



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

DEC 11 2008

Ms. Susan W. Batson
Acting Director
Division of Educational Improvement and Assistance
State of Louisiana, Department of Education
PO Box 94064
Baton Rouge, LA 70804-9064

Dear Ms. Batson:

This is in response to your letter to me, dated October 10, 2008, in which you request guidance on the use of funds under Part B of the Individuals with Disabilities Education Act (IDEA) for professional development related to Louisiana's Positive Behavior Supports (PBS) Initiative.

You indicate in your letter that Louisiana uses a portion of its Part B State set-aside funds to provide professional development, technical assistance and support to school districts and to support the eight Regional Coalitions throughout Louisiana. You further state that your auditors have indicated that, because some regular education personnel are trained as part of this initiative, whether or not they are directly providing instruction to special education students, the funding for the PBS Initiative should not be 100% IDEA funds. You indicate that the Louisiana Department of Education staff is committed to PBS and do not believe that successful PBS professional development can be done in isolation; the entire school, including instructional and support staff, must be committed and trained in order for PBS to achieve the results you seek.

Under 34 CFR §300.704(b)(4)(i), (iii) and (viii), funds reserved by the State can be used for support and direct services, including technical assistance, personnel preparation, and professional development and training; to assist local educational agencies (LEAs) in providing positive behavioral interventions and supports and mental health services for children with disabilities; and to support capacity building activities and improve the delivery of services by LEAs to improve results for children with disabilities. Furthermore, IDEA requires that regular education teachers will "to the extent appropriate, participate in the development of the IEP of the child, including the determination of – (i) Appropriate positive behavioral interventions and supports and other strategies for the child..." 34 CFR §300.324(a)(3)(i). Thus, IDEA contemplates that general education teachers will be knowledgeable about positive behavioral interventions and supports as they apply to children with disabilities.

We also note that research conducted by the Office of Special Education Programs' demonstration project in Positive Behavioral Interventions and Supports (PBIS), located at the University of Oregon, has demonstrated that the most successful implementation of PBIS is through participation by the entire school staff, including regular and special educators, administrators and support staff. You rightly indicate that such programs are not successful when provided in isolation and, even if general education staff are not currently providing direct

services to children with disabilities, all school staff interact with, and provide support to, children with disabilities in locations such as cafeterias, playgrounds and in hallways and other common areas of the school.

Accordingly, we believe that the State's use of Part B IDEA State set-aside funds to fully fund its PBS initiative, which provides professional development, training and technical assistance on positive behavioral interventions to general educators, administrators and support staff, as well as to staff who provide special education and related services to children with disabilities, is permissible.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

We hope this information is helpful to you. If you have further questions, please contact Dr. Deborah Morrow at 202-245-7456.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Knudsen". The signature is fluid and cursive, with a long horizontal stroke at the end.

William W. Knudsen
Acting Director
Office of Special Education
Programs