



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 23, 1997

Dear

Thank you for your electronic mail (E-mail) message to President Clinton concerning who was diagnosed with cancer and has been unable to attend school for the past two years. The White House has referred your E-mail message to the U.S. Department of Education's Office of Special Education Programs (OSEP) for review, and I am pleased to respond.

OSEP is responsible for administering the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 1997), enacted June 4, 1997, which provides financial assistance to State educational agencies (SEAs), and through them to local educational agencies (LEAD), to assist States in making available a free appropriate public education (FAPE) to all eligible children with one or more of the disabling conditions listed in Part B of IDEA 1997 (copy enclosed).

To be eligible for services under Part B of IDEA 1997, a child must have one or more of the disabling conditions, as defined in 34 CFR §300.7(b), and need special education and related services. See 34 CFR §300.121 (copy enclosed). After a public agency determines that a child has a disability and requires special education and related services, an individualized education program (IEP) must be developed. The IEP for each child with a disability must contain a statement of the special education and related services to be provided to the child, as well as a statement of the needed supplementary aids and services. See 34 CFR §300.346(a)(3) and 34 CFR Part 300, Appendix C, Question 48. If the IEP team determines that a child with a disability requires assistive technology in order to receive FAPE, an designates such assistive technology as either special education or a related service, the child's IEP must include a statement of the specific special education and related services to be provided to the child, including the nature and amount of such services. See 34 CFR §300.346(a)(3); App. C to 34 CFR Part 300, (Ques. 51) (copy enclosed). The need for assistive technology is determined on a Case-by-case basis, taking into consideration the unique needs of each child. If the IEP team determines that a particular assistive technology item is required for home use in order for a particular child to be provided FAPE, the technology must be provided to implement the IEP.

Once the IEP is developed, the placement decision must be made. A child's placement must be based on a number of factors, including the requirements set forth in the child's IEP. See 34 CFR §300.552. In addition, public agencies must ensure that certain requirements for placement in the least restrictive environment are met in providing special education and related services to

children with disabilities. See 34 CFR §§300.550-556. For example, public agencies must ensure that special classes, separate schooling, or the removal of children with disabilities from the regular educational environment occurs .only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. See 34 CFR §300.550(b)(2). Public agencies must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. See 34 CFR §300.551(b)(1). I would like to emphasize that Part B specifically includes home instruction as one option on the continuum of placements that may be appropriate for individual children.

If _____ are having difficulty securing what they feel to be appropriate educational services for _____ you may suggest that they contact the Oregon State director of special education, Mr. Steve Johnson, at the following address and telephone number:

Associate Superintendent
Oregon Department of Education
255 Capital Street
Salem, Oregon 97310-0203
Telephone: (503) 378-3598

I am also including some information from the National Information Center for Children and Youth with Disabilities that you may wish to share with _____

I hope that this information is helpful to you and _____ If this Office can be of further assistance, you, _____ can contact Linda Whitsett, Oregon State contact, at (202) 205-8013.

Sincerely,



Thomas Hehir
Director
Office of Special Education
Programs

Enclosures

cc: Mr. Steve Johnson
Oregon Department of Education