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Folder Title:

IDEA [Individuals with Disabilities Education Act] Amendments - Letters

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	To: President Clinton; RE: Personal (1 page)	10/05/1998	b(6)
002. letter	To: Jonathan Young; RE: Personal [partial] (1 page)	10/12/1998	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Jonathan Young
OA/Box Number: 40203

FOLDER TITLE:

IDEA [Individuals with Disabilities Education Act] Amendments - Letters

2007-0143-F

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

For additional information, please contact

Kevin Dwyer (301) 229-9234

Justine Maloney (703) 243-3614

Paul Marchand (202) 785-3388

Katy Beh Neas (202) 347-3066

Consortium for Citizens with Disabilities

August 17, 1998

The Honorable William Jefferson Clinton
Office of the President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

The Consortium for Citizens with Disabilities (CCD) is a national coalition of consumer, advocacy, service provider and professional organization that advocate on behalf of children and adults with disabilities and their families. The CCD Education Task Force works to promote equal educational opportunities for children with disabilities. The major focus of this effort is the Individuals with Disabilities Education Act (IDEA), civil rights legislation that has guaranteed a free, appropriate, public education to students with disabilities for more than two decades.

CCD is greatly concerned about amendments to IDEA that are now part of the House of Representatives' appropriations bill for the Departments of Labor, Health and Human Resources and Education. The undersigned members of the CCD Education Task Force thank you for including these amendments among the reasons why you intend to veto the bill in its current form.

CCD thanks you for your commitment to protecting the rights of the more than 6 million children with disabilities and their families.

Sincerely,

American Therapeutic Recreation Association
Association for the Education and Rehabilitation of the Blind and Visually Impaired
Autism Society of America
Bazelon Center for Mental Health Law
Children and Adults with Attention Deficit Disorders
Division for Early Childhood of the Council for Exceptional Children
Easter Seals

Federation of Families for Children's Mental Health
International Dyslexia Association
National Association of Private Schools for Exceptional Children
National Association of Protection and Advocacy Systems
National Center for Learning Disabilities
National Council for Community Behavioral Healthcare
National Parent Network on Disabilities
National Therapeutic Recreation Association
Spina Bifida Association of America

Attn: Johnathan Young
Associate Director of Public
Liason at the White House
(202) 456-6218

Marla Mixon
16333 Blackwell Lane
Independence, La 70443

To Whom It May Concern:

As a concerned parent, I am writing regarding the recent legislation passed by Congress which will harbor violent, disruptive students in our public schools. Special education students will be protected from discipline by the new IDEA regulations. Principals and teachers will have little or no authority over these students.

I think you will agree that violence in our schools is increasing at an alarming rate. Our principals and teachers must be able to discipline all students. Therefore, I am asking you to support legislation by Louisiana Congressman Robert Livingston which will negate this type of violent behavior in our schools.

Thank you for your support and concern for our children.

Marla Mixon



Creating solutions, changing lives.

*Helping people with disabilities gain
greater independence*

Easter Seals

Office of Public Affairs
700 Thirteen Street, N.W.
Suite 200
Washington, DC 20005
202.347.3066 phone
202.347.7385 tdd
202.737.7914 fax
www.easter-seals.org

Facsimile Cover

To

Jonathan Young
Name

Company/Organization

Fax

Phone

2
Pages (including cover)

From

Katy Behrman
Name

Department

Phone

Date

3/2/99

Message

Jonathan - we'd like to send this letter today or tomorrow.
Please review at your earliest convenience.

Thanks - Katy

Today, more than one million Easter Seals clients — children and adults with disabilities and their families — lead improved lives because of the Easter Seals services they have received: programs for children, vocational training and employment, and medical rehabilitation. Easter Seals services are comprehensive and individualized to meet each client's needs, family-focused to meet each family member's concerns, outcome-oriented with a goal of enhanced physical and financial independence, and cost-effective benefiting from public support.

Now in its 79th year of service, Easter Seals continues to expand each of these service areas to help more children and adults with disabilities improve their lives.

DRAFT

March 2, 1999

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, DC 20502

Dear Mr. President:

On behalf of the Consortium for Citizens with Disabilities Education Task Force, we write to you today regarding the future of the Individuals with Disabilities Education Act (IDEA). CCD is a coalition of more than 100 national organizations that works to promote opportunities for children and adults with disabilities and their families.

In 1997, you signed landmark legislation that continues the right to a free, appropriate public education for millions of children with disabilities. The 1997 IDEA Amendments were the result of months of negotiations between House and Senate Republicans and Democrats and your Department of Education. The law is a carefully balanced compromise. Final regulations to implement the new amendments are expected this week.

Last week, you met with representatives of the National Governors Association. It was widely reported that you agreed to develop a policy on IDEA with selected governors. Since 1997, CCD has assumed that your IDEA policy has been clearly established: implement and enforce the 1997 amendments to IDEA and fund each of IDEA's programs. CCD urges the Administration to convey this policy to the governors to ensure that six million children with disabilities and their families have access to appropriate educational opportunities. In addition, CCD requests a meeting with your staff to discuss this matter in greater detail.

Thank you for considering our views.

Kevin Dwyer
National Association
Of School Psychologists

Paul Marchand
The Arc

Katherine Beh Neas
Easter Seals

CC: Richard Riley, Secretary of Education
Bruce Reed, Domestic Policy Council
Jonathan Young, Office of Public Liaison



PMcGSmith @ aol.com
10/05/98 05:03:54 PM

Record Type: Record

To: Jonathan M. Young/WHO/EOP

cc:

Subject: IDEA IDEA IDEA

Jonathan,

It is imperative for the White House to hold firmly with the disability community to oppose any amendments to IDEA. The proposed amendments would gut the civil rights of students with disabilities. We urge the President to veto any appropriations bill that has amendments to IDEA on it.

Patty Smith, Executive Director,
National Parent Network on Disabilities.



Marcie Roth <marcie @ erols.com >
10/06/98 07:55:45 PM

Please respond to Marcie Roth <marcie@erols.com>

Record Type: Record

To: Undisclosed.Recipients @ smtp1.erols.com

cc:

Subject: IDEA Alert

Here's a new alert, from our friends at the Center for Law and Education.
The attacks from Congress on children with disabilities are continuing till
the bitter end of the 105th Congress.

Please respond to this alert, and then show your power by coming out to the
October 11th Rally, REALIZE THE PROMISE~A Day to End Special Segregation,
from 1-4 on the Ellipse in Washington, DC.
For more information on the Rally, go to
<http://www.tash.org/actionalerts/idearally.html>

IDEA ALERT! IMMEDIATE ACTION REQUIRED!!

Since the reauthorization of the Individuals with Disabilities Education Act
in June 1997, the same school groups that mounted the most serious attacks
against the Act have tried repeatedly to weaken its protections for students
with disabilities. In particular, the American Association of School
Administrators [AASA] has taken the lead by proposing to repeal specific
provisions of the IDEA designed to protect students with disabilities from
being unilaterally removed from school by school personnel.

AASA suggests that the protections are contrary to the interests of students
with disabilities because students committing identical infractions are
treated differently depending on whether or not they are identified as
disabled, and disabled students are perceived as getting much lighter
punishments than students without disabilities. AASA forgets that the IDEA
was, in fact, enacted in 1975 to address the exclusion, abuse and
mistreatment of students with disabilities whose actions and behaviors were
treated punitively. AASA fails to recognize that all too frequently today,
as in 1975, what is, in fact, a disability-related behavior is characterized
as a discipline problem, and little or no consideration is given to the
school's failure to provide legally required programming and interventions
to address the behavioral manifestation of disability.

AASA seeks to remove the protections in the IDEA Amendments of 1997 that,
for example, limit to 45 calendar days the unilateral placement by school
personnel of students with disabilities in an interim alternative
educational placement.

AASA contends that because students with disabilities are treated differently, a state of emergency exists implying that the presence of students with disabilities in the regular educational setting somehow relates to school violence.

AASA contends that although they originally wanted to wait and see how the new law would work [and presumably, its data collection requirements so that any future action could be thoughtfully considered based on facts rather than anecdote and fear mongering stereotypes], they were overwhelmed by the concerns of their membership about the disciplinary provisions. Significantly, prior to the IDEA Amendments of 1997, a student with disabilities could not without a court order based on a finding of dangerousness, be removed unilaterally by school personnel and placed in an interim alternative placement for up to 45 calendar days.

AASA suggests that the 45 day cap be lifted in favor of an automatic 1 year exclusion which it says would be more equitable. [This proposed change appears to be based on a misreading of the Guns Free School Act which: (1) requires States to have adopted policies authorizing an automatic one year exclusion for students in possession of a firearm at school or a school sponsored event; (2) leaves local school superintendents the authority to make such a determination on a case- by-case basis; (3) permits school systems to continue to provide education in an alternative setting during the period of expulsion and (4) must be read in a manner consistent with the provisions of IDEA, including the duty to continue to provide FAPE to a child with a disability who brings a firearm to school. Under current law, if the student's action were determined not to be related to his/her disability, the youth with disabilities would be treated as any other student, including if the superintendent so authorized, subject to at least a one year exclusion - except consistent with IDEA, the youth would continue to be provided FAPE during the period of exclusion.]

In addition, the AASA and other school groups continue to challenge the Department's interpretation of the 10 day exclusion rule to mean 10 days cumulatively per school year. The AASA seeks to redefine the 10 day rule to authorize school personnel to remove unilaterally students for a period of 10 days per incident.

SPEAK OUT NOW - DO NOT LET STUDENTS WITH DISABILITIES BE USED AS FODDER FOR THE AASA'S CAMPAIGN AGAINST INCLUSION !

The AASA misleads the Congress and the public by suggesting that there is a link between school violence and the presence of students with disabilities in the general curriculum. Although expressly recognizing in other materials disseminated from its website that juvenile crime has declined, and that school violence has decreased, the AASA misrepresents the status of school violence by suggesting that a crisis exists and that this crisis is associated with the participation of students with disabilities in the regular school environment. On its website, the AASA admits that school violence is a public relations concern, describing schools as the safest places for children. It further acknowledges that its attack on the protections accorded children with disabilities is prompted by their now [being] educated in an inclusive environment....just as expectations are

skyrocketing.

WHAT TO DO:

Between now and October 9 the AASA and other school groups championed by Senators Gorton (R. WA) and Lieberman (D. CT) will seek to amend the IDEA Amendments of 1997. It is expected that an amendment will be offered to remove the 45 day cap on the number of days that a youngster with disabilities can be removed from his/her current placement and unilaterally placed in an interim alternative educational placement [possession of a weapon, possession, sale or distribution of illegal drugs]; and to eliminate the role of the independent hearing officer who is currently responsible for determining whether a child with a disability is substantially likely to cause injury to self or others before being removed from his or her educational placement.

In addition, the AASA may seek to exclude those children with disabilities who commit school code violations by removing them from their school programs for 10 days per incident.

[Under this proposed change, if a youngster acts out in class so as to annoy his teacher, he will be removed for 10 school days, return on the 11th school day, then be in jeopardy of being removed again for another 10 school day period.]

The threat of these proposals finding their way into the IDEA Amendments of 1997 is real and it is now! We must let members of Congress know that there are more families than there are school superintendents and principals. The possibility exists that these amendments will be agreed to as amendments to the Omnibus Budget bill through a preconference agreement with the House which has already attached the Livingston amendment to the Labor and Human Services Appropriations bill. "The Livingston amendment would add a new category to the list of behaviors for which students can be removed from the classroom and give more authority to school personnel in such decisions rather than the current authority given to a hearing officer. The new category includes language which would allow school personnel to determine a child's behavior "could have resulted in physical injury". Previous experience has taught us that such language could open the floodgates to scenarios like expelling a child because he or she slammed a door because the glass *could have* broken out and hurt someone."

"As disturbingly, the amendment also removes the 45-day limit on how long a child with a disability can be put in an alternate setting. This language could easily be used to turn the clocks back 20 years and return our kids on a permanent basis to segregated classrooms or altogether separate schools." - (our thanks to Justice For All for this brief discription of the Livingston amendment) Indeed, CLE feels that this language could puts students with disabilities out of school altogether or at best in a permanent "home placement".

WHAT YOU CAN DO:

CONTACT ALL MEMBERS OF THE SENATE APPROPRIATIONS COMMITTEE. TELL THEM WE WILL NOT ACCEPT ANY MORE COMPROMISES OF THE RIGHTS OF CHILDREN WITH DISABILITIES. THIS IS A CIVIL RIGHTS ISSUE!!

ALSO CONTACT YOUR OWN SENATORS AND CONGRESS PERSONS. TELL THEM THE IDEA AMENDMENTS OF 1997 REQUIRE COLLECTION OF DATA. LET THE ACT BE IMPLEMENTED AND ENFORCED AND DO NOT LEGISLATE BASED ON ANECDOTE OR FALSE CHARGES THAT CHILDREN WITH DISABILITIES ARE ENGAGED IN SCHOOL VIOLENCE.

ALL SENATORS CAN BE REACHED BY DIALING- 202-224-3121.

Also, contact the local offices of YOUR senators and let them know that you will no longer support the Senator if he/she supports further weakening of the IDEA.

MEMBERS OF THE SENATE APPROPRIATIONS COMMITTEE

Stevens (R-AK), Byrd (D-WV), Cochran (R-MS), Inouye (D-HI), Specter (R-PA), Hollings (D-SC),

Domenici (R-NM), Leahy (D-VT), Bond (R-MO), Bumpers (D-AR), Gorton (R-WA), Lautenberg (D-NJ)

McConnell (R-KY), Harkin (D-IA), Burns (R-MT), Mikulski (D-MD), Shelby (R-AL), Reid (D-NV), Gregg (R-NH)

Kohl (D-WI), Bennett (R-UT), Murray (D-WA), Campbell (R-CO), Dorgan (D-ND)

Craig (R-ID), Boxer (D-CA), Faircloth (R-NC), Hutchison (R-TX)

"The hottest places in hell are reserved for those who, in times of great moral crisis, maintain their neutrality"

Dante

Marcie Roth
Director of Governmental Affairs and Public Policy
TASH-Disability Advocacy Worldwide
29 W. Susquehanna Avenue Suite 210
Baltimore, MD 21204
Email: marcie@erols.com
Phone: (410) 828-8274 X 104
Website: www.tash.org

The Arc of the United States
Governmental Affairs Office

1730 K Street, NW, Suite 1212
Washington, D.C. 20006-3868
(202) 785-3388 • FAX (202) 467-4179 • TDD (202) 785-3411-4179
E-mail: arcga@radix.net

FAX FORM (COVER SHEET)

SENT BY:

☒ Paul Marchand☐ Evelyn Powell☐ URGENT☐ Marty Ford☐ Brenda Walker☐ PLEASE COMMENT☐ Kathy McGinley☐ FYI☐ Kim Musheno

DATE:

5/25/99

TO:

Jonathan Young
W.H.

