



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 9 1997

Honorable Zach Wamp
House of Representatives
Washington, D.C. 20515

Dear Mr. Wamp:

This is in response to your letter, dated September 11, 1997, to Secretary of Education Richard W. Riley, written on behalf of your constituent, Dr. Jim Duncan, of Oak Ridge, Tennessee.

As principal of Oak Ridge High School, Dr. Duncan expresses the concern that the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) could significantly limit the ability of school authorities to discipline disabled students, and could prevent school officials from removing a disabled student from school for even one day without educational services. Therefore, he urges the Department to promulgate regulations that will address this concern in light of local school officials' responsibilities to maintain school safety.

To provide initial guidance on this and other matters relating to the provisions of IDEA '97 governing the disciplining of disabled students, OSEP Memorandum 97-7, dated September 19, 1997, has been issued. A copy of OSEP memorandum 97-7, entitled "Initial Disciplinary Guidance Related to Removal of Children with Disabilities from their Current Educational Placement for Ten School Days or Less," is enclosed for your constituent's information. In light of IDEA '97's free appropriate public education (FAPE) requirements, the Department's views on whether educational services must be provided during the removal of a child with a disability from his or her current educational placement for ten school days or less are set out in the response to question 4, which states as follows:

The Department does not believe that it was the intent of Congress to require that FAPE be provided when a child is removed for ten school days or less during a given school year. However, there is nothing in the IDEA '97 that would prevent the provision of FAPE during this time.

It also is anticipated that proposed regulations will be issued in the near future that reflect this and other interpretations set forth in OSEP Memorandum 97-7.

We hope that the enclosed memorandum is helpful to you and your constituent. If we can be of further assistance, please feel free to contact me or have your constituents contact the persons

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whose names and telephone numbers are provided on the enclosed guidance memorandum.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir". The signature is written in a cursive style with a horizontal line at the end.

Thomas Hehir
Director
office of Special Education
Programs

Enclosure