



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

November 18, 1998

Honorable J. Roland Smith
House of Representatives
State of South Carolina
183 Edgar Street
Warrenville, South Carolina 29851

Dear Mr. Smith:

Thank you for your letter on behalf of the Aiken County School District regarding discipline procedures under the Individuals with Disabilities Education Act. You noted that there have been a number of incidences in which the district is prohibited from suspending disabled students for violent or disruptive behavior. You may be aware that Dr. Linda Eldridge and Ms. Peggy Trivelas of the Aiken County Public Schools also raised similar concerns in a June 12, 1998 letter to Assistant Secretary Judith E. Heumann. I am enclosing a copy of the response to that inquiry. I appreciate your writing and giving the Department this opportunity to clarify our position with respect to this matter.

The Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17 (IDEA Amendments) reauthorized the more than 20-year-old Federal law that guaranteed equality of educational opportunity to our nation's 5.4 million disabled students. Among the major provisions in the IDEA Amendments are requirements applicable to disciplining disabled students. Those requirements, its give school officials the authority to take appropriate disciplinary action to maintain safe schools, while protecting the rights of disabled students.

Let me emphasize that the IDEA Amendments do not prohibit a school district from further suspending a child with a disability who has already been suspended for ten school days in the school year, provided this alternative is used for nondisabled students, there is not a pattern of removals, and educational services are not ceased during the course of the subsequent suspensions. Options available to school authorities in disciplining disabled students under the IDEA Amendments are explained in more detail in the letter responding to Dr. Eldridge and Ms. Trivelas.

We hope that your constituents find the explanation provided in the enclosed letter helpful. If we can be of further assistance,

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please contact Assistant Secretary Judith E. Heumann or
Dr. Thomas Hehir, Director of the Office of Special Education
Programs, at (202) 205-5465.

Yours sincerely,


Richard W. Riley

Enclosure

CC, Dr. Ora Spann
South Carolina Department
of Education