FAX #:

456-6218

NUMBER OF PAGES (INCLUDING COVER SHEET):

2

DOCUMENT DESCRIPTION:

DRAFT RESPONSE TO
FRIST/ASHCROFT AMENDMENT TO IDEA.

REMARKS:

The
Arc*a national organization
on mental retardation**formerly Association for
Retarded Citizens of the United States*

DRAFT**President Clinton's Response to Frist/Ashcroft Amendment to IDEA**

I have strong reservations about the Frist/Ashcroft amendment to the Individuals with Disabilities Education Act adopted by the Senate as part of the Juvenile Justice bill. The Frist/Ashcroft policy is all wrong. Allowing school officials to suspend or expel students with disabilities without behavioral interventions or any education protects no one. In many cases, a child with nothing to do and no one to turn to will likely pose a more serious threat to society than one who has a program to go to. Ceasing educational and behavioral services essentially throws the child away, leading to further alienation from society, increased crime, unemployment, and dependency on public assistance.

The carefully crafted 1997 amendments to IDEA already give school officials ample authority to remove a dangerous child from the classroom. The law also protects the educational rights of students with disabilities where the behavior of the child is related to the child's disability. We should first assess how the new law and the recently published IDEA Final Regulations actually work before we amend this law again.

13142 Musicmaster Drive
Silver Spring, Md. 20904
October 13, 1998

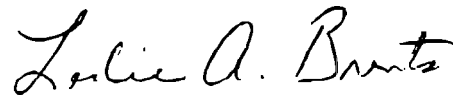
Mr. Jonathan Young
Associate Director of Public Liaison
White House

Dear Sir:

I want to express my concern as the mother of a child with learning disabilities that the "Livingston Discipline Amendments" are still included in the budget bill. **I want them out.** These amendments will negate a great deal of work towards compromise which took place during the reauthorization of IDEA and simply permit school districts to opt out of educating children with learning disabilities and behavior problems. Parents of children with learning disabilities want IDEA left alone without any amendments to it.

The Republican Party has gained favor in the learning disabled support community by increasing funding from the federal government for the states over the amounts the White House proposed. The budget bill provides an opportunity to regain favor with the many parents and friends of learning disabled children which quite frankly the Democratic Party can use.

Sincerely,

A handwritten signature in cursive script that reads "Leslie A. Brents".

Leslie A. Brents

Consortium for Citizens with Disabilities

For additional information, please contact
Kevin Dwyer (301) 229-9234
Justine Maloney (703) 243-3614
Paul Marchand (202) 785-3388
Katy Beh Neas (202) 347-3066

September 4, 1998

The Honorable William Jefferson Clinton
Office of the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

The Consortium for Citizens with Disabilities (CCD) Education Task Force is concerned about a provision in the House version of the DC Appropriations bill that would harm children with disabilities. As you know, CCD is a national coalition of consumer, advocacy, service provider, and professional organizations that advocate on behalf of children and adults with disabilities and their families. Although the appropriations bill applies only to the District of Columbia, we believe that this particular provision would undermine the Individuals with Disabilities Education Act (IDEA).

The version of the DC Appropriations bill passed by the House of Representatives would bar attorney fees for parents who sue for violations of IDEA and prevail at the administrative level. For parents who prevail in federal court, the fees would be limited to \$1,300—the amount granted an attorney who successfully defends a misdemeanor case in state court. Ensuring that a child with disabilities receives an appropriate education under federal law should not be equated with defending a person accused of public drunkenness.

IDEA explicitly allows for parents to collect attorney fees when they “substantially prevail” at the due process hearing or on appeal to federal court. Congress was concerned that children from low-income families would not be able to obtain legal representation unless the attorneys could be assured of being paid when they won a case. IDEA requires that the attorney’s fee be reasonable and that the hourly rate be based on the “rates prevailing in the community”—tools states can and do use to challenge any unreasonable bill for legal services. The District of Columbia has access to the same tools, but they have never used them.

If this ban on attorney fees is included in the DC appropriations bill that reaches your desk, the undersigned members of CCD urge you to veto the bill. Children from low income families must often rely on attorneys to secure the educational services to which they are entitled under IDEA. Congress should not amend IDEA because one jurisdiction fails to avail itself of the law’s protections.

Thank you for considering CCD's views.

Sincerely,

Adapted Physical Activity Council
American Association on Mental Retardation
Bazelon Center for Mental Health Law
Conference of Educational Administrators of Schools and Programs for the Deaf
Easter Seals
Higher Education Consortium for Special Education
Learning Disabilities Association
National Association of Developmental Disabilities Councils
National Association of Protection and Advocacy Systems
National Association of Private Schools for Exceptional Children
National Coalition on Deaf-Blindness
National Consortium for Physical Education and Recreation for Individuals with Disabilities
National Down Syndrome Society
National Parent Network on Disability
Research Institute for Independent Living
The Arc

Consortium for Citizens with Disabilities

For additional information, please contact

Kevin Dwyer (301) 229-9234

Justine Maloney (703) 243-3614

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September 4, 1998

The Honorable William Jefferson Clinton
Office of the President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

The Consortium for Citizens with Disabilities (CCD) is a national coalition of consumer, advocacy, service provider and professional organization that advocate on behalf of children and adults with disabilities and their families. The CCD Education Task Force works to promote equal educational opportunities for children with disabilities. The major focus of this effort is the Individuals with Disabilities Education Act (IDEA), civil rights legislation that has guaranteed a free, appropriate, public education to students with disabilities for more than two decades.

CCD is greatly concerned about amendments to IDEA that are now part of the House of Representatives' appropriations bill for the Departments of Labor, Health and Human Resources and Education. The undersigned members of the CCD Education Task Force thank you for including these amendments among the reasons why you intend to veto the bill in its current form.

CCD thanks you for your commitment to protecting the rights of the more than 6 million children with disabilities and their families.

Sincerely,

Adapted Physical Activity Council
American Association of University Affiliated Programs
American Association on Mental Retardation
American Council of the Blind
American Occupational Therapy Association
American Therapeutic Recreation Association
Association for the Education and Rehabilitation of the Blind and Visually
Impaired

Autism Society of America
Bazelon Center for Mental Health Law
Children and Adults with Attention Deficit Disorders
Council for Exceptional Children
Division for Early Childhood of the Council for Exceptional Children
Easter Seals
Federation of Families for Children's Mental Health
Higher Education Consortium for Special Education
International Dyslexia Association
Learning Disabilities Association
Lutheran Office for Governmental Affairs/ELCA
National Association of Developmental Disabilities Councils
National Association of Private Schools for Exceptional Children
National Association of Protection and Advocacy Systems
National Center for Learning Disabilities
National Coalition on Deaf-Blindness
National Consortium for Physical Education and Recreation for Individuals with
Disabilities
National Council for Community Behavioral Healthcare
National Down Syndrome Society
National Parent Network on Disabilities
National Therapeutic Recreation Association
Research Institute for Independent Living
Spina Bifida Association of America
The Arc
United Cerebral Palsy Associations

Consortium for Citizens with Disabilities

September 9, 1998

The Honorable Jim Jeffords
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Consortium for Citizens with Disabilities' Education Task Force writes to you today to respond to concerns raised by the American Association of School Administrators (AASA) regarding the Individuals with Disabilities Education Act Amendments of 1997 (IDEA). The policies recommended in the AASA letter to you, dated August 26, 1998, fly in the face of the basic intent of IDEA -- to ensure that children with disabilities have access to a free, appropriate, public education. CCD is also seriously disappointed that AASA is advocating for changes to the 1997 IDEA Amendments even before they have had a chance to be implemented in our nation's schools.

AASA reports that "the basic problem is that students committing identical infractions are treated differently depending on whether they are identified as disabled." This statement is simply inaccurate. It also contradicts AASA public statements. In May, 1997, AASA reported there was no double standard in disciplining students with disabilities. In a letter to Representative Goodling that was published in the Congressional Record (May 13, 1997, H2531), AASA stated "As with most legislation, there is considerable give and take and no one can be pleased with every single provision of the bill. However, because H.R. 5 puts children first we can support it. Children with disabilities are the clear victors in the bill because the program is simpler and better connected to schools in general, especially where children are directly affected, such as evaluation, instruction, and related services. All children are winners because students who bring weapons or drugs to school are easier to remove to alternative settings, as would happen to any student in a similar situation."

As you know, if a child with a disability commits an infraction that is subject to discipline, the 1997 IDEA Amendments are very clear. First, if the discipline results in suspension for less than 10 days at a time, the child is treated in the identical manner as children without disabilities. For infractions subject to discipline for more than 10 days, the IEP team must determine whether the behavior in question is a manifestation of the child's disability. If the IEP team determines that the behavior is not a manifestation of the child's disability, the child with a disability can be disciplined in the identical manner a child without a disability. If it is a manifestation of the child's disability, IDEA still allows schools to take appropriate measures to ensure classrooms are safe and conducive to learning for all children. For example,

the law allows hearing officers to order a dangerous child to be moved to an alternative educational setting. The law does not allow a school to punish a child for having a disability.

IDEA also includes a provision that education services may not be ceased altogether for a child who is subject to disciplinary actions. As advocates for education, CCD strongly believes that no child should ever be denied an education, and that instead of lowering the standard for children with disabilities by reversing IDEA's "no cessation" policy, we should advocate for a "no cessation" policy for all children. Children must be taught what is appropriate behavior and that there are consequences to their behavior. Ceasing the right to education services altogether teaches them very little.

Senator Jeffords, you know better than any member of the Senate that the reason IDEA was enacted in 1975 was because historically, the need for "discipline" and "order" has been a pretext for full-scale exclusion from education of hundreds and thousands of children with disabilities. You know that for too many decades, schools refused to modify their practices to accommodate the unique needs of students with disabilities. It was too disruptive to space the desks in a classroom to accommodate a child using a wheelchair. It was too disruptive to the other kids when a child with cerebral palsy drooled. It was too disruptive to have a child with mental retardation take part in outdoor recess.

AASA reports that they are "overwhelmed by the concerns about the discipline provisions of IDEA." They are not alone. Parents of the six million children with disabilities and their advocates continue to have grave concerns about the discipline provisions of the 1997 Amendments. They fear that the expanded authority of school personnel will result in a greater number of students with disabilities being barred from their neighborhood schools for long periods of time, if not permanently.

AASA advocates for a cookie-cutter, one-size-fits-all education policy for all kids. This policy would be sound if every child in every classroom was identical, but they are not identical. CCD is gravely concerned that some general education organizations are advocating for harmful amendments even before most schools have had a chance to implement the 1997 Amendments.

Senator Jeffords, the challenges to public education have not changed since the enactment of the 1997 IDEA Amendments and today. We urge to you stay the course, and actively oppose the efforts of some who advocate for limits on equal educational opportunities because of myth, fear, or stereotype about disability. The Consortium for Citizens with Disabilities pledges to continue to work side by side with you to ensure that IDEA can be fairly implemented. IDEA is a law that is good for all children and families.

Thank you for considering CCD's views.

Kevin Dwyer
National Association
Of School
Psychologists

Paul Marchand
The Arc

Katherine Beh Neas
Easter Seals

Justine Maloney
Learning Disabilities
Association



Learning Disabilities Association of America

4156 Library Road • Pittsburgh, PA 15234 • 412/341-1515 • 412/341-8077 • FAX 412/344-0224

September 29, 1998
United States Senate
Washington, DC 20510

Dear Senator:

On behalf of LDA, the Learning Disabilities Association of America, a volunteer, nonprofit organization of over 50,000, whose members are made up of individuals with learning disabilities, parents of children with learning disabilities, the professionals who serve individuals with learning disabilities and friends, I ask you that you oppose any amendments to IDEA, the Individuals with Disabilities Education Act., (Public Law 105-17) which was voted into law in May of last year.

Currently amendments which would alter the discipline provisions of IDEA are attached to FY 1999 Appropriations bills which have not yet been sent to the House or Senate floor. We are concerned that these or similar amendments may be attached to a Continuing Resolution or an Omnibus Appropriations bill currently being worked on by House and Senate staffers.

The American Association of School Administrators (AASA) has reported to its member that it is working with Senator Slade Gorton (R-WA) on a discipline amendment because "students committing identical infractions are treated differently depending upon whether they are identified as disabled." LDA challenges that statement on two grounds.

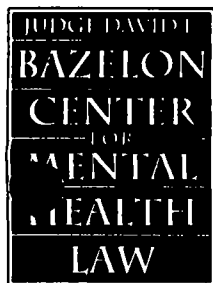
* First, the law does allow students with disabilities to be treated as other students if their behavior is found not to be a manifestation of their disability. The law requires that a careful analysis be made to determine if the behavior is a manifestation of the disability. This is to be done by the team that works with the student, because they should be aware of the fact that the nature of the student's disability may be such that he/she cannot control his/her behavior.

* Second, students with disabilities were and are penalized for behaviors which are tolerated in their nondisabled peers. That is why IDEA, with its due process protections, is necessary.

There are problems with the implementation of any new law. However, the answer is not to make major changes without the opportunity to consider their impact. LDA will continue to work with Congressional staff, the Administration, school systems, and parents to ensure that this law will work for the benefit of all children to help them meet the challenges as productive adults.

*Sincerely,
Harrison Sylvestre, J.D.
President LDA*

***Formerly ACLD, Inc.
A National Non-Profit Organization***



Civil Rights and Human Dignity

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EXECUTIVE DIRECTOR

Frederick Bernstein, Ph.D.

September 30, 1998

United States Senate
Washington, DC 20510

Dear Senator:

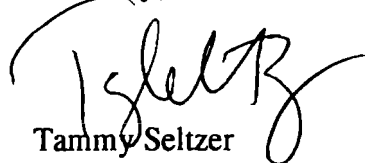
The Bazelon Center for Mental Health Law asks you to demonstrate your unqualified support of education for children with disabilities by rejecting any attempts to amend the Individuals with Disabilities Education Act (IDEA).

The Bazelon Center is a privately-funded, public interest law firm dedicated to advancing the rights and dignity of persons with mental disabilities. Since 1972, we have worked on behalf of our clients through litigation, administrative advocacy, education, and the provision of technical assistance. We were counsel in *Mills v. D.C. Board of Education*, one of the two cases nationwide on which Congress modeled the precursor to IDEA.

IDEA is fundamentally a civil rights statute, enacted more than twenty years ago to address the unthinkable--schools were refusing to educate children simply because they had mental retardation or used a wheelchair. Just as many schools refused to desegregate in the wake of *Brown v. Board of Education*, many are still resisting the mandate of IDEA. Prior to the reauthorization of 1997, not one state was in full compliance with the statute. It is safe to assume that none are in compliance with the 1997 amendments. Although a number of schools and school districts are genuinely striving to implement the law, a great many are using one or two provisions of the reauthorized IDEA as a basis to gut a law with which they have never intended to comply. We urge you to reject their cynical attempts to compromise the civil rights of our nation's most vulnerable children.

Your support of IDEA will send a critical signal to schools that it is time to implement, not resist, the education of all children. Please contact me at (202) 467-5730, ext. 16, if you would like to arrange a time to more fully discuss this matter.

