

Understanding Discipline for Students With Disabilities

(Georgia Rules for Special Education 160.4-7-.10)

GCASE/GaDOE Spring Leadership Meeting

School removal: Unintended Consequences



- Loss of instructional time for the students who need it most
- Disenfranchises students from their education
- Jeopardizes Health and Safety



What does the research say?



- Suspension is a strong indicator a student will drop out of school (Achilles, et al, 2007; Cassidy & Jackson, 2005)
- Suspension does not appear to be a deterrent for future misconduct (Achilles, et al, 2007; Anderson & Kincaid, 2005; Costenbader & Markson, 1997; Bacon, 1990)
 - OSS is often used to provide relief to teachers, and doesn't address the issues that led to misbehavior (Morrison & Skiba, 2001)
- Students removed by suspension are often those who need to be in school (academics) (Christle et al., 2004)
- Suspension is most frequently used with minority students, low SES and those served by special education (Achilles, et al, 2007)

| Knew Answer Immediately | Don't Know. Guess I'll... | | | |
|---|---|--|--|--|
| <p style="color: red; font-weight: bold; font-size: 1.2em;">Yes!!!</p> <input data-bbox="253 711 305 749" type="checkbox"/> | <p style="text-align: center;">Ask Someone</p> <input data-bbox="624 711 676 749" type="checkbox"/> | <p style="text-align: center;">Look it Up</p> <input data-bbox="944 711 996 749" type="checkbox"/> | <p style="text-align: center;">Depend on My Photographic Memory</p> <input data-bbox="1313 711 1365 749" type="checkbox"/> | <p style="text-align: center;">Do Nothing. Who Cares?!?!?</p> <input data-bbox="1651 711 1704 749" type="checkbox"/> |

Your mother's birthday

Words to "Mary Had a Little Lamb"

