

Dated June 14, 2001

Honorable Ike Skelton
House of Representatives
2206 Rayburn Building
Washington, DC 20510

Dear Congressman Skelton:

This is in response to a facsimile message of April 23, 2001 to Heidi Bonner from Mindy Ruff asking for a written response to the issues raised by your constituent, X, in a letter to you dated February 7, 2001. X expressed concerns about the provision of early intervention services in natural environments under Part C of the Individuals with Disabilities Education Act. The letter was referred to the Office of Special Education Programs (OSEP) because OSEP has responsibility for the administration of Part C. X's letter stated that the "natural environment is not always the best for the child and parent."

The requirement to provide early intervention services in natural environments is not a new requirement. The Department's 1989 regulations initially implementing the early intervention program required that, to the extent appropriate for a child, early intervention services take place in settings in which children without disabilities participate. In the 1991 Amendments to the IDEA, Congress added the requirement of "natural environments" as part of the definition of early intervention services, as well as making it a required part of the individualized family service plan (IFSP).

The 1997 Amendments to the IDEA further strengthened requirements related to the provision of early intervention services in natural environments. Each State must have policies and procedures to ensure that: (1) to the maximum extent appropriate, early intervention services are provided in natural environments, including the home, and community settings in which children without disabilities participate; and (2) the provision of early intervention services for any infant or toddlers occurs in a setting other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment. (IDEA §§ 632(4)(G) and 635(a)(16)). In addition, an IFSP must contain a justification of the extent, if any, to which the services will not be provided in a natural environment. (IDEA §636(d)(5)). "Natural environments" means settings that are natural or normal for the child's age peers who have no disability. (34 CFR §303.18).

Early intervention services provided to infants and toddlers with disabilities and their families are designed to meet the unique needs of the child, taking into consideration the strengths and challenges of the child and the child's family. After careful evaluation of the child and significant input from the family as to their typical routines and dreams for the future of their child, a team that includes qualified professionals and the parents, meets to determine the types of early intervention services needed, how often the services will be provided, by whom, where services are to be provided, and who will pay for these services. The discussion of, and decision about, the location of any service takes place in the context of an IFSP meeting. In all instances, supports and services are to be determined based on the individual needs of the child.

In her letter, X stated that "center-based programs provide a more concentrated emphasis on the appropriate therapies needed and where the developmental delays are addressed." We would be concerned if early intervention services were provided to any young child in a setting that did not support the child's needs. It is critical that appropriate services and supports, designed to maximize the child's potential development, be provided regardless of the setting in which the child receives early intervention services.

In general, providing services in a 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 child's IFSP.

Many center-based programs that formerly served only children with disabilities have now integrated children without disabilities, creating a childcare or preschool program constituting a natural environment. If services were provided to an eligible child in such an integrated environment, the child's IFSP would not require a justification for services in that integrated setting.

In addition, X stated that "center-based programs also provide parental support and encourage parental involvement." We agree that networking and training needs of parents are important and should be addressed by the IFSP team as a part of the development of the child's IFSP. Parent support, training or counseling identified by the IFSP team as a needed early intervention service can be provided either through the First Steps Early Intervention Program, by referral to an organization that offers these services (e.g., a Parent Training and Information Center, a Parent-to-Parent program, or other family support or advocacy organizations), or through some other appropriate arrangement.

Because a parent's need for time with other parents of young children with disabilities can be successfully accommodated in natural environments where the child receives services, or in separate meetings, this parent need can not be used as a justification to deny the child the appropriate services in natural environments. The location of these meetings or trainings should be part of the overall discussion in the development of the IFSP. A variety of locations for parent support activities should be considered, such as a public library, another family's home, etc.

My staff works closely with Ms. Paula Goff, the early intervention coordinator in the Missouri Department of Elementary and Secondary Education (DESE), who is responsible for implementation of early intervention, to ensure that DESE is correctly interpreting the Federal requirements governing Part C of the Individuals with Disabilities Education Act (IDEA). We are available to continue to provide technical assistance in support of Missouri's early intervention efforts. Thank you for bringing your constituent's concerns to our attention. Please feel free to contact Ms. Jacquelyn Twining-Martin, the OSEP early intervention contact for Missouri at (202) 205-8258, if you have further concerns.

Sincerely,

/signed Patricia J. Guard/

Patricia J. Guard
Acting Director
Office of Special Education Programs

cc: Ms. Paula Goff
Part C Coordinator