Sincerely,



Tammy Seltzer
Staff Attorney



AMERICAN ACADEMY OF CHILD & ADOLESCENT PSYCHIATRY

September 30, 1998

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Virginia Q. Anthony

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AACAP News Editor

Martin J. Drell, M.D.

Program Committee Chair

Lily Hechtman, M.D.

Dear Senator:

The American Academy of Child and Adolescent Psychiatry (AACAP) is a national, professional association representing more than 6,600 child and adolescent psychiatrists. Our members are concerned about language in the House Labor, HHS, Education Appropriations legislation that would threaten the right of children and adolescents with mental illnesses to receive a free and appropriate education. The language allows school officials to unilaterally remove children with disabilities from their schools for unlimited amounts of time for intentionally exhibiting violent behavior that has resulted in, or could have resulted in injury to the child or others. Although we all abhor violence sometimes, it is symptomatic of disability and illness.

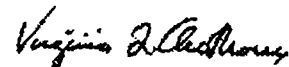
The intent of this provision is to undo the discipline provisions already included in the Individuals with Disabilities Education Act (IDEA). By increasing the unilateral, subjective authority of school officials, the provision could return us to the days when school officials routinely used disciplinary measures to exclude children with disabilities from schools simply because they were different or more difficult to educate than non-disabled children.

This language, attached in the House committee, must be taken out in conference and not approved by the Senate. Approval of this language is particularly threatening to children and adolescents with mental illnesses. If a child or adolescent with a mental illness is removed from the education setting lifetime damage is done.

IDEA was reauthorized last year after weeks of comprehensive, bipartisan negotiations involving both houses of Congress and the Administration. Input from the education community and parents gave schools important new tools to deal with dangerous behavior in schools. The proposed language will upset the carefully crafted IDEA discipline provisions that give schools and teachers the tools they need to ensure that schools and classes are safe and orderly places, conducive to learning, and protective of children with disabilities.

I urge you to remove the House bill's language that changes the discipline provisions of the Individuals with Disabilities Education Act. If the AACAP can be of any assistance to you, please call Kristin Kroeger at 202-966-7300, ext. 125.

Sincerely,



Virginia Q. Anthony
Executive Director

15 Wisconsin Avenue, NW
Washington, DC 20016-3007
202.966.7300 Fax 202.966.2891
Email executive@aacap.org
<http://www.aacap.org>

September 30, 1998

Dear Senator:

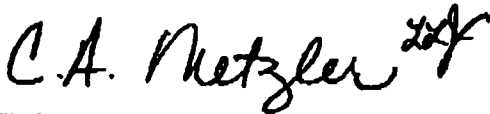
The American Occupational Therapy Association (AOTA) represents 60,000 occupational therapy practitioners, a large percentage of which works with children with disabilities and developmental delays.

AOTA participated in the long and arduous negotiations which resulted in the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 1997. P.L. 105-17 represented difficult compromises by all parties. Thus we must express our strong opposition to any amendments to IDEA at this time. Moreover, any amendments should be considered through the appropriate committee process and not as part of the appropriations bills.

In addition, AOTA expresses its opposition to any change which may deprive any child of needed services or protections.

AOTA urges you to maintain IDEAs integrity and oppose amending the law.

Sincerely,



Christina A. Metzler
Director, Federal Affairs



Creating solutions, changing lives.

*Helping people with disabilities
gain greater independence*

October 1, 1998

Dear Senator:

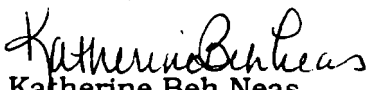
Easter Seals is dedicated to helping people with disabilities gain independence. A nationwide network of 105 local Easter Seal organizations serves over one million people annually, providing each an array of home and community-based services, supports and advocacy. A significant share of the children served by Easter Seals receive early intervention services, preschool and special education and related services thanks to the Individuals with Disabilities Education Act (IDEA). IDEA is a good law. It has well served millions of children with disabilities and their families for more than 22 years.

In 1997, Congress made dramatic changes to IDEA. Easter Seals supported the 1997 amendments in the name of compromise and with the expectation that once the legislation was signed into law, our efforts and those of the Congress would turn to implementation. Easter Seals is particularly anxious to see the new provisions regarding early intervention and preschool programs take shape.

Unfortunately, there continue to be efforts to dismantle the 1997 amendments, despite the reality that challenges to public education have not changed between the enactment of the 1997 IDEA Amendments and today. These efforts have only made parents of children with disabilities more fearful that their school system will not provide appropriate education services to their children. Moreover, state officials remain unsure of their roles and responsibilities under the new amendments.

Easter Seals once again urges you to stay the course and oppose all amendment to IDEA. For more than 78 years, Easter Seals has worked in partnership with school personnel and families of children with disabilities. Easter Seals has provided services to children as well as training and technical assistance to assist schools implement IDEA and make its promise of a free, appropriate public education for all children regardless of the nature or severity of their disability. We look forward to carrying on this tradition. Thank you for considering Easter Seals' views.

Sincerely,


Katherine Beh Neas
Assistant Vice President,
Government Relations

Easter Seals
Office of Public Affairs
700 Thirteenth Street, N.W.
Suite 200
Washington, DC 20005
202.347.3066 phone
202.347.7385 tdd
202.737.7914 fax
www.easter-seals.org



THE COUNCIL FOR EXCEPTIONAL CHILDREN

1920 ASSOCIATION DRIVE
RESTON, VIRGINIA 20191-1589

(703) 620-3660 (VOICE)
(703) 264-9494 (FAX)
(703) 264-9446 (TTY)
WWW.CEC.SPED.ORG

September 29, 1998

United States Senators
Washington, DC 20510

Dear Senator:

The Council for Exceptional Children (CEC), a professional association of over 50,000 whose members are dedicated to the special education needs of children with disabilities and/or gifts and talents, is very concerned about potential amendments to the recently reauthorized Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97).

Although certain amendments to IDEA addressing discipline (attached to the FY '99 appropriations bills) have not yet made their way to either the House or Senate floor, there is a very real possibility that these proposed amendments could be attached to either a Continuing Resolution or an Omnibus Appropriations bill that is currently being worked on by House and Senate staffers.

The most recent of these amendments is one dealing with school disciplinary procedures, which is being pushed by the American Association of School Administrators (AASA), and which may soon be introduced by Senator Slade Gorton (R-WA). In a briefing issued by AASA, the organization states that "the basic problem is that students committing identical infractions are treated differently depending on whether they are identified as disabled." That statement is inaccurate. Students with disabilities who bring drugs or weapons to school or who are a danger to themselves or others are immediately removed from the classroom. If it is determined that the incident was not a manifestation of the child's disability, then that child is disciplined like any other student. For the child with a disability whose behavior was determined to be a manifestation of their disability, they can still be removed from the classroom for at least 45 days, but they still receive education services in an alternative setting.

Like other education and parent-based advocacy organizations, CEC's strong concern is safety in the classroom. IDEA '97 provides for just that through the disciplinary provisions described above. To amend this law now would start an unraveling process and due process protections for children with disabilities would be undermined. We truly need to give this recently reauthorized statute a chance to work. It is unreasonable to take a carefully crafted law that was passed overwhelmingly in a bipartisan fashion and attempt to attach amendments through an appropriations process.

We will continue to work with Congressional staff, the Administration and educational groups in an effort to support the implementation of this very finely tuned law that has provided so much in the last 25 years for children with exceptionalities. If you have any questions, or if we can assist you in any way, please feel free to contact us.

Sincerely,

B. Joseph Ballard
Assistant Executive Director

Beth Foley
Policy Specialist



American Association of University Affiliated Programs for Persons with Developmental Disabilities

October 1, 1998

Dear Senator:

On behalf of the American Association of University Affiliated Programs for Persons with Developmental Disabilities (AAUAP), I am writing to urge your support for the Americans with Disabilities Education Act (IDEA) P.L. 105-17. This law needs to be implemented now without any amendments.

For more than 20 years, the University Affiliated Programs (UAPs) have worked in local communities to train teachers and other school personnel in this law and have worked with families toward the best outcomes for their children with disabilities. This law has proven to be very successful and has helped many children achieve independence, not to mention a solid education which helps them to be productive citizens in their communities.

Again, we urge your support in continuing this important law and ask that you make no further amendments in order to allow its full implementation.

Sincerely,

Donna A. Meltzer
Director of Legislative Affairs

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Member at Large

Sharon Ramey, Ph.D.
Mental Retardation and Development Disabilities Research Centers

Robert A. Stodden, Ph.D.
Member at Large

Thomas Uno, Ed.S.
Multicultural Council

William E. Jones, Ph.D.
Executive Director



**Association for Education and Rehabilitation
of the
Blind and Visually Impaired**

October 1, 1998

Dear Senator:

The Association for Education and Rehabilitation of the Blind and Visually Impaired (AER) strongly urges you to oppose any amendments to the Individuals with Disabilities Education Act (IDEA) in the remaining days of the 105th Congress.

Congress passed the IDEA reauthorization last year, now Public Law 105-17, as the result of a truly unique bipartisan process that achieved compromise where many believed compromise was not possible. Now, it is time to implement that law, not to dismantle the carefully crafted agreement by changing any parts of it before they have had a chance to work. While no one involved in last year's negotiations was completely satisfied, most believe that the ultimate result was fair and balanced. The statute should not be amended at this time.

AER is the only international membership organization composed of the professionals who work with blind or visually impaired children and adults. AER's 5000 person membership includes orientation and mobility specialists, teachers of the visually impaired, both instructional and administrative personnel in specialized schools for blind children, the personnel in university personnel preparation programs, and rehabilitation professionals. AER offers certification, publications, continuing education, and other activities to support these professionals.

Thank you for your commitment to the education of all children with disabilities, and especially those children who are blind or visually impaired. If there is additional information or assistance that we can offer either here in Washington or in your home State through our state chapters, please do not hesitate to contact me.

Sincerely,

Denise M. Rozell
Executive Director



THE FEDERATION OF FAMILIES FOR CHILDREN'S MENTAL HEALTH

September 29, 1998

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the Federation of Families for Children's Mental Health is a national parent-run organization focused on the mental health needs of children and their families. Our national office is at the hub of a network of state and local chapters that link thousands of families raising children with mental, emotional, or behavioral disorders. Many of our children are benefitting from special education services.

We are writing to you today because we are very concerned about the efforts of some interest groups to amend IDEA 97 - even before our schools have a chance to implement it. P.L 105-17 was crafted in a truly bi-partisan manner using a process that incorporated the views and interests of many diverse and even conflicting groups. Frankly, no one group, including the Federation of Families for Children's Mental Health, was completely satisfied by the outcome. Nevertheless, Congress enacted a good statute, based on sound principles, that established a careful balance between the special needs of children with disabilities and other interest groups.

We, the families of the over half a million children with mental, emotional, or behavioral disorders, fear that, because IDEA 97 expands authority of school personnel in matters of discipline, a greater number of our children will be denied their right to a free, appropriate, public education - perhaps even permanently. But, in the spirit of democratic compromise, we are willing to give this law a chance. We believe that most school administrators do care about children with disabilities and will use their new disciplinary tools fairly and with compassion and in the spirit Congress intended.

While there are many different groups that claim an interest in the implementation of the IDEA. It is only the children themselves who really stand to gain or lose. Congress declared, in enacting this law, that they value ALL the children in our nation. Don't let special interest groups throw our children away just because educating them to become responsible citizens is a bit more challenging than educating their non-disabled sisters, brothers, and neighbors.

Congress must not yield to isolated pressures to change this law. Please resist the pressure you are facing. Thousands of children with mental, emotional, and behavioral disorders and other disabilities are depending on your holding the line on IDEA. The membership of the Federation of Families for Children's Mental Health will stand by you on this. Please don't let us down.

Sincerely,

Barbara Huff
Executive Director

CHAIRMAN'S CORNER

CURBING SCHOOL VIOLENCE

Our youth, and our schools, need support before an incident occurs—not after. BY STEPHEN M. WOLF

WHAT words can adequately describe our reaction when we hear that a 15 year old has walked into a school cafeteria and opened fire on his classmates? Shock, confusion, disbelief? None seems to capture the horror. Yet this type of feeling is becoming all too familiar as the count rises to six students, from the ages of 11 to 16, who have fired upon their schoolmates in the last two years.

With a fresh school year just beginning, perhaps it is time to step back from the headlines to reflect upon these incidents and our initial reactions to them.

Numbers from the United States Department of Education indicate that while the frequency of crime in schools generally has not changed in recent years, the incidents are becoming more violent. More than half of the nation's public schools reported at least one crime in the 1996-1997 school year and one in ten experienced a violent crime. In that year, more than 6,000 students were expelled for bringing guns or other weapons to school. Since 1992, there have been 211 school deaths associated with violence.

While the shooting incidents are clearly extreme cases, they are not an isolated problem. Rather, they are a signal that our schools and our youth need all the thoughtful, considered assistance we can muster. At stake is nothing less than the future of our educational institutions, and, more importantly, the formative years of our youth. Together, these are our nation's most important resources.

How can we approach such a problem, helping troubled youths while still protecting their possible victims? Last May, the very day before a young man in Oregon took the lives of two of his classmates, he had been suspended for taking a gun to school. Stories abound of his violent personality, his angry threats, even of the demonstration he gave in one of his classes about how to build a

bomb. Would it have made a difference for all concerned had the young man received help rather than the isolation of suspension?

A *Boston Globe* headline at the time read, "School Officials didn't order boy into counseling because of cuts." The article reported that the national average ratio is one counselor to every 700 to 800 students. This figure falls dramatically short of the recommended ratio of one counselor for every 300 students, according to Kevin Dwyer,

president-elect of the National Association of School Psychologists. The ratios for school psychologists are just as troublesome. Although one to 1,000 is recommended, the national average is currently about one to 2,200. Dwyer explains that while we have more students in school now than ever before, the number of counselors and psychologists has not been growing.

But this shortage is just part of the problem, according to Dwyer. "Kids are coming to school with more psychological stress today than they were 20 years ago," Dwyer says. This may or may not explain the specific incidents of extreme violence we have seen, but it does underscore a problem in search of an urgent solution. In some neighborhoods, as many as 70 percent of children between the ages of 10 and 14 go home to an empty house after school, just when the most risky juvenile behavior is taking place.

Dwyer urges immediate action to increase the numbers of counselors and school psychologists as part of the development of a multi-level approach that recognizes that

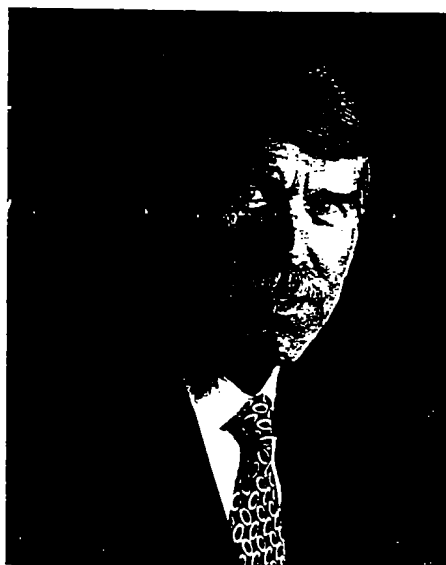
these are most often young individuals in need of assistance, not young criminals to be excluded from society. The individual counselor-student relationship is only the beginning, he says. Counselors and psychologists can also work with parents and teachers to create what Dwyer calls a "better school climate" that combines respect in all directions, praise for good behavior, and consistent rules.

