

Dated: July 30, 2002

Thank you for taking the time to meet with Mr. Thomas Irvin, Ms. Judith Gregorian, and Ms. Angela Herring on Wednesday, April 10, 2002. During your visit my staff had the opportunity to meet X, who had received Part C Early Intervention Services through the Washington State Early Intervention System and the Children's Therapy Center. It is our understanding that your experience with early intervention program was a positive one, and you are seeking written clarification on the natural environments provision in Part C of the Individuals with Disabilities Education Act (IDEA).

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 a 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 the 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 toddler 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 (20 USC §§1432(4)(G) and 1435(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 (20 USC §1436(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 needs of the young child and his or her family. After careful evaluation of the young 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 the 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 the IFSP meeting. In all instances, supports and services are to be determined based on the individual needs of the child.

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 the 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 statement 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.

My staff works closely with Ms. Sandy Loerch, the early intervention coordinator in the Washington State Department of Social and Health Services, who is responsible for the implementation of early intervention, to provide guidance on the Federal requirements governing Part C of IDEA. We are available to continue to provide technical assistance in support of Washington State's early intervention efforts.

Thank you for bringing your concerns to our attention. Please feel free to contact Ms. Angela Herring, the OSEP early intervention contact for Washington State at (202) 260-8640, if you have further concerns.

Sincerely,

/s/ Patricia J. Guard for

Stephanie S. Lee  
Director  
Office of Special Education Programs

cc: Ms. Sandy Loerch  
Part C Coordinator