



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 23, 1998

Dear :

Your letter to President Clinton, in which you expressed your views and concerns regarding services for children with autism, was referred to the office of Special Education Programs (OSEP) for response. OSEP administers Part B of the Individuals with Disabilities Education Act (Part B). 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 children with disabilities residing in the State in mandatory age ranges.

In your letter, you indicated that your and other children with autism are not receiving the programs and services that they need from their local school districts. Your letter also suggests that the cost of the program that you deem appropriate for your may be a factor in the school district's choice of methodology for the treatment of autism. Under Part B, FAPE must be made available to each disabled child in the least restrictive environment (LRE). School districts therefore must ensure that each disabled child receives a program that is designed to address his or her unique educational and related services needs. Under Part B, lack of adequate personnel or resources does not relieve school districts of their obligations to make FAPE available to students with disabilities in the least restrictive educational setting in which their individualized education programs can be implemented. Determinations as to what program is appropriate for an individual disabled child are made by the local school district in accordance with the evaluation and individualized education program requirements of Part B. 34 CFR §§300.530-300.534 and 300.340-300.350.

As a parent, you are part of the decision making team that determines what program is appropriate for your child. If parents disagree with school district decisions regarding their child, they have the right to initiate an impartial due process hearing on any matter relating to the identification, evaluation, or educational placement of their child, or the provision of FAPE to their child. Parties to these disputes also may choose to resolve them through mediation, provided the mediation is voluntary on the part of the parties, is not used to deny or delay a parent's right to a due process hearing under Part B, or to deny any other rights afforded under Part B of the Act.

Please refer to the enclosed OSEP Resource Sheet for additional information addressing FAPE, LRE, and options parents may pursue to resolve disagreements with their local school districts on what constitutes an appropriate program for their children.

If you have any questions about how the Part B requirements are implemented in South Carolina, you may contact the State Director of Special Education at the address and telephone number listed below:

Dr. Ora Spann, Director
State Department of Education
Office of Programs for Exceptional
Children
1429 Senate Street, Room 808
Columbia, SC 29201

(803) 734-8806

I have enclosed information that may be helpful to you: Materials issued by the National Information Center for Children and Youth with Disabilities (NICHCY) concerning special education resources specific to South Carolina and the name and address of the Parent Training and Information Center in your state. NICHCY is a national information clearinghouse that provides free information to assist parents, educators, and others in helping children with disabilities become participating members of the school and community. The Parent Training and Information Centers were established to make parent-to-parent training and information services available to parents of children with disabilities across the country. The purpose of these services is to enable families to participate more fully in the educational needs of their children.

I hope you find this information to be helpful. For further assistance, please feel free to direct additional concerns or questions to Deborah Jennings, a member of my staff, at (202) 260-5250.

Sincerely,



Thomas Hehir
Director
Office of Special Education
Programs

Enclosures

cc: Dr. Ora Spann