



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

September 19, 2006

The Honorable Judd Gregg  
United States Senate  
Washington, D.C. 20510-2904

Dear Senator Gregg:

Thank you for your letter of August 17 expressing your concerns about the Department's position on the maintenance and programming (mapping) of surgically implanted medical devices, specifically cochlear implants, as reflected in the final regulations for the Individuals with Disabilities Education Act (IDEA).

I regret your dissatisfaction with the Department's final rulemaking. I want to assure you that we carefully considered this matter, including your concerns, which you previously expressed in your letter of June 24, 2005. The Analysis of Comments and Changes published along with the regulations includes a detailed discussion of the Department's analysis of the comments received on this issue. (See pages 46569-71 of the August 14 Federal Register, enclosed.) The final regulations reflect our determination that the term "related services" in the IDEA does not include the costs associated with optimization or maintenance of cochlear implants. However, the regulations also make clear that students who have cochlear implants are eligible for related services such as speech therapy, and that school personnel should assist with routine monitoring of the external processor to ensure that it is functioning properly.

I am aware of the language change you cited between the Senate Committee-reported bill and the bill as reported out of the Conference Committee. However, the statute as enacted does not affirmatively include optimization or mapping in the definition of "related services" under IDEA, nor does the Conference Report identify why the change was made from the language in the Senate bill or the intent of the members who voted out the Conference Report.

If you would like to discuss this matter further, or need more information, please have your staff call the Office of Legislation and Congressional Affairs, at (202) 401-0020.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Spellings", is written over the typed name.

Margaret Spellings

Enclosure