



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR - 3 1998

Dear

Your letter to President Clinton about your concerns of over-identification of minorities in special education was sent to the United States Department of Education's Office of Special Education Programs for our response. It appears from your letter that you are concerned that African-American and Hispanic students are being inappropriately placed in special education programs. You suggested that the President appoint a Special Commission on Special Education Students and Teachers to address this issue.

The Office for Civil Rights.(OCR) in the United States Department of Education is the agency that has been delegated the task of ensuring that educational practices and procedures are nondiscriminatory. After a two-year study in New York City, OCR determined that there were disproportionately high numbers of African-American and Hispanic students in special education. In 1997, the OCR and the New York City Board of Education signed an agreement that requires that New York City reduce these disproportionately high numbers. For information about this agreement, you may contact the regional office of OCR that serves New York at 75 Park Place, New York, NY 10007; the telephone number of the Director is 212-637-6332.

Further, some additional protections against over-identification of minorities were included in the Individuals With Disabilities Education Act Amendments of 1997. These additional protections included the requirement that each local educational agency shall ensure that all tests and other evaluation materials used to assess a child under this section are selected and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so (§614(b)(3)(A) (I)(ii)); and, in making a determination of eligibility (for special education

Page 2

placement and services), a child shall not be determined to be a child with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency. (§614(a)(5)).

I hope that the information in this letter is helpful. If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Cooke". The signature is fluid and cursive, with a long horizontal stroke at the end.

Catherine Cooke
Education Program Specialist
Office of Special Education
Programs