



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 11 1998

Dear

Your letter to President Clinton, dated April 20, 1997, has been forwarded to the Office of Special Education Programs (OSEP) within the U.S. Department of Education for response. OSEP administers Part B of the Individuals with Disabilities Education Act (Part B), which makes Federal funds available to States, and through them to local school districts, to assist in providing a free appropriate public education (FAPE) to students with disabilities in mandated age ranges. We are sorry to learn of the difficulties that your , has experienced in receiving what you believe to be appropriate educational services. Please excuse the delay in our response to your inquiry.

In your letter to President Clinton, you indicate that has a learning disability and was attending Technical Institute which was to implement individualized education Program (IEP. Apparently, was placed at the Institute by the School District (District) in order to provide with FAPE. However, in February 1997, because of 's breach of a student behavior contract which signed and in which agreed that would not be absent from school from November 21 through the end of the school year for more than ten school days, was told could no longer attend the Institute. Assuming the breach was not a manifestation of disability, and continued to be provided FAPE by the District, we do not believe that the Institute's refusal to allow to attend its program would violate Part B or other statutes administered by the Department. The District remains responsible for making FAPE available to by other means, including addressing the reasons for 's lack of attendance at school.

Although we do not have enough information to ascertain whether Part B requirements have been properly addressed in your situation, I would like to point out that as a parent of a child with a disability, you may request mediation or initiate an impartial due process hearing if you believe that your has been denied FAPE by the District. In New Jersey, is entitled to receive FAPE until graduates from high school or reaches age 21, whichever occurs first. To obtain more information about mediation and due process hearings in New

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Jersey, you should contact Ms. Barbara Gantwerk at the address listed below:

Ms. Barbara Gantwerk  
Director  
Office of Special Education Programs  
New Jersey State Department of Education  
CN 500  
Trenton, New Jersey 08625-0500

Telephone: (609) 633-6833

Mr. Dennis Moyer, Educational Consultant from the New Jersey State Department of Education (NJSDE), also has advised us that NJSDE has been in contact with you through correspondence dated April 22, 1997 (copy enclosed). Mr. Moyer further indicated that NJSDE has not heard from you since the above referenced letter was mailed. Since Mr. Moyer is familiar with your situation, you may wish to contact him directly should you have questions. His telephone number is (609) 633-7605.

In addition, I am enclosing various materials that may be helpful to you. This information is issued by the National Information Center for Children and Youth with Disabilities which is a national information clearinghouse that provides free information to assist parents, educators, and others in helping children with disabilities become participating members of the school and community. The Parent Training and Information Centers listed on the enclosed resource sheet were established to make parent-to-parent training and information services available to parents of children with disabilities across the country. The purpose of these services is to enable families to participate more fully in the education of their children.

I hope that you find this information to be helpful. If this office can be of further assistance, please feel free to call Ms. Sheila Friedman, the New Jersey State Contact in the Monitoring and State Improvement Planning Division, at (202) 205-9055.

Sincerely,



Thomas Hehir  
Director  
Office of Special Education  
Programs

Enclosures

cc: Ms. Barbara Gantwerk