"Frankly, the school is the community. We have to supplement education by providing support to these kids," he says.

Dr. Ronald D. Stephens, executive director of the National School Safety Center agrees with Dwyer's call for additional resources. "Students don't just come onto campus and start pulling the trigger; something else has happened in advance," Stephens says. "It becomes increasingly important for us to have a strong support system in place for our

young people so that when they find themselves in trouble there is help available, before an incident occurs, not after."

Clearly, children shooting children is not a simple problem that is easy to solve with more rules and regulations. The seeds of this violence are planted long before the gun arrives on campus. Instead of turning away troubled youths just when they need help the most, perhaps we can find the strength to do something to improve their environment earlier. Curbng school violence does not just mean reaching out to the extreme cases, but also improving the system to provide all our children a safer and more productive place to learn. ★



US Airways Group Chairman and Chief Executive Officer Stephen M. Wolf



September 29, 1998

Dear Senator:

The National Down Syndrome Society is writing to urge you to oppose any amendments to the Individuals with Disabilities Education Act (IDEA) that may be attached to appropriations bills or other legislation.

Congress conducted an extensive three-year effort to reauthorize IDEA culminating in the bipartisan, bicameral "IDEA Working Group" in the 105th Congress. During this unique democratic process, every organization and individual from across the country who has an interest in IDEA was invited to come to Washington to share their concerns and ideas with Congress. The final bill included many changes insisted upon by representatives of general education organizations -- including major changes to the "discipline" provisions of IDEA. That bill was passed overwhelmingly with bipartisan support and signed by President Clinton to wide acclaim on June 4, 1997.

Unfortunately, several organizations who participated in that process and supported the final bill are now calling on Congress to amend the discipline provisions of IDEA through the appropriations process, without hearing or public input. Information being provided to Congress by these organizations reflects a lack of understanding of the discipline provisions of the law. The 1997 IDEA Amendments were very clear that if a student with a disability commits an infraction that is subject to discipline, that student will be treated in the same manner as a student without a disability, unless the behavior is a manifestation of the student's disability. The exception is a provision that educational services may not be ceased altogether for a student with disabilities. We believe that educational services should not be ceased for any student, regardless of ability or disability, and that alternative education should be provided as necessary whether or not the child has a disability.

The 1997 IDEA Amendments provide greatly expanded authority for school personnel in disciplining students with disabilities. To change the law at this time, before the regulations are finalized and schools have an opportunity to fully implement it, would be wrong. Prior to the passage of the original IDEA in 1975, hundreds of thousands of children with disabilities were excluded from school under the guise of discipline. We are counting on Congress to continue to protect the right of students with disabilities to receive a free appropriate education by voting against any amendments to IDEA.

Sincerely,

Myra Madnick
Executive Director



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

September 28, 1998

Dear Senator:

The American Speech-Language-Hearing Association (ASHA), the professional, scientific, and credentialing association representing more than 96,000 speech-language pathologists, audiologists, and speech/language/hearing scientists nationwide, has concerns about the intentions of certain Senators, including Senator Slade Gorton, to offer amendments on discipline to the Individuals with Disabilities Education Act (IDEA) of 1997. These amendments could allow school administrators to unilaterally remove students with disabilities to segregated placements permanently. This would result in a cessation of services for certain students with disabilities and would undermine the central premise of IDEA '97 to ensure a free, appropriate public education for children with disabilities.

As you know, the House FY 1999 appropriations bill for the Departments of Labor-Health and Human Services-Education (L-HHS-ED) includes amendments on discipline to the Individuals with Disabilities Education Act (IDEA) of 1997 that would allow school officials to unilaterally remove students with disabilities to segregated placements permanently, by removing the 45-day limit on how long a child can be placed in an alternative placement. ASHA is very concerned that Congress is making legislative changes to IDEA'97 without allowing the provisions of the law to be implemented. Children with disabilities need the special education and related services provided under a strong IDEA to help them achieve their full potential. IDEA ensures a free, appropriate public education to more than six million children with disabilities. **Therefore, we urge you to oppose all amendments to IDEA'97.**

Last June, after many months of negotiations by leaders in the House and Senate, the Department of Education, and unprecedented bipartisan cooperation, Congress reauthorized IDEA and the President signed into law the 1997 IDEA Amendments (P.L. 105-17). Opening IDEA'97 to changes would open the floodgates to additional amendments that could undercut the provisions of IDEA. Do not make legislative changes to IDEA!

Thank you for your attention to this matter. If you need additional information please contact Catherine Clarke at (301) 897-5700, at our National Office, or via e-mail at cclarke@asha.org.

Sincerely,

Nancy Swigert
President



THE INTERNATIONAL DYSPLEXIA ASSOCIATION

Founded in Memory of Samuel T. Orton

September 30, 1998

Dear Senator:

The International Dyslexia Association (IDA) is a non-profit, scientific, and educational organization dedicated to the study, treatment, and public awareness of learning disabilities, specifically dyslexia. The Association represents more than 12,500 people, including individuals with dyslexia, families, education and health care professionals, and advocates. Dyslexia is a neurobiological disorder which, according to the National Institutes of Health, affects approximately one in seven Americans. Individuals with this learning disorder have difficulty in processing written language which often leads to academic, social and vocational problems.

We have heard that there may be amendments proposed to the Senate's FY 1999 Labor, Health & Human Services, Education, and Related Agencies appropriations bill that would authorize changes in the Individuals with Disabilities Education Act (IDEA). The IDEA Amendments of 1997, signed into law as P.L. 105-17, was the product of a carefully considered three-year bipartisan effort. Provisions relating to discipline of students with disabilities, which some members of Congress now want changed, were worked out through strenuous debate and thoughtful compromise. Schools were given greater flexibility in dealing with students with disabilities who exhibit behavior problems. Such changes in IDEA, made before P.L. 105-17 has even been implemented, are premature and could be very damaging to the rights of students in our special education system.

At the heart of IDEA is the principle of a free, appropriate public education for all students with disabilities. Students and their families are protected in the law so that "discipline" would not become a pretext for discrimination. We are concerned that the proposed amendments could lead to the segregation of children and youth with disabilities, including students with dyslexia and related learning disorders.

We urge you to proceed with the FY 1999 L-HHS-ED appropriations bill, which contains many important funding provisions, without including unnecessary and unwise amendments to IDEA.

Thank you for your consideration of our views.

Sincerely,

Roger P. Kingsley, Ph.D.
Federal Legislative Representative

J. Thomas Viall
Executive Director

Formerly The Orton Dyslexia Society

Autism Society of America

September 29, 1998

Dear Senator:

On behalf of the Autism Society of America and its twenty-four thousand members advocating for people with autism, I am writing to urge you to oppose any efforts to amend the Individuals with Disabilities Education Act (IDEA) Amendments enacted in 1997.

As you know, the IDEA Amendments were the result of a bipartisan, bicameral effort that spanned three years of effort. Virtually every detail of the resulting legislation was carefully considered and debated within the context of the overall Act. Today, the IDEA provides assurances that children with autism and other disabilities will have access to an appropriate education. At the same time, the amended Act gives school officials increased flexibility to address the needs and special conditions of children with disabilities, while maintaining basic due process protections for these children and their families.

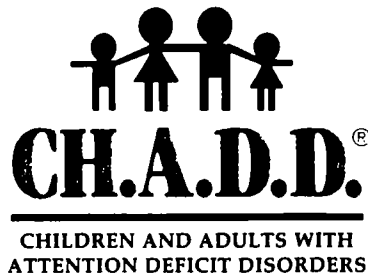
Unfortunately, before schools have even had a fair chance to implement the new provisions, amendments have been proposed in Congress that undermine the basic protections of IDEA and the 1997 Amendments. The proposed amendments would undermine the fundamental integrity of the legislation in order to address discipline and other school security concerns in a manner that is unnecessary. Put simply, removing the IDEA safeguards could permit school officials (who incorrectly interpret autism) to bar these children from the education services they need and deserve. Moreover, these new provisions are being pursued in a vacuum away from the broader deliberations that produced the 1997 Amendments, without the benefit of public hearings, and under a legislative procedure that is inappropriate for such sweeping policy issues.

As the Committee proceeds with its efforts to finalize FY 1999 appropriations, we urge you to help keep the IDEA intact and reject any proposals to reduce the Act's protections for children with autism whether through the appropriations process or independently. Please let me know if you require any additional information on the importance of IDEA for our children and their families.

Sincerely,



Audrey Horne
President



October 1, 1998

Dear Senator:

On behalf of the 34, 000 professional and parent members of Children and Adults with Attention Deficit Disorders (CH.A.D.D.), I am writing to urge you to oppose efforts to amend the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97).

CH.A.D.D. is concerned about the efforts of some interest groups to change the bipartisan compromise that resulted in IDEA '97. We are also strongly concerned about the often misleading and potentially imprecise information we have heard regarding the discipline provisions. As such, I am writing to you to discuss our opposition to any effort to dismantle the civil right protections for student's with disabilities and to strongly support the law's due process protections.

CH.A.D.D. has serious reservations about the reliability of any determination that is based on perceptions of whether the child in question "could or could not" control his or her behavior, because we believe that often the team making that decision lacks the expertise or criteria to make that judgment. Further, rather than resorting to exclusion as the reaction to misbehavior, we believe that all students should be encouraged and taught to take responsibility for their behavior, and should receive positive feedback for their successful efforts. However, CH.A.D.D. is not aware of any objective or otherwise reliable measure of the extent to which individual responsibility can be assigned to a given student in a given situation.

CH.A.D.D. endorses the commitment to provide a safe learning environment for all students, including those with AD/HD and is concerned about school climate and safety for all children. However, we believe that school problem behavior should be addressed in a reasonable manner that considers the needs of the student with appropriate positive behavioral interventions. The focus should be instructional rather than merely punitive. Removing the safeguards for students with disabilities is not the answer.

Under IDEA '97, school authorities have the ability to respond to misbehavior by students with disabilities by using short term suspension, transfers to alternative educational settings for up to 45 days, and injunctive relief where needed. IDEA '97 also includes a manifestation determination process providing for a careful review of the appropriateness of the program in which the student is being served and helping educators and parents consider the extent to which the behavior subject to disciplinary action is related to the

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student's disability. If it is determined that the student is receiving an appropriate special education program and that the behavior is not related to his or her disability, regular education disciplinary procedures may be applied.

We believe that there is no validity to the claim that special education procedural safeguards excessively interferes with the ability of school administrators to exercise appropriate discipline and control in the schools. Increasing the subjectivity of judgments by school personnel or giving unilateral authority to local and state education agencies to establish their own discipline standards would be especially devastating in certain schools with a poor record of dealing appropriately with student's with disabilities. Furthermore, student's with AD/HD would potentially be placed at greater risk for receiving inappropriate discipline and may be disproportionately removed from their schools as a result, since student's with AD/HD may often manifest behavior which is considered inconsistent with school or classroom policy.

We ask that you oppose the erosion of over twenty years of protections nor support amendments to the law before it has not even been given a chance to be implemented in our nation's schools. We ask that you firmly stand behind last year's congressional commitment to honor the law. The appropriations bill that includes funding for the Department of Education should be the vehicle by which we focus efforts on fully funding IDEA, not diminishing it.

In light of our concerns, I have attached a copy of our Executive Summary to our School Discipline Position Paper. The entire document is conveniently located on our website at <http://www.chadd.org>. We welcome the opportunity to further discuss this issue. Please feel free to contact Laurel Stine at our Washington office at 202-393-2929.

I ask that you protect the special education safeguards for all children with disabilities. Thank you for your time and commitment.

Sincerely,



Mary Robertson
National President

SCHOOL DISCIPLINE

A position paper presented by
the national Children and Adults with Attention Deficit Disorders (CH.A.D.D.)

Executive Summary

CH.A.D.D. supports the premise that a safe learning environment is important for all students in our nation's schools. We believe that the thoughtful planning and application of appropriate behavioral interventions in our schools can help to achieve this goal. The needs of students with attention deficit/hyperactivity disorder (AD/HD) can be met through the thoughtful application of disciplinary procedures that are instructional in focus, consistently administered and applied only after the student has been provided an educational program emphasizing the development of socially appropriate alternatives to any behaviors of concern.

CH.A.D.D. believes that schools have the responsibility to demonstrate that each student with a disability has had appropriate accommodations and skill training to prevent or ameliorate unacceptable behaviors prior to the consideration of disciplinary measures. In addition, needed reasonable accommodations in the disciplinary standards, if appropriate, should have been discussed and planned by school personnel in cooperation with the family and student.

Many administrators and teachers continue to advocate that the application of the disciplinary code for the general student body be applied to students with ADHD if the student "can" perform the expected behavior. CH.A.D.D. has serious reservations about the reliability of any determination that is based on perceptions of whether the child in question "could" or could not control his or her behavior. We believe that all students should be encouraged and taught to take responsibility for their behavior, and should receive positive feedback for their successful efforts. However, CH.A.D.D. is not aware of any objective or otherwise reliable measure of the extent to which individual responsibility can be assigned to a given student in a given situation.

This paper presents several principles in school discipline and practices which we believe should be assured for all of our nation's children. These include:

- Proactive disciplinary procedures** delivered by trained and experienced educator within a school structure that clearly delineates acceptable and unacceptable behavior and provides behavioral skill training for students requiring such.
- The provision of an **array of discipline consequences** that are instructional and which are calibrated to match the severity of the behavior of concern.

-A focus on **positive behavioral interventions** emphasizing the development of appropriate behavioral patterns rather than negative and exclusionary interventions.

-The provision of **opportunity for specific skill training** to facilitate the acquisition and utilization of socially appropriate behaviors.

This paper also describes the standards we believe that should be applied to situations in our schools where more intensive interventions are believed to be necessary. These include:

-The completion of **comprehensive and timely assessments** of the behaviors of concern.

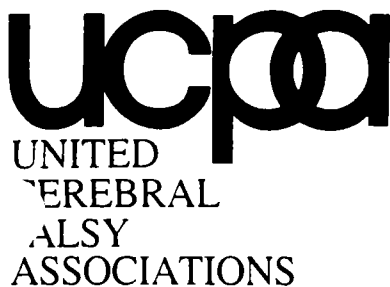
-The provision of strategies for the **early detection** of social, emotional and behavioral needs of students with the provision of appropriate interventions at the point of initial concern.

