



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

Honorable Dennis J. Kucinich
Member of Congress
1730 Longworth Office Building
Washington, DC 20515
Dear Representatives Kucinich:

APR 29 1999

Thank you for your recent interest in the issue of appropriate medical interventions for students identified with attention deficit hyperactivity disorder. I am also sending this response to Representative Stephanie Tubbs James. We appreciated the opportunity to meet with you and review the media report on the promotion of Ritalin use in the Cleveland-area schools. The Department of Education takes seriously its commitment to assisting state and local education agencies meet the educational needs of all students.

As we discussed in March, the Department of Education oversees two federal programs that provide for the education of children who may have attention deficit hyperactivity disorder. Part H of the Individuals with Disabilities Education Act (IDEA) provides funds to States to help meet the excess costs of educating students with disabilities and requires state education agencies and local education agencies to make a free appropriate public education (FAPE) available to all eligible children with disabilities. Section 504 of the Rehabilitation Act of 1973 requires a local education agency to provide a free appropriate public education to each qualified child with a disability, which consists of regular or special education and related aids and services that are designed to meet the individual student's needs. Any failure on the part of a local school district to deliver required special education, regular education, and/or related aids and services to an eligible child with a disability may be a violation of the guarantees of FAPE under IDEA and Section 504 of the Rehabilitation Act.

The U.S. Department of Education recognizes that stimulant medication, prescribed under the supervision of a physician, maybe one method of effective treatment of the characteristics of attention deficit hyperactivity disorder. This is fully consistent with the recommendations of a November 1998 National Institutes of Health Consensus Development Conference Statement on diagnosis and treatment of ADHD. It is important to reinforce that the decision to prescribe any medication is the responsibility of medical, not educational professionals, after consultation with the family and agreement on the most appropriate treatment plan. The use of stimulant medication and other proven diagnostic and treatment practices were the topic of technical assistance products developed several years ago by the U.S. Office of Special Education Programs. These materials, designed for school personnel, have been widely distributed and are

currently available from the ERIC Clearinghouse on Disabilities and Gifted Education, 1-800-328-0272.

It is difficult to determine from the media reports the exact nature of the alleged inappropriate promotion of the drug Ritalin by school district personnel and failure to educate unmedicated students. As noted earlier, Part B of IDEA charges state and local education agencies with the responsibility to provide FAPE to eligible children with disabilities. Consistent with the implementing regulations for the IDEA, we are forwarding this complaint to the Ohio Department of Education (ODE) for resolution. ODE will have 60 calendar days from the date of receipt of the complaint to conduct an investigation and issue a written decision that contains findings of fact, conclusions and the reasons for the final decision. We will ask that ODE copy the Department on its written decision and will take steps to ensure appropriate resolution of the complaint.

Once again, thank you for your attention to this matter.

Sincerely,
Judith E. Heumann

Enclosure

cc: **Honorable Stephanie Tubbs Jones**
Member of Congress