



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 4 1997

Honorable William Frist  
United States Senate  
Washington, D.C. 20510-4205

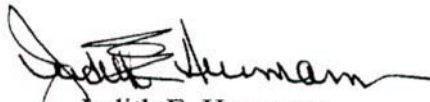
Dear Senator Frist:

This is in response to your letter dated August 18, 1997, concerning the potential misinterpretation of the provision in Public Law 105-17 permitting the removal of a student with a disability from school for up to ten school days for the violation of school conduct codes.

We are aware, as your letter indicates, that one interpretation that is being suggested is that Public Law 105-17 prohibits school personnel from removing a disabled student from school for up to ten school days without providing the student educational services. However, we would not interpret the Individuals with Disabilities Education Act Amendments of 1997 as requiring that educational services be provided during this time period. Please be assured that we expect to be issuing guidance this month as well as proposed regulations in the very near future that will be consistent with this interpretation. Even though the provision of educational services during this time period is not required, we believe that good practice would be to review as soon as possible the circumstances surrounding the events that led to the child's removal and consider whether the child was being provided services in accordance with the individualized education program (IEP) and whether the behavior could be addressed through minor classroom or program adjustments or whether the child's IEP team should be reconvened to address possible changes in that document.

Thank you for writing and underscoring the importance of this matter. A copy of the relevant Department guidance will be forwarded to you as soon as it is issued. If we can be of further assistance, please let me know.

Sincerely,



Judith E. Heumann