



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 2 1998

Gus G. Spiropulos, Ed.D.
Superintendent
Camas County School District 121
P.O. Box 370
Fairfield, Idaho 83327

Dear Dr. Spiropulos:

Your letter written January 22, 1998, to President Clinton, has been forwarded to the Office of Special Education Programs (OSEP) in the U. S. Department of Education (Department) for response. OSEP administers the Individuals with Disabilities Education Act (IDEA). Part B of IDEA (Part B) authorizes Federal financial assistance to States, and through them to local school districts, to assist in providing a free appropriate public education (FAPE) to all children with disabilities residing in the State in mandatory age ranges. Please excuse the delay in issuing this response.

Part B was amended by the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97), Pub. L. 105-17. You have written because you are concerned about Federal requirements for disciplining disabled students contained in IDEA '97 and the constraints that school administrators face in implementing those requirements, as well as the effect of those requirements on small school districts.

Among the major provisions that are contained in IDEA '97 are new requirements relating to disciplining disabled students. 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. Section 615(k) of IDEA '97 addresses the options available to school authorities in disciplining disabled students and sets forth procedures that must be followed in taking disciplinary actions. IDEA '97 requires the provision of FAPE to suspended or expelled students in an alternative setting, but does not specify the alternative setting in which educational services must be provided. IDEA '97, §615(k)(5)(A) and §612(a)(1)(A). It has long been the Department's view that cutting off children with disabilities from educational services is not an effective punishment. Instead, providing these students an effective alternative program increases their chances of being productive, law-abiding members of their communities. We believe that continued services are essential to ensure that disabled students who are subjected to disciplinary exclusions from school do not fall further behind and are able to gain the necessary skills to

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modify their behavior once they return to school. At the same time, however, it is essential that schools remain safe and orderly places conducive to learning for all students.

On October 22, 1997, the Department published in the Federal Register, at 62 Fed. Reg. 55026, a Notice of Proposed Rulemaking (NPRM) to implement statutory changes made to Part B by IDEA '97. Numerous public comments were received on this NPRM, including on the proposed regulations regarding student discipline. We are in the process of finalizing these regulations, and are giving careful consideration to the public comments received. A copy of the NPRM is enclosed for your information.

We hope that this information is helpful. If we can be of further assistance, please contact Dr. JoLeta Reynolds or Ms. Rhonda Weiss at (202) 205-5507.

Sincerely,



Thomas Hehir
Director
Office of Special Education
Programs

cc: Ms. Noleen Weaver
Idaho State Department
of Education