



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

APR 30 1999

Honorable Roy Blunt
House of Representatives
Washington, DC 20515

Dear Mr. Blunt:

Thank you for your letter written to OSERS Assistant Secretary Judith E. Heumann, regarding the implementation of the Individuals with Disabilities Education Act Amendments of 1997, Pub. L. 105-17, (IDEA '97). Please excuse the delay in issuing this response.

Your inquiry to this Office was the result of your request to school administrators in Missouri for input about the implementation of IDEA '97, and copies of several letters you had received from school district superintendents in Missouri also were transmitted to this Office along with your inquiry. The concerns expressed dealt primarily with implementation of the discipline provisions in IDEA '97 and what are believed to be increased paperwork requirements resulting from IDEA '97. As you are probably aware, on March 12, 1999, the Department published in the Federal Register, at 64 Fed. Reg. 12406, final regulations implementing statutory changes made to Part B of IDEA by IDEA '97. Prior to the publication of these final regulations, over 6,000 public comments were received on the Notice of Proposed Rulemaking (NPRM) amending the regulations governing the Assistance to States for Education of Children with Disabilities Program that were published on October 22, 1997 at 62 Fed. Reg. 55026. Many of the public comments on the NPRM expressed concerns similar to those raised by school administrators in Missouri, particularly in the areas of student discipline and paperwork requirements.

One of the principal goals of IDEA '97 is "reducing unnecessary paperwork and other burdens to better direct resources to improved teaching and learning." 64 Fed. Reg. at 12416. 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)

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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; 34 CFR §§300.533, 300.535, 300.220, 300.235, and 300.110-111.

With regard to discipline, it has always been the position of this Administration that our schools must be safe, disciplined, and drug-free. IDEA '97 expands the authority of school officials to protect the safety of all children, while ensuring that essential rights and protections are available to students with disabilities. I believe that our final regulations accomplish these goals.

In the preamble to the final regulations, there is a detailed discussion of the discipline provisions of these final regulations, entitled *Some Key Changes in the Regulations Regarding Discipline for Children with Disabilities*, published at 64 Fed. Reg. 12413. Also, answers to commonly asked questions about the discipline provisions of IDEA are provided at 64 Fed. Reg. 12414. A copy of this information is enclosed for your reference.

I believe that the explanation of the discipline provisions in these final regulations, which includes the clarification of applicable statutory requirements, and the accompanying questions and answers will serve to clarify a number of concerns raised by your constituents.

We look forward to continued fruitful dialogue between members of our respective staffs as we work to address issues surrounding the education of our nation's disabled students.

Sincerely,

Thomas Hehir
Director
Office of Special Education
Programs

cc: John V. Heskett
Missouri Department of
Elementary and Secondary
Education