



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

MAY 22 2000

[REDACTED]

Dear [REDACTED]

This is in response to your letter to me regarding the Metro School in Charlotte, North Carolina. The Metro School is a separate school serving children with disabilities. You are concerned that the Metro School may be closed and the children currently attending the school will be placed in their respective neighborhood schools. Perhaps some background information and information regarding provisions of the Individuals with Disabilities Education Act (IDEA) will be helpful.

It is important to point out that, in 1975, more than one million of our nation's disabled children, often those with the most significant disabilities, "were excluded entirely from the public school system and did not go through the educational process with their peers." 20 USC §1400 (c)(2)(C). In addition, "more than half of the disabled children in the United States did not receive appropriate educational services that would enable them to have full equality of opportunity." 20 USC §1400(c)(2)(B). As you may know, I have a disability and use a wheelchair. I am also a former school teacher. I spent several years at home receiving only a few hours of education per week because the school system did not provide reasonable accommodations so I could attend my neighborhood school. When I eventually attended my neighborhood school, I was put in segregated classrooms.

I am very sensitive to your concerns. I need to explain some of my concerns. When I visited the Metro School, I was deeply concerned about the growing census of more children being segregated in this school while throughout the country we are seeing children being appropriately placed and served in less restrictive settings. When I asked the staff at the school about the students' placements at the school, I was told that there were students in the school who could be served appropriately in less restrictive settings. I was also deeply

concerned that there appeared to be extremely limited opportunities for the students in this school to participate with non-disabled peers in academic and non-academic and extracurricula activities. And finally, I also was deeply concerned that the curricula these students were being taught seems to have little resemblance to that taught non-disabled students in your district.

In the 1997 reauthorization of the IDEA, Pub. L. 105-17 (IDEA '97), Congress recognized that special education is a set of services for disabled children, rather than a place where they are sent. 20 USC §1400(c)(5)(C). In particular, Congress found that "[o]ver 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective... by... [p]roviding appropriate special education and related services and aids and supports in the regular classroom to such children, whenever appropriate." 20 USC §1400(c)(5)(D).

Drawing upon this important experience, IDEA '97 strengthens opportunities for disabled students to participate meaningfully in the general curriculum with their nondisabled peers. States receiving Part B funds must ensure that each disabled student has available a free appropriate public education (FAPE) in the least restrictive environment. LRE means that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and that "special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of a disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." 20 USC §1412(a)(5)(A); 34 CFR §300.550(b)(1)-(2). The statutory provision expresses a strong preference for educating children with disabilities in regular classes alongside their nondisabled peers with needed supplementary aids and services. In addition, research has shown that for those students who complete high school, spending more time in regular classes is related to a higher probability of competitive employment and to higher earnings.


Even though IDEA '97 does not mandate regular class placement for every disabled student, it presumes that the first placement option considered for each disabled student is the regular classroom in the school that the student would attend if not disabled, with appropriate supplementary aids and services to facilitate such placement. Therefore, before a disabled child can be placed outside the regular educational environment, the group of persons making the placement decision must consider whether supplementary aids and services could be provided that would enable education of the student in the regular classroom setting to be

achieved satisfactorily. If a determination is made that a particular disabled student cannot be educated satisfactorily in the regular educational environment, even with the provision of appropriate supplementary aids and services, that student then could be placed in a setting other than the regular classroom. The regulations implementing IDEA provide that public agencies must have available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.

In all cases, placement decisions must be individually determined on the basis of each child's abilities and needs, and not solely on factors such as category of disability, severity of disability, configuration of service delivery system, availability of space, or administrative convenience. Rather, each student's IEP forms the basis for the placement decision. The Department encourages parents of a child with disabilities to work with their State or local education agency in order for their child to receive FAPE.

We hope that you find this explanation helpful. If you would like further assistance, please contact the Office of Special Education Programs and speak with Dr. Gregg Corr, Associate Division Director at 202-205-9027.

Sincerely yours,



Judith E. Heumann

cc: E. Lowell Harris