



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Mike Thompson
House of Representatives
Washington, DC 20515

MAR 21 2000

Dear Congressman Thompson:

Thank you for your letter to Secretary of Education Richard W. Riley. Your letter has been referred to the Office of Special Education Programs for my response. In your letter-you stated that you have a concern about the State of California's policy regarding the "natural environments" provision of Part C of the Individuals with Disabilities Education Act (Part C). You stated that the definition of natural environments is being interpreted to mean only two settings: the home and community settings in which children without disabilities participate.

While some confusion may exist in the field about the requirements to provide early intervention services in natural environments, this is not a new requirement. The Department's 1989 regulations initially implementing the 1986 Part H law required that, to the extent appropriate, early intervention services take place in settings in which children without disabilities participate. In the 1991 Amendments to the Part H, Congress added the requirement of "natural environments" as part of the definition of early intervention services as well as making it a required element of the individualized family service plan (IFSP).

Part C now requires that, to the maximum extent appropriate to the needs of the child, early intervention services are provided in natural environments, including the home and community settings in which children without disabilities participate. 34 CFR §303.12(b). By definition, natural environments are natural or normal for the child's age peers who have no disabilities. 34 CFR §303.18

The '97 IDEA Amendments further strengthened the requirements related to provision of services in natural environments by requiring States to: (1) develop and articulate specific policy and procedures for the provision of early intervention services in natural environments (see 34 CFR §303.167(c)), and (2) include on the IFSPs a justification of the extent if any, to which the services will not be provided in a natural environment (see 34 CFR §303.344(d)(1)(ii)) (enclosed). Therefore, the provision of services in natural environments is not just a guiding principle or tenet, but also a requirement of the law.

We share your concerns for the networking and training needs of parents. These are particularly important family needs and should be addressed by the IFSP team as part of the development of the child's IFSP. The identification of parent support, training or counseling, as a needed early intervention service, can be provided either through Part C, or by referral to an organization that offers these services (e.g., a Parent Training and Information Center, a Parent-to-Parent program, or other family support or advocacy organizations). Where these meetings or trainings will take place should be part of the overall discussion in the development of the IFSP. A variety of locations for training activities could be considered, such as a public library, another family's home, etc. Services for parents alone, such as parent support, are not required to take place in "natural environments."

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

The decisions concerning the setting for the child's services must be individualized to meet that child's needs. Part C regulations require that:

[t]he provision of early intervention services for any infant or toddler occurs in a setting other than a natural environments only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment. 34 CFR §303.167(c).

Thus, nothing in the law precludes such services from being provided in settings that include other children with disabilities as well as non-disabled children, as long as the requirements of Part C are met, so that many opportunities may exist for parents of children with disabilities to interact.

My staff has been working closely with the Department of Developmental Services (DDS) Part C staff responsible for implementation of early intervention in California to ensure that DDS is correctly interpreting the Federal requirements governing Part C of the Individuals with Disabilities Education Act. We are available to continue to provide technical assistance in support of California's early intervention efforts. Thank you for bringing your concerns to our attention. Please feel free to contact Ms. Jacquelyn Twining-Martin, the early intervention contact for California, on my staff at (202) 205-8258, if you have further concerns.

Sincerely,

Kenneth R. Warlick
Director
Office of Special Education
Programs

cc: Scott S. Fleming
Assistant Secretary
OLCA