



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 29 1997

Dear

This is in response to your letter to President Clinton regarding the inclusion of children with disabilities in the regular education classroom. Your letter has been referred to the U.S. Department of Education's Office of Special Education Programs (OSEP) for response. OSEP is responsible for administering the Individuals with Disabilities Education Act (IDEA), which provides Federal financial assistance to State educational agencies (SEA), and through them, to local educational agencies (LEA) to assist them in making available a free appropriate public education to children and youth with one or more of thirteen specified disabilities as defined by Part B.

You indicated in your letter that you teach social studies to a class of fifth and sixth graders which includes students with disabilities. You expressed your concern that students with disabilities are "thrown into regular classrooms and are not capable of doing standard grade work." And further, you stated that teachers are given a long list of modifications that must be followed.

Thank you for taking the time to share with the Department your thoughts about inclusion. Over the past several years, the Department has been reviewing the implementation of the IDEA, including Part B of the IDEA (Part B), to determine what changes would improve outcomes for children with disabilities. In addition, the Department reviewed over 3,000 comments from parents and educators on how to improve the Act; many of whom expressed support regarding the use of inclusion for children with disabilities. In response to these comments, and based upon what we have learned over the past twenty years of implementing the Part B program, the Department prepared a proposal to improve the IDEA and strengthen the linkages to regular education. The proposed changes were submitted to Congress on June 30, 1995. Over the past two years, Congress conducted numerous hearings and deliberations to determine the aspects of IDEA which needed modification. On June 4, 1997, President Clinton signed the reauthorized bill, known as the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 1997), into law (copy enclosed). The new proposed regulations for the IDEA were published in the Federal Register on October 22, 1997.

To be eligible for services under the Part B program, a child must be evaluated and a determination must be made that the child has one or more of the disabilities specified in IDEA 1997. Once a determination has been made that a child has one or more of the specified disabilities and that the child is eligible for services under the Part B program, the LEA must conduct a meeting to develop an individualized education program (IEP) for the child.

Under IDEA 1997, when the LEA conducts an IEP meeting, the child's parents must be included as full participants, as well as, at least one regular education teacher for each child who is, or may be, participating in the regular education environment. Among other benefits, the regular teacher's participation on the IEP team will help ensure that the teacher is better prepared to meet the needs of the entire class, including the needs of children with disabilities. The IEP team must determine whether the child needs specially designed instruction or special education services, as well as any related service, and the extent to which the child will be able to participate in the regular educational program. The LEA must implement the IEP and provide the services included in the student's IEP.

With respect to "inclusion" of students with disabilities in the regular classroom, the following information may be helpful. Under Part B, each disabled student must be educated in the regular educational environment with his or her nondisabled peers to the maximum extent appropriate. These requirements are known as the least restrictive environment requirements. The legislative history for Part B supports a strong preference for educating disabled students in regular classes with appropriate aids and supports.

As I travel throughout the country and meet with parents of disabled and nondisabled students alike, I find repeatedly that the problems associated with the placement of some disabled students in regular classes can be ameliorated if teachers are appropriately supported and parents and professionals work together.

Further, I have found that some disabled students can be educated appropriately in regular classes if consideration is given to the full range of aids and supports (supplemental aids and services) to facilitate regular class placement. I would like to reiterate that nothing in Part B requires that every disabled student be educated in the regular education classroom. Each child's educational placement must be based on the particular needs of that child..

I hope that this information is helpful. Please let me know if I can be of further assistance.

Sincerely,



Thomas Hehir
Director
Office of Special Education Programs

Enclosure

cc: Mr. Gene Lenz
Ms. Shirley Sanford
Texas Education Agency