



Office of the State Superintendent of Education

DISTRICT OF COLUMBIA
MAYOR ADRIAN M. FENTY

JUNE 2, 2010

TO: Chancellor, District of Columbia Public Schools (DCPS)
Public Charter School Board
Public Charter School Directors
Principals, DCPS

FROM: Kerri Briggs, Ph.D. 
State Superintendent of Education

RE: Prohibition on Mandatory Medication Guidance

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The purpose of this Memorandum is to clarify the expectation of the Office of the State Superintendent of Education (OSSE) that all students with disabilities in the District of Columbia have access to a Free Appropriate Public Education (FAPE), as outlined in the requirements of the Individual with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 *et seq.*, without regard to parental or adult student¹ decisions about medication. The IDEA prohibits state and local educational agency personnel from requiring any student to obtain a prescription for medication² as a condition of attending school, receiving an evaluation, reevaluation,³ or receiving services under the IDEA.⁴ LEA personnel may make recommendations about a student's need for evaluation, reevaluation and/or special education and related services under Part B of IDEA. However, the provision of an evaluation, reevaluation and/or services may not be conditioned upon a parent's decision to medicate a student.⁵ All policies, procedures, programs and practices of an LEA must be consistent with the IDEA's prohibition on mandatory medication.

¹ 34 C.F.R. §300.520; 5 DCMR §3023

² The term medication refers to a substance covered by the Controlled Substances Act (21 U.S.C. §§801 *et seq.*).

³ 34 C.F.R. §§300.300 through 300.311

⁴ The prohibition on mandatory medication in 20 U.S.C. §1412(a)(25), which was added to the IDEA by the Individuals with Disabilities Education Improvement Act Amendments of 2004, became effective on July 1, 2005. The prohibition on mandatory medication is implemented by 34 C.F.R. §300.174.

⁵ Letter to Honorable James M. Inhofe, 49 IDELR 286 (October 22, 2007)



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This memorandum supersedes all previous policy, memorandum, and/or guidance promulgated by the State Educational Agency (SEA). Please direct any questions regarding the content of this document to Grace Chien, LEA Policy and Charter Implementation Specialist, at (202) 741-5098 or by email at Grace.Chien@dc.gov.