-The provision of **comprehensive interventions** recognizing that unacceptable behavior emerges for a variety of reasons including skill deficits, motivational deficits or interfering emotional states.

-The implementation of ongoing **strategies that assess the success** of interventions provided for a student.

-The selection of intervention methodologies that have been **shown to be successful** in research and professional literature to address the specific behaviors of concern for a particular student.

This paper also reviews the legal foundations for the use of disciplinary interventions in our schools. CH.A.D.D. supports the procedural safeguards as contained in IDEA '97 for students with disabilities and supports the vigorous implementation of such safeguards for all students.



Advancing the independence of people with disabilities

September 30, 1998

Dear Senator:

On behalf of United Cerebral Palsy Associations (UCPA) and our 151 affiliates, we would appreciate your support of the 1997 Individuals with Disabilities Education Act (IDEA) without further revision. UCPA participated in the consensus-building process that led to the passage of the 1997 IDEA Amendments last year. Unfortunately, there were other organizations participating in the process that have since attempted to influence lawmakers to gut the law. UCPA is very much opposed to any changes to the current law, including the changes proposed in the House FY1999 Labor-HHS-Education Appropriations bill. UCPA is concerned about the way this issue is being characterized and the potential harm to children with disabilities that may come from congressional efforts to revisit this issue. We strongly believe that it would be in the best interests of all children with disabilities to implement the law without further revision.

There are two devastating IDEA amendments that are imbedded in the House FY1999 Labor-HHS-Education Appropriations bill. Not only would these amendments erode the civil rights protections of children with disabilities but they would also act as a catalyst for further amending the law in a way that will have a detrimental effect on all children with disabilities.

One provision included in the Labor-HHS-Education Appropriations bill would allow districts to remove children with disabilities from their schools for unlimited amounts of time for carrying a weapon, possessing or using drugs, or based on a subjective decision that a child's behavior might have resulted in injury. Historically, the need for "discipline" has been a pretext for the full-scale exclusion from education of hundreds of thousands of children. Congress passed the Education for All Handicapped Children Act, which later became known as IDEA, because it recognized that children with disabilities were at greater risk of being subject to disciplinary actions precisely because they have disabilities. It is time for the education community to realize that our nation cannot afford to "abandon" students with behavioral challenges under the guise of restoring "order" in the classroom. If the 1997 law is implemented with the design and implementation of appropriate individualized education programs that may include behavioral intervention strategies, then the vast majority of children with disabilities will have few, if any, discipline problems.

The other provision in the Appropriations bill would allow states to deny special education and related services to students ages 18 to 21 who are incarcerated in an adult prison. It is logical to assume that a child who is in prison needs more education rather

than less. There is still the opportunity for the rehabilitation of these individuals with the right interventions and supports including special education and related services.

UCPA urges you to actively oppose any amendments to IDEA. The 1997 law can be and should be implemented. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Keiser", with a stylized, sweeping flourish at the end.

Peter Keiser
Chair, Community Services Committee



AMERICAN COUNCIL OF THE BLIND

1155 15th Street, N.W. • Suite 720 • Washington, DC 20005
Telephone (202) 467-5081 • Fax (202) 467-5085

Oral O. Miller, J.D.
Executive Director

October 1, 1998

United States Senator
United States Senate
Washington, DC 20510

Re: Opposition to House IDEA Amendments

Dear Senator:

The American Council of the Blind (ACB) is the leading national organization of blind women and men in the United States. ACB strives to increase the independence, security, equality of opportunity and quality of life for all blind and visually impaired people. Ensuring educational opportunities for children who are blind, visually impaired or otherwise disabled is one of ACB's principle goals.

ACB, working in coalition with the Consortium for Citizens with Disabilities (CCD), supports the full implementation of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 and urges you to reject amendments offered in the House's Labor, HHS, Education Appropriations bill which would gravely undermine the very purpose of IDEA, that is to guarantee a free, appropriate public education to students with disabilities. Amendments proposed for IDEA purporting to restore control over the classroom to local school boards and to give school authorities greater autonomy with respect to disciplining students would actually eviscerate the 1997 IDEA Amendments which protect students with disabilities from being improperly punished or removed from the school for conduct emanating from the disability itself. It would be improper, for example, for local school authorities to remove a blind child from the school because the teacher perceived as sarcastic or insubordinate the facial expressions of that blind student which actually resulted from his disability and not from any intent to disrupt or malign the teacher. History is replete with examples of discipline correction being used as a pretext to deny blind and other disabled children a proper education.

The 1997 IDEA Amendments resulted from a unique, bi-partisan agreement that passed overwhelmingly. At this juncture, these Amendments have not yet been fully implemented to test the dubious hypotheses of the American Association of School Administrators (AASA) and others that the 1997 IDEA Amendments subvert effective discipline in the classroom by separating children with disabilities from other students for preferential treatment. To the contrary, the 1997 IDEA Amendments treat children with disabilities the same as other students where discipline is concerned. First, if the discipline results in suspension for less than ten days at a time, the child is

treated in the identical manner as children without disabilities. For infraction subject to discipline for more than ten days, the IEP team must determine whether the behavior in question is a manifestation of a child's disability. If the IEP team determines that the behavior is not a manifestation of the child's disability, the child with a disability can be disciplined in the identical manner as a child without a disability. If the the behavior in question is a manifestation of the child's disability, IDEA still allows schools to take appropriate measures to insure that classrooms are safe and conducive to learning for all children.

ACB urges you and other Senators to allow the full implementation of the 1997 IDEA Amendments before drawing faulty conclusions about the IDEA Amendments of 1997. Contrary to AASA's assertion that, "the disciplinary provisions of IDEA are so far out of line with the direction of education today that [they] risk alienating teachers, administrators, the parents of non-disabled students and the general public," the 1997 Amendments to IDEA reflect a hard-won compromise by all concerned parties as well as sound policy for American school children, with or without disabilities.

Respectfully,

A handwritten signature in cursive script that reads "D. Alfred Ducharme".

D. Alfred Ducharme
Director of Governmental Affairs

NATIONAL PARENT NETWORK ON DISABILITIES

October 1, 1998

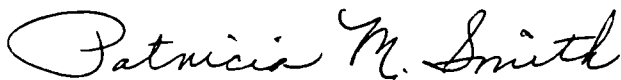
Dear Senator,

The National Parent Network on Disabilities (NPND) is extremely disheartened by the continued unwarranted attacks on the Individuals with Disabilities Education Act (IDEA) by the American Association of School Administrators (AASA) and others. In our letter to Senator Jeffords, dated September 2, 1998, we outlined, point by point, our dismay over the inaccuracies, misinformation and misunderstanding of the IDEA law. We stand by that letter.

The NPND representing over 150 organizations nationwide whom all work on behalf of the needs of children with disabilities and their families has stated over and over again, "Do not amend IDEA. It is a good law! Implement and enforce the law. Serve children. Stop making excuses for non-compliance." During the meetings held in the Senate each week in the spring of 1997 hundreds of parents came from all over the country to express the needs of their children. Parents presented testimony before the Working Group on IDEA to assist in the reauthorization of the law. The overriding message from the parents was "Monitor and enforce the law." In the months since the law was reauthorize, there has been a constant message from parents, "Implement and Enforce IDEA! Congress, keep your word, we made compromises, no amendments to IDEA."

On behalf of the Board of Directors and the members of the NPND, we respectfully ask you to protect the law, protect our children. Don't allow these forces to "handicap" our children further. Protect their civil rights and educate them!

Respectfully submitted, thank you for considering our views,



Patricia McGill Smith
Executive Director

Enclosure

NATIONAL PARENT NETWORK ON DISABILITIES

**1130 17th St NW, STE 400
Washington, DC 20036**

September 2, 1998

The Honorable Jim M. Jeffords
Senate Labor and Human Resources Committee
728 Hart Senate Building
Washington, DC 20510

Dear Chairman Jeffords,

It is with deep regret that we write to you today. We are disheartened by the continued unwarranted attacks on the Individuals with Disabilities Education Act (IDEA) by the American Association of School Administrators (AASA) and others. As you are well aware this was a hard fought piece of legislation. For the first time since the creation of the Education of Handicapped Act (EHA - PL 94-142), the process of Reauthorization became an arena for everyone's woes. Much was done that improved the IDEA. Promises of better outcomes and opportunities for individuals with disabilities were forged through the work done by you, your staff, and other dedicated individuals. Yet, even as the ink was drying on the signing of the law there were those who were working to dismantle what had been so diligently worked on.

You are being told that the disciplinary provisions within IDEA can not work, that they are greatly flawed and establish a separate and unequal standard. You are being asked to reopen the IDEA and change what was developed through a bipartisan process. We strongly encourage you to stand strong in your commitment to students with disabilities and their families to insure a Free and Appropriate Public Education (FAPE). We are asking you not to reopen this legislation as requested, but instead to enforce the Act, and encourage the US Department of Education to get the Regulations out. We would like to give you the other side of the coin provided to you by the AASA.

First, they point to the tragic incidents of shootings that have occurred in the recent past, citing that parents are genuinely frightened for the safety of their children. We would point out that none of the children who were the instigators of these tragic events were identified as students with disabilities. Yet, we are to change the protections established for this vulnerable group of students based on these incidents. We too are greatly disturbed by the tragedies brought about by these young people. We too want our children to attend safe and nondiscriminatory environments where they can be expected to learn and attain the skills needed to live happy and productive lives in their communities. We do not believe that the attempts to remove a child from school will decrease or eliminate the issue of weapons in our schools. This is indeed a greater societal problem. Removing children will not eliminate the problem, just put it in the streets, where the ability to control and model appropriate behaviors and skills are even less likely. The IDEA discipline language does

address this. Through the language in the IDEA and the Congressional Report, you established a process. First, if a child carries a weapon to school, or a school function, the principal has the ability to remove the child up to 45 days to an interim alternative educational placement, where the student will receive educational services. The purpose for this placement having a short timeline, was not to get the student back in the same setting as quickly as possible, but instead to insure that the schools, parents, and other members of the team meet within a timely manner to determine where the appropriate placement for the student would be. According to our membership, what PTI's are experiencing is reluctance by school districts to meet with families and address the possibilities of alternative educational environments to meet the students needs. We find the Districts delaying meetings to discuss the infraction and work out placement for the student. One of the things we have stressed with parents is the need to review all records, and openly discuss placement options. We recognize that the intent of Congress was to make individual decisions about where a student would receive services once they leave the interim alternative educational placement. We recognize that for many of these students returning to the prior educational placement may not be appropriate. We believe the intent of Congress was to develop a system by which all parties must come together to discuss the issue, review records, and together make a determination regarding the placement and services the student needs. This is further supported in our opinion by the fact that in the Reauthorization it clearly states that if a parent disagrees with the recommended placement for the student, that the child will remain in the interim alternative educational placement during an expedited due process hearing. We would ask: how and why this is not functional? Is it the need to call together all involved parties, or is it the requirement of the parent participating in the process?

Secondly, you are asked to consider the fact that a large number of children with disabilities are educated in inclusive classrooms, participate in the regular curriculum, and in state and district testing, and that this would argue for a single standard set of expectations for achievement and behavior. While the number of students with disabilities who are educated in the general education classroom has increased, we are still battling school systems that expect these students to earn their way into these inclusive environments. Parents are still being told that if the students can't do the work without the needed support, that they don't belong. Yet, the IDEA was developed to consider and address the individual strengths and needs of the students who qualify. Nothing in the original intent, or in the reauthorization, removed the need to identify, recognize and serve students with disabilities differently than students without disabilities. All services, supports, and programming are to be provided on an individual basis. Through the IDEA Reauthorization, this was further emphasized by the need to consider as a part of the IEP process any special factors, including behaviors, which would impact on the student's ability to participate in the general education environment. Congress also used the process established through Honig to consider behaviors through a manifestation determination and through the use of a functional behavioral analysis as a part of the Reauthorization. We would ask why these are not being used? If appropriately done, districts would be effectively able to address the individual needs, behaviors, and strengths of the student with disabilities. Just as one-size-fits-all in clothing does not work, neither will it, or should it, work in education. The very fact that these students receive special education

services demonstrates a need for special consideration when looking at any area of need, including behavior.

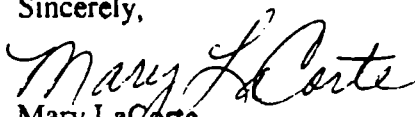
Thirdly, you are told that the current version of the IDEA presumes that all students with disabilities who violate school disciplinary codes are automatically exempt from regular disciplinary procedures, unless the district can prove that the behavior was not related to their disability. We would argue that this is an inaccurate understanding. For example, a principal has the ability to use general disciplinary procedures and remove a student with a disability for up to 10 days without even calling together the IEP team to determine the child's needs or behavior. It is only when the 10 day total has been reached that the team must come together to determine if the behavior is related to the disability. The manifestation determination and functional behavioral analysis were established to help districts effectively serve students and address the behavior so that it does not recur. We would also point out that students with disabilities are being disciplined for the same types of infractions as their non-disabled peers at twice the rate, and for longer periods of time. This has been demonstrated in a number of studies, the most comprehensive of which was sponsored by the Kansas Department of Education, which looked at a large number of students across the board. We were excited to see the requirement you, as Congress, established to obtain data regarding discipline of students with disabilities, including outcomes, infractions, and interventions. We would argue that before any changes are made to the Reauthorization, you get the data you required, and then based on that data make a determination regarding the equity and effectiveness of the process. As a society we can not continue to make changes based on supposition and anecdotal information provided by one faction affected by the changes. As you can imagine, for every anecdote and supposition you receive from one side, the other side could provide a counter anecdote and supposition. We urge you to follow through with the strategy you established to get effective information.

Finally, you would be led to believe that by following the current process established through the reauthorization, is not only inefficient, but does not allow for individual decisions based on the knowledge and experience of the IEP team. We would argue that, if done appropriately, the process is not only fair and efficient, but also extremely individualized. A student receives disciplinary action for infractions, just as their non-disabled peers, for up to 10 days. Then the team reviews the **individual** records, behaviors, antecedents, and strategies used to determine if the **individual** child's behavior is related to the child's disability, and if the current placement and services are effectively addressing the child's **individual needs**. There is no blanket exception to the rules, as you have been led to believe, when the process is followed, instead there is a clear **individual** determination. Congress has worked hard to make every effort to remove the litigious nature of the IDEA. Why would we want to encourage going to that process to resolve a difficulty, if instead, we can resolve it at the team level without hurting the **individual** child? Studies have shown the need to more effectively educate all of our youth. Removing difficult children from educational services, whether disabled or not, will not bring about the outcomes we want for our society in the 21st Century. Education for **ALL**, should be education for **ALL**. No child should be denied an appropriate education.

You have been asked to take the very controversial step of acting to make premature changes in the law without the opportunity of public input, or study, to determine if the changes included in the IDEA can and will provide both a safe and effective learning environment while protecting the civil rights of students with disabilities. We strongly urge you not to take any such premature action. Require states to fully implement the Act. Require the US Department of Education to get the Regulations out. Finally, collect the required data on discipline, and then with careful consideration, make any decisions. Please keep your commitment to children and families. You are our only defense against the denial of a Free and Appropriate Public Education in this challenge. Keep your promise.

