



COMMONWEALTH of VIRGINIA
Department of Education

September 13, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Federal Guidance Regarding Bullying of Students with Disabilities

On August 20, 2013, the Office of Special Education and Rehabilitative Services (OSERS) within the United States Department of Education issued a "Dear Colleague" letter to provide an overview of school divisions' responsibilities under the Individuals with Disabilities Education Act (IDEA) to address bullying of students with disabilities. A copy of the letter is posted at

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>, and a copy of the accompanying enclosure at <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-enclosure-8-20-13.pdf>.

In summary, OSERS reiterates its longstanding guidance that bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education under IDEA that must be remedied. It notes that students with disabilities are disproportionately affected by bullying and provides guidance for Individualized Education Program teams in addressing bullying concerns. The enclosure accompanying the letter addresses effective evidence-based practices for preventing and addressing bullying.

The Virginia Department of Education shares the belief that bullying of any student, for any reason, cannot be tolerated in our schools, and urges you to disseminate widely this important information throughout your division.

Questions about the letter and enclosure may be directed to: Jo Ann Burkholder, student assistance systems coordinator; joann.burkholder@doe.virginia.gov; telephone (804) 371-7586.

PIW/pvh