

Dated November 1, 2000

Dear x:

Your letter to x has been referred to the U.S. Department of Education's Office of Special Education Programs for response. We apologize for the delay. In your letter, you stated that you have a concern about the requirements in Part C of the Individuals with Disabilities Education Act (Part C) for providing early intervention services in natural environments. You stated that you feel that the problem is created by a narrow "natural environments" definition in Missouri.

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

Part C now requires that, to the maximum extent appropriate to the needs of the child, early intervention services are provided in natural environments, including the home and community settings in which children without disabilities participate. See 34 CFR §303.12(b).

By definition, natural environments are natural or normal for the child's age peers who have no disabilities. See 34 CFR §303.18.

The 1997 amendments to the Individuals with Disabilities Education Act further strengthened the requirements related to provision of services in natural environments by requiring States to: (1) develop and articulate specific policy and procedures for the provisions of early intervention services in natural environments (See 34 CFR §303.167 (c)); and (2) include on the IFSP a justification of the extent if any, to which the services will not be provided in a natural environment (See 34 CFR §303.344(d)(1)(ii)). Therefore, the provision of services in natural environments is not just a guiding principle or tenet, but also a requirement of the law.

In your letter you state that, in Missouri, "agencies are narrowly defining the "natural environment" requirement... as essentially requiring the child's home as the sole therapy location." Such an interpretation would conflict with both the Part C statute and regulations, which specify that natural environments include "community settings in which children without disabilities participate." Because Part C services must be tailored to the unique needs of the individual child, see 34 CFR §303.344(d), no one setting is appropriate for all services for all infants and toddlers.

You also state that Missouri's "narrow interpretation virtually precludes therapeutic centers from being a primary therapy placement location." Many center-based programs that formerly served only children with disabilities have now integrated children without disabilities, creating a daycare or preschool program constituting a natural environment. IFSPs are not required to include a justification for services in such a setting; a justification is needed, however, for services in settings that are not natural environments.

In general, providing services in a group setting limited exclusively to infants and toddlers with disabilities would not constitute a natural environment. However, if a determination is made by the IFSP team that, based on a review of all relevant information regarding the unique needs of the child, the child cannot satisfactorily achieve the identified early intervention outcomes in natural environments, then services could be provided in another environment. In such cases, a justification must be included on the IFSP

My staff has been working closely with the Part C staff in the Department of Elementary and Secondary Education (DESE) responsible for implementing the early intervention system in Missouri, to ensure that DESE is correctly interpreting the Federal requirements governing Part C of the Individuals with Disabilities Education Act. We are available to continue to provide technical assistance in support of Missouri's early intervention efforts. I have enclosed a copy of the Part C regulations for your information. Thank you for bringing your concerns to our attention. Please feel free to contact Ms. Jacquelyn Twining-Martin, the early intervention contact for Missouri, of my staff at (202) 205-8258, if you have further concerns.

Sincerely,

signed Kenneth R. Warlick/pg

Kenneth R. Warlick
Director
Office of Special Education
Programs

Enclosure

cc: x