osep0109ssi.doc</a>	5/24/2001
30	IDEA	OSEP Memo 01-06 Guidance on including students with disabilities in assessments. <a href="https://www2.ed.gov/policy/speced/guid/idea/letters/2001-1/osep0106assess.pdf">https://www2.ed.gov/policy/speced/guid/idea/letters/2001-1/osep0106assess.pdf</a>	1/17/2001
31	IDEA	OSEP Memo 01-05 Questions and Answers on Mediation. No Link Available.	11/30/2000
32	IDEA	OSEP Memo 00-24 Q&A State/District wide assessment. No Link Available.	8/24/2000
33	IDEA	OSEP Memo 00- 20 Complaint resolution procedures under Part B. No Link Available.	7/17/2000
34	IDEA	OSEP Memo 00-19 IEP guidance. No Link Available.	6/30/2000
35	IDEA	OSEP Memo 00-17 Implementing the new funding formula under IDEA. <a href="https://www2.ed.gov/policy/speced/guid/idea/letters/2000-2/osep0017disfunds2q2000.pdf">https://www2.ed.gov/policy/speced/guid/idea/letters/2000-2/osep0017disfunds2q2000.pdf</a>	6/26/2000
36	IDEA	OSEP Memo 00-16 Review of eligibility documents and issuance of grant awards. <a href="http://www2.ed.gov/policy/speced/guid/idea/letters/2000-2/osep0016grantawards2q2000.doc">http://www2.ed.gov/policy/speced/guid/idea/letters/2000-2/osep0016grantawards2q2000.doc</a>	6/13/2000
37	IDEA	OSEP Memo 00-14 Qs & As on obligations of public agencies serving children with disabilities placed by their parents in private schools. <a href="http://www.cesa7.org/sped/discoveridea/topdocs/nichcy/private.htm">www.cesa7.org/sped/discoveridea/topdocs/nichcy/private.htm</a>	5/4/2000

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38	IDEA	OSEP Memo 00-10 Revised Part B funding formula information request. No Link Available.	3/14/2000
39	IDEA	OSEP Memo 00-08 School districts, State schools, and educational services agencies selected for National assessment study. No Link Available.	1/19/2000
40	IDEA	OSEP Memo 00-07 OSEP Memo 00-Enhancing Coordinated Services Systems. No Link Available.	1/13/2000
41	IDEA	OSEP Memo 00-04 Clarification on State eligibility and public participation. No Link Available.	11/3/1999
42	IDEA	OSEP Memo 00-03 School districts, State schools, and educational services agencies selected for National assessment study. No Link Available.	11/3/1999
43	IDEA	OSEP Memo 99-14 Guidance related to State Program improvement Grants. No Link Available.	7/30/1999
44	IDEA	OSEP Memo 99-12 NPRM for charter school expansion act. No Link Available.	6/28/1999
45	IDEA	OSEP Memo 99-11 Final regulations. No Link Available.	4/27/1999
46	IDEA	OSEP Memo 99-09 Schools with IDEAs that work. No Link Available.	3/29/1999
47	IDEA	OSEP Memo 99-01 Continuous Improvement monitoring process. No Link Available.	1/1/1999
48	IDEA	OSEP Memo Continuous Improvement monitoring process. No Link Available.	10/2/1998
49	IDEA	OSEP Memo 98-13 OSEP Response to Comment on the IDEA forms. No Link Available.	9/16/1998
50	IDEA	OSEP Memo 98-08 Effective date of the new IEP requirements. No Link Available.	4/28/1998
51	IDEA	OSEP Memo 98-04 Guidance related to State Program improvement Grants. No Link Available.	2/26/1998
52	IDEA	OSEP Memo 98-01 information related to statutory changes to Part H. No Link Available.	1/7/1998
53	IDEA	Joint DCL Including Students with Disabilities in all Educational Reform Activities. <a href="https://www2.ed.gov/about/offices/list/ocr/docs/asses902.html">https://www2.ed.gov/about/offices/list/ocr/docs/asses902.html</a>	9/29/1997

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54	IDEA	OSEP Memo 97-7 Initial Discipline Guidance related to removal of children with disabilities for ten school days or less. <a href="https://www2.ed.gov/policy/speced/leg/idea/97-7.pdf">https://www2.ed.gov/policy/speced/leg/idea/97-7.pdf</a>	9/19/1997
55	IDEA	OSEP Memo 97-5 Changes in Part B of IDEA as required the IDEA amendments of 1997. <a href="https://www2.ed.gov/policy/speced/leg/idea/97-5.pdf">https://www2.ed.gov/policy/speced/leg/idea/97-5.pdf</a>	6/17/1997
56	IDEA	OSEP Memo 95-2 Information on the Secretarial Review Process. <a href="http://baby.indstate.edu/iseas/genrl-in8.html">http://baby.indstate.edu/iseas/genrl-in8.html</a>	10/6/1994
57	IDEA	OSEP Memo 94 -19 Availability of draft monitoring reports under FOIA. No Link Available.	4/28/1994
58	IDEA	OSEP Memo 93-16 Impact of the Cash Management Improvement Act on IDEA Part B State Grants for FY 1994. No Link Available.	7/21/1993
59	IDEA	OSEP Memo 93-09 Provision of services to Native American Children Aged Birth through Five Residing on Reservations. No Link Available.	1/12/1993
60	IDEA	OSEP Memo 92-20 Guidelines for Implementing Community-based Educational Programs for Students with Disabilities. No Link Available.	9/21/1992
61	IDEA	OSEP Memo 91-22 Summary of Comments of Special Education for Children with Attention Deficit Disorder. No Link Available.	6/21/1991
62	IDEA	OSEP Memo 90-17 & 90-17A Response to Pennsylvania Questions on Implementing a Birth Through Five Early Intervention Program. No Link Available.	6/1/1990
63	IDEA	OSEP Memo 90-16 Age of eligibility for FAPE of preschool aged children. No Link Available.	5/8/1990
64	IDEA	OSEP Memo 89-21 States responsibility to make FAPE available to certain Indian children. No Link Available.	6/19/1989
65	IDEA	OSEP Memo 88-17 Use of Tape recorders at IEP meetings. No Link Available.	4/15/1988
66	IDEA	OSEP Memo 86-13 The 12 percent limitation on handicapped children counted for allocation purposes. No Link Available.	3/18/1986
67	IDEA	OSEP Memo 85-23 Cooperation in transition initiative and parent training. No Link Available.	4/4/1985
68	IDEA	OSEP Memo 85-19 excess cost requirement under Part B. No Link Available.	2/5/1985

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69	IDEA	OSEP Memo 85-9 Grantback arrangements. No Link Available.	1/9/1985
70	IDEA	OSEP Memo 85-5 Use of EHA-B funds for equipment and certain costs allowable with prior approval. No Link Available.	10/9/1984
71	IDEA	Informal Letter to Chief State School Officers on Data Submissions Due During FY 1983. No Link Available.	8/31/1982
72	IDEA	Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; and Assistance to States for Education of Handicapped Children. <a href="https://www2.ed.gov/about/offices/list/ocr/docs/fapeinsurance.html">https://www2.ed.gov/about/offices/list/ocr/docs/fapeinsurance.html</a>	12/22/1980