



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 12, 1999

Dear

This is in further response to your letter to the Office of Special Education and Rehabilitative Services seeking information under the Freedom of Information Act (FOIA), 5 U.S.C. §552, concerning any "resolutions for accommodations for [multiple chemical sensitivity] MCS currently between any private or public school and the parents of (a) MCS child." As you know, Dr. Tom Hanley of my staff contacted you by telephone and spoke with seeking to provide relevant information and further clarify what information would meet your particular needs. The Office of Special Education Programs (OSEP) does not have particular documentation of what individual schools, or school districts, have instituted in the way of specific accommodations for MCS students. However, I want to provide you with the following information that may be helpful.

Although children with MCS are not recognized in the Individuals with Disabilities Education Act of 1997 (IDEA '97) as a separate disability category, there may be instances when a child with such a condition could be identified as other health impaired. See 34 CFR §300.7(a)(8) (copy enclosed). I am also enclosing a copy of the Proposed Regulation implementing IDEA '97. To be classified as "other health impaired", the child must have limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia or diabetes, that adversely affects a child's educational performance. That determination is made as part of a preplacement evaluation to determine that the child needs special education and related services. See 34 CFR §300.531. If it is determined that the child requires special education and related services, an individualized education program (IEP) must be developed within 30 calendar days. See 34 CFR §300.343(c). It is the responsibility of the team developing the IEP to formulate any accommodations that the child needs.

Separate and apart from the above IDEA '97 requirements, you may wish to contact your U.S. Department of Education's Office for Civil Rights (OCR) Regional Office. OCR is responsible for implementation of Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), which prohibits discrimination on the basis of disability.

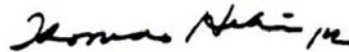
Page 2

Although, a child might not otherwise be eligible for special education and related services pursuant to IDEA '97, the child may require accommodations under Section 504. OCR may be able to provide you with information about specific accommodations that can be made for children with MCS. You may address your inquiry to the OCR Regional Director, Wendella P. Fox, at the following address and telephone number:

OCR Regional Office  
100 Penn Square East  
Suite 505  
Philadelphia, Pennsylvania 19107  
Telephone: (215) 656-8541

I hope that this information is helpful to you and the school in formulating policies and procedures for addressing the educational needs of children with disabilities. If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir  
Director  
Office of Special Education  
Programs

Enclosures