



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 3 1997

Dear :

This is in response to your letters dated June 14, 1997, written to Secretary of Education Richard W. Riley, Assistant Secretary for the Office of Special Education and Rehabilitative Services Judith E. Heumann, and to me regarding the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, known as Public Law 105-17. In your letter, you express a number of specific concerns about how you believe these Amendments will operate to diminish the protections for students with disabilities and their parents contained in P.L. 94-142, the Education for All Handicapped Children's Act of 1975.

While we appreciate your taking the time to write to express your views, we believe that many of the concerns that you have raised are based on inaccurate assumptions about the IDEA Amendments of 1997. We would like to take this opportunity to correct some of these assumptions.

The reauthorization of the IDEA was a very significant achievement for a number of reasons. IDEA 97 was the result of the efforts of a bipartisan working group composed of members of Congress and representatives from the Clinton Administration. This working group received ongoing comments and suggestions from groups advocating on behalf of children with disabilities, including parent groups. As a result of this bipartisan effort and the commitment of Congress and the Administration to strengthen existing law and expand opportunities for students with disabilities and their parents, IDEA 97, among other features, strengthens academic expectations and accountability, bridges the gap between special education and the general curriculum, and makes parents required participants in the groups that make eligibility and placement decisions for their children. For further discussion of these and other aspects of IDEA 97, please see question 2 of the enclosed question and answer document.

It is apparent from your letter that you have been a very active participant in decisions made in the education of your children, and I would like to commend you for your efforts. I do not believe, as your letter suggests, that integrated educational programs for students with disabilities will decline under IDEA 97. To the contrary, IDEA 97 continues the requirement in the prior law that, to the maximum extent appropriate, children with

disabilities must be educated in regular classes alongside their nondisabled peers with appropriate supplementary aids and services. For additional discussion of how IDEA 97 affects placements of disabled students in regular classes, see questions 3 through 5 of the enclosed question and answer document.

In your letter, you also raise a concern about the new provisions in IDEA 97 regarding discipline. Under section 615(k)(2), school authorities may request a hearing officer to "order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer --

(A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others ..." Section 615(k)(2)(A) (emphasis ours).

You are concerned about the effects of this provision on students such as your who have communication difficulties. Although it appears from your letter that your has not engaged in misconduct warranting disciplinary action, speech is mimicked by peers. As a result, you fear that could be regarded as a threat to own safety and that of others, thus subjecting her to removal from current placement to an interim alternative educational setting for up to 45 days. The Department believes that section 615(k)(2) of IDEA 97 is intended to authorize a hearing officer to order a change in a placement of a student with a disability only if the public agency has demonstrated by substantial evidence that maintaining the current placement of that student is substantially likely to result in injury to that student or to others. Based on the information you have provided, we do not believe that this new statutory provision was intended to apply to students such as your

You also express your view that, under IDEA 97, because there is less accountability, less money will be expended on the education of individual disabled students. Your concerns about funding are representative of the concerns of many taxpayers. The intent of the law, however, is that special education be seen as a service provided to each individual disabled child in the least restrictive environment, not simply as a place. See question 5 of the enclosed question and answer document.

To obtain accurate information about IDEA 97, we urge you to take advantage of the many opportunities that are being made available for parents. Hopefully, as you acquire more information, your concerns about the diminution of protections for students with disabilities and their parents will be dispelled. Please find enclosed various materials that may be helpful to you. This information is issued by the National Information Center for

Children and Youth with Disabilities which 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 listed on the enclosed resource sheet 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 education of their children. Also enclosed is specific information about Parents Helping Parents, a Parent Information and Training Center based in San Francisco.

We hope that you find the above explanation and the enclosed information helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir", with a stylized flourish at the end.

Thomas Hehir
Director
Office of Special Education
Programs

Enclosures

cc: Leo .J. Sandoval
California State Department
Of Education