UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAY 12 2000

[redacted]

Dear [redacted]

This letter is in response to your letter of February 4, 2000 regarding the provision of early intervention services in natural environments. In your letter, you expressed concerns that the Federal regulations and the state implementation plan discriminate against parents who choose center-based services and professionals who provide early intervention services in facilities that serve only children with disabilities.

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 implementing the 1986 Part C law required that, to the extent appropriate, early intervention take place in settings in which children without disabilities participate. In the 1991 amendments to 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 of the Individuals with Disabilities Education Act now requires that, to the maximum extent appropriate to the needs of the child, early intervention services are provided in natural environments, including the home and community settings in which children without disabilities participate. 34 CFR §303.12(b). By definition, natural environments mean settings that are natural or normal for the child's age peers who have no disabilities. 34 CFR §303.18.

The '97 IDEA Amendments further strengthened the requirements related to provision of services in natural environments by requiring States to: (1) develop and articulate specific policy and procedures for the provision of early intervention services in natural environments (see 34 CFR §303. 167(c)), and (2) include on the IFSPs a justification of the extent, if any, to which the services will not be provided in a natural environment (see 34 CFR §303.344(d)(1)(ii)).

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

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

The discussion of, and the decision about the location of any service takes place in the context of an IFSP meeting. The IFSP team, which includes the parent, takes into consideration the family's routines and other needs that are gleaned from the evaluations and the assessments that are conducted as a part of determining that the child is eligible for Part C services. Since the law requires that decisions about service provisions be individualized, a natural environment for one child may not be a natural environment for another child.

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

> [t]he provision of early intervention services for an 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 environments. 34 CFR §167(c).

In general, providing infants and toddlers with disabilities with early intervention services in a setting limited exclusively to infants and toddlers with disabilities would not constitute a natural environment. However, the natural environment provisions under Part C do not prohibit a child from receiving services in a center-based program serving only children with disabilities. If a determination is made by the IFSP team that, based on a review of all relevant information regarding the unique needs of a particular infant or toddler, the child cannot satisfactorily achieve identified early intervention outcomes in natural environments, that infant or toddler could receive specific services outside of a natural environment. In such a case, a justification based on the individual needs of the child for a particular service must be included on the IFSP.

We appreciate you bringing to our attention your concerns and hope that this information is helpful in clarifying the natural environment requirements of Part C. Many of the concerns that you raised have been addressed in new service models utilizing strategies that can readily be adapted across various environments. If you would like information on these strategies, please contact Paul S. Miller, of my staff, at (202) 260-1158.

Sincerely,

Kenneth R. Warlick

Kenneth R. Warlick
Director
Office of Special Education
Programs

cc: Maureen Greer
Part C Coordinator