



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR - 4 1999

Dear

I am writing in response to your letter to President Clinton on behalf of . Your letter has been referred to the office of Special Education and Rehabilitative Services (OSERS) for response.

It is important to note that State and local education agencies have a responsibility to locate, identify, evaluate and provide a free appropriate public education to all children with disabilities. Part B of the Individuals with Disabilities Education Act (Part B) is the Federal law that authorizes financial assistance to States, and through them to local school districts, to assist in meeting the special educational needs of eligible children with specified disabilities. Under Part B, States and local school districts have an ongoing responsibility to make available a free appropriate public education (FAPE) to all eligible children. FAPE includes the provision of special education and related services which meet State educational standards and Part B requirements. These services, among other requirements, must be provided at public expense under public supervision and direction, without charge to the eligible child or his parents, and must be in conformity with each student's individualized education program (IEP). Further, all children with disabilities, regardless of the severity of their disabilities, are entitled to be educated in the least restrictive environment (LRE) appropriate according to their unique needs. Each IEP committee determination is an individual one, and services must be tailored to the needs of a particular child.

If you request an evaluation of your child to determine eligibility for Part B, or a change in your child's educational program, and the public agency refuses your request, it must provide you with a written notice explaining its action. A public agency that proposes or refuses to initiate or change the identification, evaluation, educational placement of a child, or the provision of FAPE to a child must provide written notice to the parents of the child. This notice must include a description

of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, a description of any other options considered and the reasons why they were rejected, a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action, a description of any other factors that are relevant to the agency's proposal or refusal and a statement that the parents of a child with a disability have protection under the procedural safeguards of Part B and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained, and sources for parents to contact to obtain assistance or understanding of the provisions of Part B.

The procedural safeguards include the right to initiate a due process hearing. Parents who disagree with a decision by a public agency regarding the identification, evaluation, or educational placement of their child, or the provision of FAPE to their child, have the right to request an impartial due process hearing. The due process provisions of Part B were specifically designed to provide parents with an independent forum for resolving disagreements with a public agency.

In addition, if parents believe that their child has been denied FAPE or that any other violation of the IDEA has occurred, they can file a complaint with the Ohio Department of Education (ODE). ODE must resolve any complaint that it receives within 60 calendar days. To request a due process hearing, or to file a complaint, you can contact the ODE official listed below, at the following address and telephone number:

Mr. John Kerner
Special Education Director
Ohio Department of Education
933 High Street
Worthington, Ohio 43085-4087
Telephone: (614)466-2650

I have enclosed the IDEA amendments, and the State Complaint procedures, as well as the sheet issued by the National Information Center for Children and Youth with Disabilities (NICHCY) concerning special education resources in Ohio. This resource sheet will provide you with the address and telephone numbers for that organization, as well as for other resources within Ohio.

Page 3 -

I hope that you find this information helpful. Please feel free to contact Dr. Helen Eano, the Ohio contact on my staff, at (202)205-9583 if we can be of further assistance.

Sincerely,

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

Thomas Hehi=
Director
Office of Special Education
Programs

Enclosures