



COMMONWEALTH of VIRGINIA
Department of Education

September 2, 2016


TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: OSEP Dear Colleague Letter: Behavior and IDEA

On August 1, 2016, the U.S. Department of Education's Office of Special Education Programs (OSEP) issued a Dear Colleague Letter to provide significant guidance to school divisions and other agencies on their responsibility to provide appropriate behavioral supports and interventions to allow children with disabilities to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) under the *Individuals with Disabilities Education Act* (IDEA). The guidance includes the following:

- Individualized Education Program (IEP) teams must consider the use of positive behavioral interventions and supports for children whose behavior interferes with their learning and that of others.
- When a child displays inappropriate behavior, especially when the behavior occurs on a regular basis or results in disciplinary actions that exclude the child from instruction, behavior supports may need to be added to the child's IEP.
- If a child displays inappropriate behavior despite having behavioral interventions and supports in the IEP, the IEP team should meet to determine whether the supports are being appropriately implemented, or whether there is a need to revise the IEP.
- Behavioral supports must be based on peer-reviewed research to the extent practicable, and should be selected based on the child's individual needs.
- A school division may need to provide school personnel with training in positive behavioral interventions and supports and with supports for using them.
- Best practice suggests that behavioral supports are most effective when they are delivered within a school-wide, evidence-based, multi-tiered behavioral framework.
- Behavioral supports must be provided throughout the continuum of placements, including within the regular education setting to ensure that the child is receiving services in the LRE.
- School divisions should be cautious about using disciplinary measures such as suspension that remove the child from the educational environment.
- Parents have the right to request an IEP meeting at any time, and school division must honor such reasonable requests.
- Parents may wish to request an IEP meeting following a disciplinary removal or other behavioral incidents to request that behavioral supports be added or modified in the child's IEP.

The Dear Colleague Letter, a summary, and several accompanying resources may be found at the following link: <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html> .

If you have any questions regarding this Dear Colleague Letter, please contact Dr. Patricia Abrams at (804) 225-2707 or at Pat.Abrams@doe.virginia.gov.

SRS/ph

