



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

MAR 21 2000

Dear Senator Feinstein:

This letter is in further response to your letter of June 28, 1999. I apologize for the delay in our reply. In your letter you requested a response to the concerns of your constituents, Richard Long, Chairperson and Diana Jorgenson, Executive Director of the Development Disabilities Council of Contra Costa County. They are primarily concerned about the definition of the term "natural environment" in Part C of the Individuals with Disabilities Education Act (Part C).

While some confusion may exist in the field about the requirements to provide early intervention services in natural environments, this is not a new requirement. The Department's 1989 regulations initially implementing the 1986 Part H law required that, to the extent appropriate, early intervention services take place in settings in which children without disabilities participate. In the 1991 Amendments to the Part H, Congress added the requirement of "natural environments" as part of the definition of early intervention services as well as making it a required element of the individualized family service plan (IFSP).

Part C now requires that "to the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate." (See 34 CFR §303.12(b)). By definition, natural environments means "settings that are natural or normal for the child's age peers who have no disability." (See 34 §CFR 303.18). A copy of the Part C regulations cited in this letter is enclosed.

The Individuals with Disabilities Education Act's (IDEA) 1997 Amendments further strengthened the requirements related to provision of services in natural environments by requiring States to: (1) develop and articulate specific policy and procedures for the provision of early intervention services in natural environments (See 34 CFR §303.167(c)), and (2) include on the Individual Family Service Plans (IFSPs) a justification of the extent, if any, to which the services will not be provided in a natural environment (See 34 CFR §303.344(d)(1)(ii)). Therefore, the provision of services in natural environments is not just a guiding principle or tenet, but also a requirement of the law.

We share Ms. Jorgenson and Mr. Long's concerns for the networking and training needs of parents. These are particularly important family needs and should be addressed by the IFSP team as part of the development of the child's IFSP. The identification of parent support, training or counseling, as a needed early intervention service, can be provided either through Part C, or by referral to an organization that offers these services (e.g., a Parent-to Parent Training and Information Center, a Parent-to-Parent program, or other family support or advocacy organizations). Where these meetings or training will take place should be part of the overall discussion in the development of the IFSP. A variety of locations for training activities could be considered, such as a public library, another family's home, etc. Services for parents alone, such as parent support, are not required to take place in "natural environments."

My staff has been working closely with the Department of Developmental Services (DDS) Part C staff responsible for implementation of early intervention in California to ensure that DDS is correctly interpreting the Federal requirements governing Part C. We are available to continue to provide technical assistance in support of California's early intervention efforts. Thank you for bringing your concerns to our attention. Please feel free to contact Ms. Jacquelyn Twining-Martin, the early intervention contact for California, of my staff at (202) 205-8258, if you have further concerns.

Sincerely,

Kenneth R Warlick
Director
Office of Special Education
Programs

cc: Scott S. Fleming
Assistant Secretary
OLCA