If NPND can be of any assistance, please do not hesitate contacting us. Our Executive Director, Ms. Patty McGill-Smith (202) 463-2299, as well as members of our legislative sub-committee, are available to meet with you and discuss this in detail if you would like.

Sincerely,


Mary LaCorte
President, NPND

NATIONAL COUNCIL ON DISABILITY

Position Statement on Discipline of Students with Disabilities

May 1998

In recent weeks and months, some lobbyists and some in Congress have indicated a desire to amend the Individuals with Disabilities Education Act (IDEA) to give schools greater flexibility to discipline all children, regardless of whether they have a disability, with the goals of ensuring safety and an "appropriate educational atmosphere" in the schools. Likewise, on April 22, Senator Jeffords and Representative Goodling held a joint hearing on the regulations interpreting the recent reauthorization of IDEA, at which the discipline issues were featured prominently. As an independent federal agency making recommendations to the President and Congress on disability policy, the National Council on Disability (NCD) is concerned about the way this issue is being characterized and the potential harm to children with disabilities that may come from congressional efforts to revisit this issue.

Prior to 1975, few children with a variety of physical and mental disabilities were given an opportunity to participate in public education in many districts in the United States because of fears on the part of school officials that these students were "uneducable" or "untrainable." Students were literally turned away at the schoolhouse door. In 1975, after two federal courts had recognized the fundamental right to an education for children with disabilities, Congress passed the Education for All Handicapped Children Act, which later became known as IDEA. The basic point of this civil rights law for children with disabilities and their families is simple: all children have a right to a free and appropriate public education. A critical component of IDEA provides due process protections for children with disabilities and their families, so that schools cannot unilaterally decide to remove children from classrooms. This protection was necessary given the history of schools excluding children who were found to be "difficult" or expensive to educate.

In 1997, a strong bipartisan majority in Congress reauthorized IDEA, giving schools new flexibility to discipline students with disabilities who brought weapons or illegal drugs to school or were found to be substantially likely to injure themselves or others. Even before these new provisions were added to the law, schools had the ability to remove students with disabilities from the classroom for up to ten days and expel children when expulsion was warranted after a due process hearing. While NCD recognized at the time of the reauthorization that the additional flexibility on discipline was likely necessary to address the concerns of school officials, NCD was concerned that the discipline issue received undue attention from the Congress, given the documented scope of the problem and the development of ways to improve student behavior short of discipline.

As President Clinton recognized when he signed IDEA 97 into law, "young people with disabilities drop out of high school at twice the rate their peers drop out of high school, and into less certain futures." NCD believes that instead of making it easier for schools to wash their hands of students with disabilities by giving schools new tools to facilitate their discriminatory exclusion, policy makers must look for ways to address the needs of all students with and without disabilities so that they stay in school and succeed.

The same prejudices that resulted in the exclusion of hundreds of thousands of children with disabilities from the education system prior to the 1970s are driving some vocal school officials to push for greater "flexibility" to discipline students who they feel detract from an "appropriate" educational atmosphere. Unfortunately, these officials are being heard by some members of Congress, leading to a renewed effort to water down the federal civil rights protections contained in IDEA in the name of discipline. Historically, the need for "discipline" and "order" has been a pretext for the full-scale exclusion from education of hundreds of thousands of children. Congress acted in 1975 because it recognized that children with disabilities were at greater risk of being subject to disciplinary actions precisely because they have disabilities.

This past January, NCD held a hearing in Louisiana focusing on the needs of children and youth with disabilities from minority and rural communities in that state. At that hearing, NCD members were told that 60 percent of youth with serious emotional disturbances drop out of school between grades 9 and 12. One child advocate talked about the backlash against violence in the schools as having a disproportionate impact on students who have disabilities with behavioral manifestations. Likewise, studies have shown that discipline disproportionately is applied to students with disabilities who are members of minority groups.

Another Louisiana advocate talked about the problem of schools removing students with and without disabilities for extended periods of time: "Particularly in large urban districts, many such students are ignored and are never referred for services they need in order to learn. Not surprisingly, this contributes to behavior problems, which are then solved by expelling the students, or encouraging them to drop out, thus depriving them of education opportunities that will prepare them for life."

In April of 1996, NCD held a national summit on disability policy in Dallas, Texas, where a diverse group of over 300 disability leaders from around the country participated. The summit produced recommendations for policy in eleven areas, including education, which were published in *Achieving Independence: The Challenge for the 21st Century*. The education working group at the summit expressed a high level of frustration from parents and students across the country who face continued barriers to full participation in education and effective instruction. Lack of accountability for schools, poor enforcement of federal laws, and systemic barriers have robbed too many students of their educational rights and opportunities. Two of the recommendations made by NCD following the summit were for the Congress and the Administration to ensure that current due process protections for students under IDEA not be weakened and be fully enforced; and that schools be held accountable for the appropriate education of all students. NCD continues to stand behind these recommendations.

Many children with and without disabilities who pose serious behavior problems end up in the juvenile justice system, where the problems are often exacerbated. NCD is concerned that some school officials are once again using their influence to rid themselves of the "problem" kids, thereby turning the clock back for children with disabilities by facilitating their discriminatory exclusion. If those children happen to be from otherwise disenfranchised groups within the district, such as low-income racial or ethnic minority groups, the odds of them being subject to discipline and discriminatory exclusion will only increase.

It is time that leaders in Congress and the education community recognize that our nation cannot afford to write off the "problem" students with the excuse of restoring "order" in the classroom. With the design and implementation of appropriate individualized education programs which include the necessary special education and related services that may include behavioral intervention strategies, the vast majority of children with disabilities have few, if any, discipline problems. Often, it is an inappropriate placement or ineffective method of instruction that is prompting problem behaviors in students.

Until there is recognition that the "problem" kids can succeed with appropriate interventions and that they have a right to a free and appropriate public education, this country is headed back to the days where children were written off because of their disabilities. And if the nation lets this happen, all of its children and grandchildren are at risk. Any child can fall off her bike and hit her head on a tree, or develop schizophrenia as a young adult. Should schools be permitted to let these kids sink or swim in the education system, or should teachers be trained to find ways to educate all children, notwithstanding whatever challenges are posed by their disabilities?

In the coming weeks, as proposals to amend IDEA surface on the Senate floor and in Congressional offices, NCD encourages the elected officials to talk about the discipline issue as if it is their child who is the target of the increased flexibility schools seek to enforce discipline. Do you want to make it easier for the local school to turn its back on your child?

Andrew J. Imparato
General Counsel and Director of Policy
National Council on Disability
1331 F Street, N.W., Ste. 1050
Washington, D.C. 20004
202 272-2112(direct-voice)
202 272-2074(TTY)
202 272-2022(fax)
email address: aimparato@ncd.gov

Consortium 'or Citizens with isabilities

For additional information, contact:
Justine Maloney (703) 243-2614
Paul Marchand (202) 785-3388
Katherine Beh Neas (202) 347-3066

July 20, 1998

Dear Senator:

The undersigned organizations strongly urge you to oppose all amendments to the Individuals with Disabilities Education Act (IDEA). IDEA ensures a free, appropriate public education to more than six million children with disabilities.

Last year, the Congress revised IDEA, now Public Law 105-17. The 1997 IDEA Amendments are the result of bipartisan negotiations over many months by leaders in the House and Senate and the Department of Education. The House of Representatives approved the new amendments by a vote of 420 to 3. The Senate's vote was 98 to 1.

IDEA must be implemented now. We strongly urge you to oppose all amendments to IDEA.

Sincerely,

National Association of State Directors of Special Education
NISH (formerly the National Industries for the Severely Handicapped)
American Association of University Affiliated Programs
Epilepsy Foundation
Very Special Arts
National Easter Seal Society
American Occupational Therapy Association
Self Help for Hard of Hearing People
National Mental Health Association
Division for Early Childhood of the Council for Exceptional Children
American Music Therapy Association
National Association of Developmental Disabilities Councils
Autism Society of America
Lutheran Office for Governmental Affairs/
Evangelical Lutheran Church in America
National Rehabilitation Association
Association for Education and Rehabilitation of the Blind and Visually Impaired
Learning Disabilities Association
Federation of Families for Children's Mental Health
National Alliance for the Mentally Ill

Children and Adults with Attention Deficit Disorders (CHADD)
International Association of Jewish Vocational Services
International Dyslexia Association
National Down Syndrome Society
Goodwill Industries International
National Association of Private Schools for Exceptional Children
American Academy of Child and Adolescent Psychiatry
National Organization on Disabilities
The Alliance for Rehabilitation Counseling
Council for Exceptional Children
National Coalition on Deaf-Blindness
Bazelon Center for Mental Health Law
National Center for Learning Disabilities
United Cerebral Palsy Associations
Higher Education Consortium for Special Education
American Disability Prevention and Wellness Association
American Association on Mental Retardation
Association of Tech Act Projects
American Counseling Association
The Arc
National Association of Protection and Advocacy Systems
American Congress of Community Supports and Employment Services
National Association of School Psychologists
American Academy of Neurology
American Academy of Physical Medicine and Rehabilitation
American Psychological Association
Council for Learning Disabilities
National Parent Network on Disabilities
Community Options, Inc.
American Therapeutic Recreation Association
Research Institute for Independent Living
Adapted Physical Therapy Association
Association of Persons in Supported Employment
National Consortium for Physical Education and Recreation
for Individuals with Disabilities
American Speech-Language-Hearing Association
Spina Bifida Association of America
American Network for Community Options and Resources
National Therapeutic Recreation Society
American Federation for the Blind
RESNA

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	To: President Clinton; RE: Personal (1 page)	10/05/1998	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Jonathan Young
OA/Box Number: 40203

FOLDER TITLE:

IDEA [Individuals with Disabilities Education Act] Amendments - Letters

2007-0143-F
db4488

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

FBI

TO: PRESIDENT BILL CLINTON

FROM: WILLIAM PARKS

SUBJECT: AMENDMENTS TO IDEA

COMMENTS:

OUR CHILDREN ARE BEING REMOVED FROM
SCHOOL IN LARGE NUMBERS USING DISCIPLINE AS
THE MODE. IN ADDITION, CHILDREN WITH DISABILITIES
ARE NOT GETTING FAPE DUE TO THE LACK OF
ENFORCEMENT OF IDEA.

I AM REQUESTING THAT THE 1997 IDEA BE
FUNDED AND ENFORCED WITHOUT ANY AMENDMENTS.

IF THESE AMENDMENTS COME THROUGH OUR
CHILDREN WILL SUFFER.

THANKS

William Parks

Phone (601) 277-3025

Fax (601) 277-3170

Box 2 Salem Road

Longwood, MS 39152

FROM MISSISSIPPI

NO
AMMENDMENTS
TO
IDEA

LET US FULLY IMPLEMENT THE LAW BEFORE WE TRY AND CHANGE IT !!

MATT NALKER, (Brookes' DAD)
Aetha Lee (parent of two children with disabilities)
Michael Ragsdale
Linda Bond
J. Pierce
Marge Hesse

FAX COVER SHEET

SEND TO		From	
Company name <i>White Horse Disabilities Outreach</i>		<i>Saura Nettle</i>	
Attention <i>Jonathan Young</i>		Date <i>10/15/98</i>	
Office location		Office location	
Fax number <i>202-456-6218</i>		Phone number <i>(315) 361-0487</i>	

☒ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: 2

COMMENTS

Jonathan,

I faxed this letter today to the appropriate leaders. I felt you might want a copy

Saura

October 15, 1998

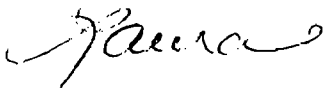
TO ALL OF OUR LEADERS IN GOVERNMENT:

It is time to **STOP** all of this haggling about IDEA '97. It took too long in getting a good workable plan. Now with a few narrow minded individuals who do not **care about children** is trying real hard to upset everything. We need to leave everything as written!

No AMENDMENTS!!

The amendments will hurt children in Louisiana. If it was left up to all the Superintendents in Louisiana only the gifted would attend the public education and the children with special needs where they are dumping behaviors into would go back to the segregated schools. There are NO SCHOOLS OR CLASSROOMS JUST FOR **Behaviors**. There are very few behavior specialist or counselors in Louisiana schools to help in combating the need before the violence. A big amount of the violence is generated within the school walls. The fact that in the verbiage of IDEA states alternative placement is a joke for children. Our systems say the only alternative place for behavior children in Louisiana is Homebound. Homebound teachers in some places only come to the house for 1 hour a week, but the state usually require 3 hours a week. We need to make more environmental and social economical changes in children's lives before we make such havoc on the bill of IDEA '97.

God in our lives,



Laura Nettles
A Parent of a Louisiana special needs child
1037 Brownlee Road
Calhoun, LA 71225

October 6, 1998

TO: Jonathan Young, White House Liaison
FROM: Janet Vohs, Brookline, Massachusetts
RE: No Amendments to IDEA!

Mr. Young, I wish to add my voice to those who are urging you to hold the line and ward off any amendments to IDEA during the Appropriations bill (or any other) process.

As I am sure you know, IDEA is only a year old and has not been given any chance at all to work. It will be so confusing to everyone to start amending it at this point.

Also, I would like to point out again, the incredibly intense bipartisan process, facilitated by Trent Lott's able assistant Mr. David Hoppe, that shepherded the IDEA through to passage. Everyone and every group with an interest in IDEA participated in this process and everyone was given equal opportunity to be heard and to have his or her ideas considered by all. The outcome was the IDEA we now have. It is contrary to the whole spirit of the democratic process by which IDEA was reauthorized for one group of lobbyist and special interest groups to derail and sabotage it at this point. The people have spoken. Their wishes are embodied in the current law. Please do all in your power to see to it that their wishes are upheld and not derailed by moneyed, special interest groups.

Thank you for all your help. Please stay strong.

Janet R. Vohs, 61 Village Way, Brookline, MA 02446



armstron <armstron@west.net>
10/14/98 09:23:46 PM

Record Type: Record

To: Jonathan M. Young/WHO/EOP

cc:

Subject: Oppose IDEA Amendments

Oppose the IDEA Amendments in the Labor, HHS appropriations bill!
I enjoyed listening to your ideas in the AAPD meeting today; I was one of
the telephone participants.
Margaret A. Staton

Margaret A. Staton
1639 Fernald Point Lane
Santa Barbara, CA 93108
805/969-0784
805/565-9825 fax
armstron@west.net email
www.ela.org website



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
60B WESTON STREET, HARTFORD, CONNECTICUT 06120-1551

October 14, 1998

Jonathan Young
Associate Director of Public Liaison to the Disability Community
The White House
Washington, D.C. 20500

Re: Individuals with Disabilities Education Act

Dear Mr. Young:

I am writing you to urge the President to reject any of the proposed amendments to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq. In particular, there are various proposals, including legislation offered by Senators Gorton and Smith, to eliminate the discipline provisions in the IDEA. Instead of a uniform national standard, state and local school officials would be free to establish their own standards of disciplining students with disabilities for conduct associated with their disability. Simply put, this is wrong.

