



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

NOV 18 1998

This is in response to your letter to the U.S. Department of Education's Office of Special Education Programs expressing your concerns over the enormous due process paperwork requirements imposed by Part B of the Individuals with Disabilities Education Act (Part B) you state that the paperwork requirements usurp valuable time needed to be spent providing special education and related services to students with disabilities. The following information may be helpful in addressing your concerns.

The Department is constantly reviewing its regulations to ensure that paperwork burdens on participating States and local school districts are minimized and teachers are supported in their efforts in the classroom. State educational agencies also periodically review their State requirements relating to the implementation of Part B to ensure that the State requirements do not exceed the Federal requirements. You may wish to contact your State educational agency at the address and telephone number set forth below about its efforts at minimizing the paperwork burden.

Diane Sydoriak, Associate Director
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As you know, on October 22, 1997, the Department published in the Federal Register, at 62 Fed. Reg. 55026, a Notice of Proposed Rulemaking (NPRM) to implement statutory changes made to Part B of IDEA by IDEA '97. There was a 90-day public comment period following publication of the NPRM, and the Department received numerous public comments, including comments similar to those expressed in your letter. I also would like to emphasize that one of the principal goals of IDEA '97 is "[f]ocusing resources on teaching and learning, while reducing paperwork requirements that do not assist in improving educational results." 62 Fed. Reg. At 55028.


In particular, IDEA '97 contains a number of provisions that reduce unnecessary paperwork and direct resources to teaching and learning by (1) permitting initial evaluations and reevaluations to be based on existing evaluation data and reports; (2) not requiring that eligibility be re-established through additional assessments when a triennial evaluation is conducted if the group reviewing the data agrees that the child continues to be a child with a disability; (3) eliminating unnecessary paperwork requirements that discourage the use of IDEA funds for teachers and other personnel who provide special education and related services in regular

classrooms, while ensuring that the needs of children with disabilities in those classrooms are met; and (4) by permitting State and local educational agencies to establish eligibility only once by providing policies and procedures that demonstrate that Part B eligibility conditions are met and thereafter amending them if changes are necessary. See 62 Fed. Reg. At 55029.

In addition, you raise a concern with respect to the consistency of special education paperwork between States and/or school districts. Although Nationally mandated paperwork for special education documentation would go a long way in eliminating some of the problems you articulate in your letter, Congress made the decision that the provision of special education and related services requires a great amount of flexibility at the local level, thus necessitating that many decisions concerning specific issues of implementation remain with local administrators and teachers. Such flexibility necessitates that there be a minimum amount of regulation at the National level creating the variation in State and local school district requirements that you mention.

Enclosed is a copy of the proposed regulations that provides further information that you may find helpful. I want to thank you for the interest that you have demonstrated in the implementation of IDEA. I am encouraged that individuals are committed to providing appropriate educational services to children including those with disabilities. I hope that this information is helpful to you in addressing your concerns.

Sincerely,



Thomas Hehir
Director
Office of Special Education
Programs