



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

FEB 16 2000

Dear

Your e-mail to President Clinton dated December 16, 1999 regarding the disciplining of students with disabilities has been referred to the Office of Special Education Programs (OSEP) for response. Your letter voices your serious concerns about the disciplinary provisions of the Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17 (IDEA'97). You believe that special education students who claim a "behavioral handicap" may only be suspended for ten days or given an alternative placement for 45 days, all of which you state endangers students and teachers.

It has always been the position of this Administration that our schools must be safe, disciplined, and drug-free. IDEA '97 expands the authority of school officials to protect the safety of all children, while ensuring that essential rights and protections are available to students with disabilities.

Because it appears from your e-mail communication that you may not be fully aware of all of the options available to school authorities in disciplining students with disabilities, we would like to take this opportunity to provide a brief summary of some of the major provisions in IDEA '97 relevant to student discipline.

IDEA '97 permits school authorities to remove a child with a disability from the child's regular school for not more than ten school days at a time for any violation of school rules. Additional ten-day suspensions can occur in the same school year for separate incidents of misconduct, as long as there is not a pattern of removals and educational services are not ceased. In situations where there is a serious infraction of school rules and the child's parents agree (as they frequently do in such cases), school officials can move a child with a disability to an appropriate placement. In situations where the child's parents do not agree, IDEA'97 permits school authorities to remove a child with a disability from the child's regular school for up to 45 days at a time if the child brings a weapon to school or to a school function, or possesses or uses illegal drugs or sells or solicits controlled substances while at school or a school function. In addition, if a child with a disability is substantially likely to injure self or others in the child's regular placement, school officials can ask an impartial hearing officer to order that the child be removed to an alternative setting for a period of up to 45 days.

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be required, please do not hesitate to contact my office directly or the Office of Special Education Programs' State Contact for Maryland, Mr. Michael F Slade, by calling (202)-205-8969.

Sincerely,

A handwritten signature in black ink that reads "Kenneth R. Warlick". The signature is written in a cursive style with a large initial 'K'.

Kenneth R. Warlick, Director  
Office of Special Education  
Programs

cc: Andrew Nussbaum, Counsel  
Board For Education, PGCPs  
Patricia Jamison, Ed.D.  
Director of Special Education, PGCPs