I have taken the liberty of enclosing my detailed correspondence to Senator Joseph Lieberman on this subject matter. The amendments to the IDEA have not been in effect for eighteen (18) months, yet for the past year, there has been an aggressive effort by state and local school officials to amend the IDEA to eliminate manifestation reviews, due process safeguards, and even the alternate educational environments for student with disabilities.

The Administration should reject these changes if students with disabilities are to receive an appropriate public education, thereby helping to ensure that they become productive members of our society.

Thank you in advance for considering these comments on the IDEA.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence Berliner", with a long horizontal flourish extending to the right.

Lawrence Berliner
General Counsel

Copy: James McGaughey, Executive Director



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
60B WESTON STREET, HARTFORD, CONNECTICUT 06120-1551

April 8, 1998

The Honorable Joseph Lieberman
U. S. Senate
Hart Senate Office Building
Room 316
Washington, D.C. 20510

RE: COVERDELL A+ EDUCATION SAVINGS ACCOUNT BILL

Dear Senator Lieberman: ^{Joe}

I am writing pursuant to set out in various federal statutes which authorizes this agency to educate policy makers on matters which are likely to affect the rights of people with disabilities. 42 U.S.C. § 6042. Recently, this agency learned of an amendment to the I.D.E.A., sponsored by Senator Gregg, which will undue the carefully crafted discipline provision in this federal law, P.L. 105-17 §§ 615 (k) (1)-(8), and permit local school districts to establish their own policies on disciplining children with disabilities. I would urge you to reject Senator Gregg's proposed amendment as both entirely unnecessary and because it is an affront to the educational rights of students with disabilities, who receive special education and related services. It is my understanding that the Senate will consider the Coverdell A+ Education Savings Account Bill (H.R. 2636) on or about April 20, 1998.

The I.D.E.A., like the provisions of the Americans with Disabilities Act, establish a uniform national standard of educational rights, including civil rights, for students with disabilities. The uniform national policy creates clear expectations and uniform administrative procedures for determining whether a child with a disability should be subjected to school discipline based upon a determination that the child's actions or behaviors were a manifestation of the child's disability or not. P.L. 105-17 I 615 (k)(1)-(8). This uniform national policy on school discipline has been in effect since June 4, 1997, when President Clinton signed the bill. There is no evidence developed during the past nine (9) months which suggests that this Congressional enactment is not working.

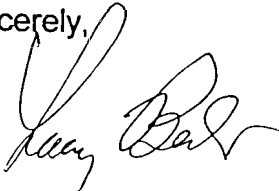
In fact, based upon anecdotal information gathered from cases reported in the Individuals with Disabilities Education Reporter (LRP Publications), this federal law is working as it was intended. To replace a uniform national policy with hundreds or

The Honorable Joseph Lieberman
United States Senate
April 8, 1998
Page Two

thousands of local variations, would create an entirely unworkable discipline procedure, with corresponding discrimination and arbitrariness, being the likely results.

When Senator Gregg offered a similar amendment on May 14, 1997, it was defeated by the Senate. 143 Cong. Rec. S. 4405 (05/14/97). You supported the final version of this legislation 143 Cong. Rec. S. 4411 (05/14/97). I would urge you to caste a similar vote and reject Senator Gregg's amendment to the I.D.E.A. and maintain the bi-partisan agreements which permitted the I.D.E.A. to move forward last year. The Gregg amendment will undue the bipartisan efforts which you supported, along with your support for the education rights of students with disabilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence Berliner".

LAWRENCE BERLINER
GENERAL COUNSEL

/m

Copy: J. D. McGaughey
Stanley J. Kosloski



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
60B WESTON STREET, HARTFORD, CONNECTICUT 06120-1551

March 26, 1998

Filed
4-3-98

Honorable Joseph I. Lieberman
United States Senator
U.S. Senate
706 Hart Senate Office Building
Washington, DC 20510

RE: Individuals with Disabilities Education Act (I.D.E.A.), P.L. 105-17

Joe
Dear Senator Lieberman:

I am writing pursuant to set out in various federal statutes which authorizes this agency to educate policy makers on matters which are likely to affect the rights of people with disabilities. 42U.S.C. §6042. Recently, this agency learned of an amendment to the I.D.E.A., sponsored by Senator Gorton, which will undue the carefully crafted discipline provision in this federal law, P.L. 105-17 §§615(k)(1)-(8), and permit local school districts to establish their own policies on disciplining children with disabilities. I would urge you to reject Senator Gorton's proposed amendment as both entirely unnecessary and because it is an affront to the educational rights of students with disabilities, who receive special education and related services.

The I.D.E.A., like the provisions of the Americans with Disabilities Act, establish a uniform national standard of educational rights, including civil rights, for students with disabilities. The uniform national policy creates clear expectations and uniform procedures for determining whether a child with disability should be subjected to school discipline based upon a determination that the child's actions or behaviors were a manifestation of the child's disability or not. PL 105-17 §§615(k)(1)-(8). This uniform national policy on school discipline has been in effect since June 4, 1997, when President Clinton signed the bill. There is no evidence developed during the past nine (9) months which suggests that this Congressional enactment is not working.

2

In fact, based upon anecdotal information gathered from cases reported in the Individuals with Disabilities Education Reporter (LRP Publications), this federal law is working as it was intended. To replace a uniform national policies with hundreds or thousands of local variations, would create an entirely unworkable discipline procedure, with corresponding discrimination and arbitrariness, being the likely results.

When Senator Gorton offered a similar amendment on May 14, 1997, it was defeated by the Senate, 143. Cong. Rec. S.4405 (05/14/97). You supported the final version of this legislation 143 Cong. Rec. S.4411 (05/14/97). I would urge you to caste a similar vote and reject Senator Gorton's amendment to the I.D.E.A.

I would like to thank you for you time and consideration in this matter.

Sincerely,



Lawrence W. Berliner
General Counsel

LWB:sh

C: Jim McGaughey, P&A
File



PMcGISmith @ aol.com
10/05/98 05:03:54 PM

Record Type: Record

To: Jonathan M. Young/WHO/EOP

cc:

Subject: IDEA IDEA IDEA

Jonathan,

It is imperative for the White House to hold firmly with the disability community to oppose any amendments to IDEA. The proposed amendments would gut the civil rights of students with disabilities. We urge the President to veto any appropriations bill that has amendments to IDEA on it.

Patty Smith, Executive Director,
National Parent Network on Disabilities.

TO: Jonathan Young
Associate Director of Public Liaison - White House

FROM: Paul Blair
Woodinville, Washington

Dear Mr. Young:

I reside in Woodinville, Washington and I am writing you regarding the Individuals with Disabilities Education Act (IDEA). As the father of a child with profound special needs and a public school junior high teacher, I view IDEA as something that is more than a law - it is also a civil rights issue.

I have read and heard quite a bit regarding the "violence and classroom disruption" that is supposedly brought upon by having children with disabilities in a "regular" classroom. As a twenty year veteran teacher, let me assure you that I have not seen the magnitude of disruption and infractions that children with disabilities supposedly create - and I have always taught regular classes where children with special needs are included in the classroom. It is the "typically" developing students that cause the major brunt of classroom disruption. Any classroom problems that I have encountered, when dealing with students who have special needs, have been adequately taken care of by my school's special education support staff. But of course, not all schools and school districts in the state of Washington have provided the necessary - and may I add, legally required - support staff so special education students may receive the best education possible in the least restrictive environment. Sir, that means including students with special needs in the regular classrooms.

As a resident and a voter in the state of Washington, I urge you NOT to let IDEA be weakened with further amendments, but to let IDEA be implemented and enforced as is. Please do not make your decisions based on anecdotal or false claims that children with disabilities are engaged in such a high degree of school violence. It is not true.

Sincerely,



Paul Blair
15325-125th PL NE
Woodinville, WA 98072

425-488-8891



EARLY INTERVENTION

6 FORT STREET

QUINCY, MA 02169

TEL: (617) 774-1040

FAX: (617) 847-0915

Fax Transmission:

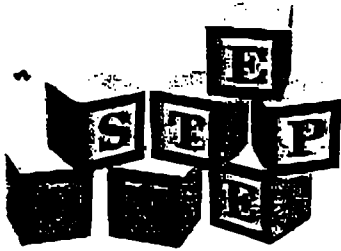
Date: 10/9/98
To: Pres. Clinton
c/o Jonathan Young
Business: White House
Fax Number: 202-456-6218
From: P. Fazio Step One E. I.
Transmitting 2 page(s) including this one.

If transmission difficulties occur, please call
(617-774-1040)

Message:

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Step One Early Intervention

**6 Fort Street
Quincy, MA 02169
617-774-1040
617-847-0915-Fax**

**President William J. Clinton
c/o Jonathan Young
The White House
Washington, DC**

Dear Sir:

It is crucial to children with disabilities that IDEA be passed without any amendments. It should be implemented and enforced as it stands.

Legislators should not be allowed to use this bill to further their own agenda on the backs of disabled people.

Sincerely,

**Phyllis Fazzio
Program Director
Step One Early Intervention
6 Fort Street
Quincy, MA 02169**



Federation For Children With Special Needs

95 Berkeley Street • Suite 104 • Boston, Massachusetts 02116 • (617) 482-2915 • In State Toll Free 1-800-331-0688

October 7, 1998

Jonathan White
The White House

Dear Mr. White:

Parents of children with disabilities throughout this country have been communicating with Congressional leaders, urging them NOT to amend IDEA, the federal special education law just reauthorized a year ago June, after lengthy and bipartisan consideration of changes in the law, especially around the subject of discipline. The resulting compromise language is good law and should not be changed at this time; the changes have barely begun to be implemented.

The amendments proposed by Congressman Bob Livingston, Louisiana, and Senator Slade Gorton, Washington, would undermine the hard-won rights of children with disabilities. Both Mr. Livingston and Mr. Gorton have good intentions, but they do not realize what negative effects their proposed changes would produce: School principals would become the sole gatekeepers of the schoolhouse for children with disabilities and our children would be in danger of returning to the pre-1975 days when they could arbitrarily and legally be excluded from school.

I urge you to monitor these amendments, which could be attached to any of the pending bills. If they should be enacted we urge President Clinton to veto the legislation.

Sincerely,

Martha Ziegler
Director of Public Policy



**Programs for
Accessible
Living**

6701 Executive Center Drive • Suite 320
Charlotte, NC 28212

704-537-0550 (V/TTY) • 800-755-5749
704-566-0507 (FAX)

FAX TRANSMITTAL COVER SHEET

DATE: October 9, 1998

**TO: President William J. Clinton
c/o Jonathon Young
Associate Director of Public Liaison
White House**

FAX NUMBER: 202-456-6218

**FROM: Linda Linfors
6512 Rocky Falls Rd.
Charlotte, NC 28211
From fax number : 704-566-0507**

___3___ PAGES INCLUDING COVER SHEET1

COMMENTS

Mr. President:

We are depending on you to hold the forces back who want to weaken IDEA. You know that this civil rights law was just passed with a consensus approach and the forces that want to amend it have not given it a chance to work in the new format. We need you to say firmly, "No amendments to IDEA."

On a related issue, please do whatever it takes to get the Jeffers/Kennedy Work Incentive Act through the Congress and for your signature. To make October true Disability Employment Awareness Month, we need this passed and on your desk. Thank you for your leadership on this long overdue issue



Washington Special Education Coalition

5902 122ND ST SW · TACOMA WA 98499

MEMO TO: Jonathan White, Associate Director of Public Liaison
White House Disabilities Outreach Staff

FROM: Heather M. Hebdon, President WSSEC 

DATE: October 8, 1998

RE: IDEA

The Washington State Special Education Coalition was developed to provide a vehicle for parents, advocacy organizations and educators to address areas of concern and develop joint positions regarding special education services within Washington State. Our mission can be found at the bottom of this page. It is because of our commitment to children that I am sending you this memo. The representatives of our Coalition include representatives from the PTI, Washington Education Association, Principal's Association, LDA, CHADD, Arc, School Director's Association, School Nurses Association, School Psychologist's Association, and parents at large. We have over 40 groups, and organizations represented.

Our message to you is clear:

ALLOW NO AMENDMENTS OF ANY KIND TO THE IDEA!!

Collectively, our group recognizes that the lack of regulations has been a significant problem in the implementation of the IDEA. Changing the Act without ever fully implementing it is without reason. Families, teachers, and most especially the children the Act was developed to support need the White House to stand strong and protect the rights of student's with disabilities.

We appreciate the efforts being made by President Clinton and others. Please stand strong. Protect our children. We are depending on you.

If you have any questions, or if our organization can be of assistance, please feel free to contact me.

Our mission:

To bring parent/professional organizations together in a spirit of cooperation to share information, explore issues, and effectively advocate for quality education for all children, particularly those with special needs in Washington State.

FAX

10/09/98

To: Jonathan Young

FAX No. 202 - 456 -6218

From: Theresa Moxley

FAX No. 256 - 544 - 6443

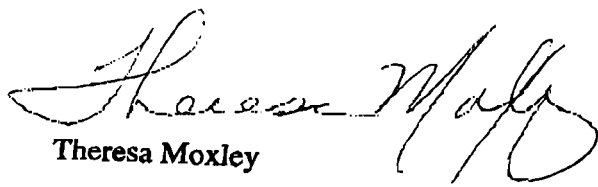
Re: NO AMENDMENTS TO IDEA

As the parent of a child with disabilities, I urge you to not accept any Amendments to IDEA. Implement and enforce the law - don't change it!! My son's future depends on it, and you!

Thank you for your time.

Theresa Moxley
100 Kentish Place
Madison, AL 35758

Thank you.


Theresa Moxley

**THE COUNCIL FOR EXCEPTIONAL
CHILDREN**

1920 Association Drive
Reston, Virginia 20191
Phone # - (703)-620-3660



Department of Public Policy
Phone # - (703)-264-9498
Fax # - (703)-620-4334

Please deliver this cover page and the attached page(s) to:

Name: Jonathan Young, Public Liaison

Facsimile Phone Number: 202 - 456 - 6218

From:

Name: Nancy Safer

Reference:

Total Number of Pages-including cover page: 2

If there are any problems with this transmission,
please call: Caren

at (703)-264- 9498



THE COUNCIL FOR EXCEPTIONAL CHILDREN

1920 ASSOCIATION DRIVE
RESTON, VIRGINIA 20191-1589

(703) 620-3660 (VOICE)
(703) 264-9494 (FAX)
(703) 264-9446 (TTY)
WWW.CEC.SPED.ORG

October 13, 1998

President William Clinton
1600 Pennsylvania Avenue
The White House
Washington, DC 20500

Dear Mr. President:

The Council for Exceptional Children (CEC), a professional association of over 50,000 whose members are dedicated to the special education needs of children with disabilities and/or gifts and talents, is very concerned about any potential amendment to the recently reauthorized Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) in the area of discipline.

Like other education and parent-based advocacy organizations, CEC's strong concern is safety in the classroom. IDEA '97 provides for just that through the disciplinary provisions mandated in the current law. To amend this law now would start an unraveling process and due process protections for children with disabilities would be undermined. We truly need to give this recently reauthorized statute a chance to work. It is unreasonable to take a carefully crafted law that was passed overwhelmingly in a bipartisan fashion and attempt to attach amendments through the end-of-session budget and appropriations process. We ask you to reject any such attempt.

We sincerely applaud your Administration and its consistent commitment to the educational well-being of children with disabilities. We will continue to work with your Administration, Congressional staff and educational groups in an effort to support the implementation of this very finely tuned law that has provided so much in the last 25 years for children with exceptionalities.

Sincerely,

Nancy D. Safer
Executive Director

cc: Erskine Bowles, Chief of Staff
Bruce Reed, Domestic Policy
Jonathan Young, Public Liaison ✓

Nancy D. Diehl
1751 Old Shiloh Rd..
Greeneville TN 37745

October 13, 1998

Jonathan White
White House
Washington DC

Dear Mr. White:

Regarding: NO AMENDMENTS TO IDEA!

As a parent of two sons with disabilities, I had the honored privilege to speak with the President in the Cabinet Room along with 11 of my colleagues regarding disability issues. I was asked to address IDEA (Individuals with Disabilities Education Act) to emphasize that the IDEA '97 Amendments came about through a long drawn-out difficult process where both sides made significant compromises to achieve this landmark bi-partisan, bi-cameral bill. I was part of that process as much as I was able, working closely with Senator Bill Frist (R-TN) and his staff.

I am now extremely frustrated at the intense efforts of deep-pocket lobbyists to under-mine our important work. IDEA '97 hasn't even been given a chance to work and yet special-interest unionized people are demanding significant changes. Please help me by NOT allowing ANY amendments!

The real issue is NOT dangerous schools, nor inequality in discipline, rather it is another attempt to isolate, segregate and exclude children with disabilities from the education they are entitled to that is provided in the best setting possible-- along side their non-disabled peers. Both research and history have clearly shown that segregation and exclusion are harmful to ALL children!

Please work with and help the President stand strong on this one precious issue: NO AMENDMENTS TO IDEA! I appreciate the help you can provide, let me know if I can help in any way.

Sincerely,


Nancy D. Diehl

=== COVER PAGE ===

TO: _____

FAX: 82024566218

FROM: JPHSA CHILDRENS SERV

FAX: 838-5749

TEL: 838-5750

COMMENT: PLEASE CALL

CHILDREN'S SERVICES

JEFFERSON PARISH HUMAN SERVICES AUTHORITY

3101 W. NAPOLEON AVENUE, SUITE 107

METairie, LA 70001

OFFICE PHONE (504) 838-5750 FAX PHONE (504) 838-5749

DATE: 10/12/98

TO

NAME: Jonathan Young

OFFICE NAME: _____

FROM

NAME: Marie Schneider - Congressman Livingston's

COMMENTS: District - Terrytown La.

Please - No amendments to Idea !!!

TOTAL PAGES (INCLUDING THIS PAGE) _____

FAX COVER SHEET FOR



**FAMILIES HELPING
FAMILIES OF ACADIANA
P.O. BOX 374
BREAUX BRIDGE, LA**



**1-800-378-9854
(318) 332-6944
FAX (318) 332-6949**

DATE: 10-12-98

TO: Jonathan Young - Whitehouse Disabilities Outreach

FROM: Families Helping Families of Acadiana

NUMBER OF PAGES INCLUDING COVER:

2

COMMENTS:



Project PROMPT

LRE

**INCLUSIVE
EDUCATION**

PLS

Parent Liaison
Support

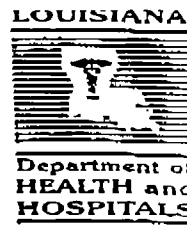
PLEASE, NO
AMENDMENTS OF
OF ANY KIND
TO IDEA!!!
THANKS!!!

Elsie Kees
Kelly Staley
Jane Grette Baker
Lydia Thibodeaux



M. J. "Mike" Foster, Jr.
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF HEALTH AND HOSPITALS



Bobby P. Jindal
SECRETARY

TO: White House
FROM: Cindy Ardoin

OF PAGES W/COVER SHEET: 2

TELECOPIER #: (504) 342-4707

IF YOU HAVE ANY QUESTIONS, OR IF YOU ARE NOT RECEIVING ALL OF THESE
PAGES, PLEASE TELEPHONE US AT (504) 342-4713 AND ASK FOR ASSISTANCE
FROM _____.

COMMENTS:

"Being different is just another way of being you".

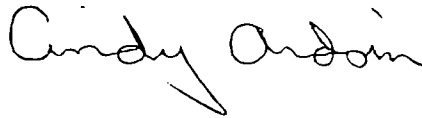


10-12-98

TO WHOM IT MAY CONCERN:

Please leave I.D.E.A. THE WAY IT IS. THIS IS WORKING FOR THE MAJORITY OF THE STUDENTS. My daughter Is In High school now. She is thriving and everytime I turn around theres another issue trying to be changed. Thanks for taking the time to read this and please support this staying the way it is.

A CONCERNED PARENT

A handwritten signature in cursive script that reads "Cindy Ardoin". The signature is written in dark ink and is positioned above the printed name and address.

CINDY ARDOIN
5152 Bank St.
Baton Rouge, La.
70805

FAX FROM LORI KEELS

Project PROMPT

P.O. BOX 662

Walker, LA 70785

504-667-9861

504-667-5940 (fax)

Date: 10/12/98

202-456-6218

TO: Jonathon Young

No Amendments to IDEA
Please!

(of any kind).

Lori

Fax

October 12, 1998

TO: Jonathan Young
White House Disabilities Outreach

Dear Mr. Young:

My agency is a family resource center for families who have children with disabilities. We provide our free services to families in seven parishes. IDEA97 ensures that these children will receive an education. Quite often, I have seen children excluded from school due to minor infractions that a child without a disability would not be punished for. An examples: while talking to the teacher moving several items on her desk. Other children are being removed from school due to the teacher being unaware of how to teach the child. IDEA97 prevents exclusion and also provides training for regular education and special education teachers. We would like to see IDEA97 fully enacted before judgement is made.

Sincerely,

Sharon Hager
Executive Director
Bayou Land Families Helping Families
P. O. Box 1345
Thibodaux LA 70302

(504) 447-9172
FAX (504) 448-1004

FAX MEMO

TO: (202) 456-6216 Jonathan Young - White House - Outreach Staff Person
From: Phyllis Weir - Parent of L.A. student Assoc. Dir. of Pub. Liason
Date: Oct. 12, 1998

I am the parent of a special ed. student at Mandeville Jr. High

Please make sure no compromises are made of any kind to the IDEA Amendment.

I do want the federal budget passed but not at the expense of my child's education.

Stand firm. Hang in there. Many of us moms here are praying for your success in this fight.

Thank You,
Phyllis Weir
630 Coffee St.
Mandeville, LA. 70448

10-12-98

Jonathan Young:

202-456-6218

NO Amendments of Any
Kind to IDEA!

Implement and Enforce the law -
Don't Change It!

Mary Jack
613 Oak Avenue
Apt. B
Harlan, La 70123
(504) 738-2974

Don't Change I.D.E.A. !

**It will keep all
children safe, just
like it is now.**

**The current '97 IDEA
will help millions of
children like my
daughter, Josie -
Please, Don't change it!**

Thank you.

**Diane Hazlewood
1171 S.A. Cooley Road
Longville, LA 70652
318-725-3027**

La CAN - Region VII

FAX TRANSMITTAL

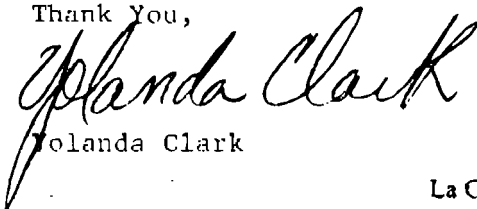
DATE: 10-12-98TO: Jonathan Young - White House Disabilities Out,
ReachFAX #: 202-456-6218RE: IDEA AmendmentsFROM: Yolanda ClarkTOTAL PAGES: 1 (Including Cover Page)

MESSAGE:

Dear Mr. Jonathan Young:

This Memo is to please ask you to make sure our Legislators know
that we:DO NOT WANT NO AMENDMENTS OF ANY KIND TO IDEA +++++!!This would be putting Special Education and Discipline issues back
in the olden days!!!

Thank You,


Yolanda ClarkLa CAN - Region VII
P. O. Box 17658
Shreveport, LA 71138
(318)797-5346 or (318)697-5082

La CAN - Region VII

FAX TRANSMITTAL

DATE: 10-12-98
TO: Jonathan Young - White House Disabilities Outreach
FAX #: 202-456-6218
RE: IDEA Amendments
FROM: Martha Whitlock
TOTAL PAGES: 1 (Including Cover Page)

MESSAGE:

Dear Mr. Johnathan Young:

This Memo is to please ask you to make sure our legislators know that we:

Do Not Want NO AMENDMENTS OF ANY KIND TO IDEA !!!!!

This would be detrimental to the progress that's been made for our children with disabilities in discipline issues.

Thank You,

Martha Whitlock

Martha Whitlock

La CAN - Region VII
P. O. Box 17658
Shreveport, LA 71138
(318)797-5346 or (318)697-5082

Pr

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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002. letter	To: Jonathan Young; RE: Personal [partial] (1 page)	10/12/1998	b(6)
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COLLECTION:

Clinton Presidential Records
Counsel Office
Jonathan Young
OA/Box Number: 40203

FOLDER TITLE:

IDEA [Individuals with Disabilities Education Act] Amendments - Letters

2007-0143-F

db4488

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

October 12, 1998

Johnathon Young
White House Disabilities Outreach

Dear Mr. Young,

(b)(6) 11 years old and in 5th grade at our local elementary school. He was born weighing 2.2 lbs. and needing many specialized medical interventions in order for him to just live. He has mild cerebral palsy, a VP Shunt and learning disabilities.

The Individuals with Disabilities Education Act has been very important to our lives. Beginning when he was just 3 months old he received services from IDEA under Part H. He has received services from Part B for the last 8 years which has enabled him to be educated in his neighborhood school with his peers and be successful. IDEA is very important to us. Please remember all of our children.....don't change IDEA!! IDEA IS A GOOD LAW.....!!

My message is simple..... NO AMENDMENTS OF ANY KIND TO IDEA!!! Remember Justin and the many others just like him!!

Sincerely,

[002]

(b)(6)

10/12/98

Dear Jonathan Young,

I am a parent of a child with disabilities.
Please let my representatives from Louisiana know
we do not want any amendments of any
kind to IDEA. We would also appreciate IDEA
to be fully funded

Thank you,

Mylene Elliott

PO Box 805

Lake Charles, LA 70602-0805



**Idaho Council on
Developmental DisABILITIES**

280 North 8th Street, Suite 208, Boise, ID 83720-0280
208-334-2178 ♦ FAX 208-334-3417 ♦ TTY 208-334-2179
1-800-544-2433 ♦ email: msword@icdd.state.id.us
Webpage: <http://www.state.id.us/icdd/>

FAX:

DATE **October 12, 1998**

TO **Jonathan Young**

FROM **Marilyn Sword**

FAX **202-456-6218**

PAGES **1, INCLUDING COVER**

PHONE **202-456-2930**

PHONE **334-2179**

RE: **IDEA & Jeffords/Kennedy**

CC

Urgent ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

The Idaho Council on Developmental Disabilities urges your support for the Jeffords/Kennedy Work Incentives Improvement Act of 1998. This important piece of legislation will help people with disabilities to work and to gain independence. It is good public policy and the time is right to enact this legislation. If there is money for Members of Congress to consider giving tax cuts to wealthy Americans, then there is certainly money to assist those who would like to work to do so.

Also, please do not support any amendments to IDEA 97. We have been waiting for a year to see this implemented as negotiated last year. Do not permit a narrow constituency of vocal opponents to amend this hard won legislation.

Thank you for your support.

I am a parent from Alexandria LA. My son was born with Spina Bifida. Chase is 9 years old he attends the public school that he is zoned for.

Thanks to IDEA he will be able to stay in the school that his brothers and his friends attend.

PLEASE VOTE FOR :

NO AMENDMENTS OF ANY KIND TO IDEA!

IMPLEMENT AND ENFORCE THE LAW - DON'T CHANGE IT!!

FAX TRANSMISSION

TO: **Jonathan Young** FAX: **202-456-6218**
FROM: Sister Patrice M. Colletti, SDS, Executive Director, PEP-WI
DATE: 10/12/98
TIME: 10:00am
() please respond by return fax to 414-328-5530
() please respond by phone to 414-328-5520
() other

I am the executive director of a large non-profit agency serving more than 17,000 families of children with disabilities across Wisconsin. In working with parents on a day to day basis, I can clearly see what they want in terms of the IDEA.

Parents want IDEA to be fully implemented NOW.... without any amendments.

They want to give IDEA a chance as it is written.

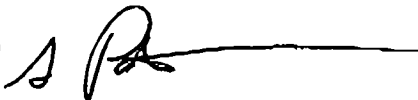
They want federal law to be fully implemented and enforced to support their children's education. If the law is changed now, the good things that are in there because of carefully negotiated agreements will go to waste. Parents want what is best for their children and, I agree, IDEA should be first fully implemented, without any additional amendments... then we should evaluate how it worked and make changes from there.

Now is the time to IMPLEMENT... not to change it.

Please pass this message along to Mr. Lott and Mr. Gingrich so that they know what parents, their voters, need.

Thanks.

Sincerely,



**S. Patrice Colletti, SDS
Executive Director
Parent Education Project of Wisconsin, Inc.
414-328-5520**

202-456-6218

To: Jonathan Young

No Amendments
to

IDEA

October 12, 1998

To: Jonathan Young
White House Disabilities Outreach

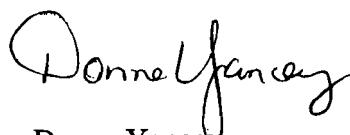
From: Donna Yancey
Parent

I am the parent of a 14 year old child with Down Syndrome. The reason I am writing today is to ask that Washington make **NO AMENDMENTS OF ANY KIND TO IDEA ("INDIVIDUALS WITH DISABILITIES ACT")**.

We, as parents, are sick of the "embellished horror stories" coming out of our state. I live in Louisiana, and I have seen more "horror stories" result from school administrators' actions than could ever be perpetrated by a handful of students with disabilities. Send administrators a message that they can no longer continue to segregate our children with disabilities. They have to educate!

Please tell them to keep their promise, **NO Amendments to IDEA!**

Thank you,



Donna Yancey
10637 Rambler Road
St. Francisville, LA 70775
(225) 635-5767