Social Security Number

1st grade teacher

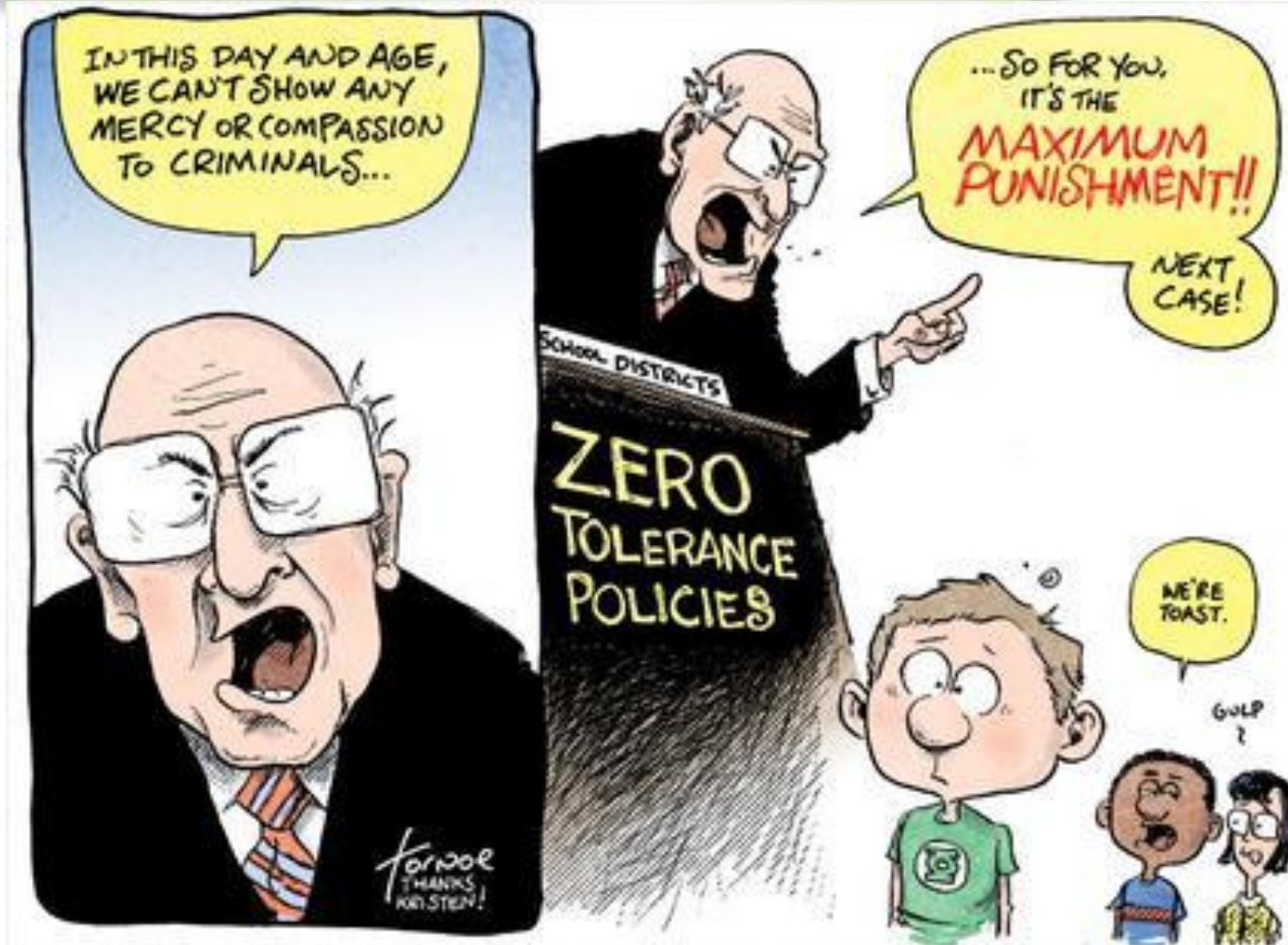
How to program the remote control

The planets in our solar system

Code of Student Conduct

- Applies to students with disabilities (SWD) unless stated otherwise in the Individualized Education Program (IEP).
- SWD may be removed to an interim alternative setting (IAES) for not more than 10 consecutive school days *if the same alternatives would be applied to children without disabilities.*
- If a SWD has been removed for **10 school days or less** in the school year, services are only required to be provided if provided to a child without disabilities similarly removed.

Authority of School Personnel



Produced by NICHCY, 2007

FAQ



Does in-school suspension count toward the 10 days?

Not necessarily...if the student has access to the general curriculum and receives IEP services

Do bus suspensions count toward the 10 days?

If transportation is listed on the student's IEP –

YES!

On the 11th day...and thereafter

If the removal is not more than 10 consecutive school days

and is not a change of placement...



School personnel and at least one of the student's teachers determine the extent of services needed and location to enable child to participate in the general curriculum although in another setting, and to progress toward meeting IEP goals.

And on the 11th day...and thereafter

If frequent disciplinary actions clearly indicate a change in placement...

The IEP Team must determine appropriate services and setting



Defining “Change of Placement”

- The removal is for more than 10 consecutive school days **OR**;
- The child has been subjected to a series of removals that constitute a **pattern**



Change of Placement

Subjected to a series of removals that constitute a **pattern**:

- The series of removals total more than 10 school days in a school year; **AND**
- The behavior is substantially similar to behavior in previous incidents that resulted in removals, and;
- The length of each removal, the total amount of time of removals and proximity of removals to one another.

Change of Placement

- LEA must notify parent and provide parents the procedural safeguards.
- SWD must continue to receive educational services (FAPE) so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting goals of the IEP.
- The IEP team determines the services needed to provide FAPE, if services will be in an IAES, and what the IAES will be.
- Conduct Manifestation Determination? **YES**
 - FBA and BIP? **Maybe**

Case 1

If Jenna, a child with a disability, is suspended from school for 6 days in November and then another 3 days in February and then 1 day in April, does that constitute a pattern of removals that amount to a change of placement for Jenna?

Case 2

Robert a child with a disability

- 1—Two separate incidents of throwing food at children in the cafeteria, each time resulting in a suspension of one day in September and October.
- 2—Pulling the fire alarm in November. A five-day suspension.
- 3—Fighting in class in December. Two days removal.
- 4—Setting off the sprinkler system in the school with a lighter in February. Two days removal.

Parent Notification Requirements: §300.530(h)



On the Date

on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct...

The LEA must:

- notify the parents of that decision, and
- provide the parents the procedural safeguards notice

Manifestation Determination



- **Must be conducted within 10 school days of a change of placement decision**
- The LEA, the parent, and **relevant** members of the IEP team
- All **relevant** information in the student's file

Determine

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **OR**
2. If the conduct in question was the direct result of the LEA's failure to implement the IEP

If so, the LEA must take *immediate* steps to remedy those deficiencies.

Manifestation Determination - If

YES....

The IEP team must:

- Conduct a **functional behavioral assessment (FBA)**, unless already completed, and implement a **behavior intervention plan (BIP)** ; or
- Review existing behavior intervention plan and modify, as necessary, to address behavior.
- Return child to placement from which the SWD was removed, unless parent and LEA agree to a change in placement as part of modification of BIP.

If **NOT** a manifestation of disability...

- School may apply the relevant disciplinary procedures in the same manner and for the same duration as would be applied to a child without disabilities
- Student must continue to receive educational services so as to enable him/her to participate in the general education curriculum and to progress toward meeting IEP goals
- The IEP team **MUST** consider whether or not FBA/BIP is necessary.



What is Functional Behavioral Assessment (FBA)?

“Functional assessment is a broad process for gathering information to understand problem behavior situations and develop effective support plans.”

Source: O’Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). Functional Assessment and Program Development for Problem Behavior: A Practical Handbook. Boston: Brooks/Cole Publishing.

Functional Behavioral Assessment

A PROCESS ↔

NOT A FORM TO COMPLETE!!!!

Determine the cause or function of the behavior

1. Define in concrete terms
2. Collect data on the behavior
3. Analyze the data
4. Formulate hypothesis as to the cause or function of the behavior

What is a Behavior Intervention Plan (BIP)?

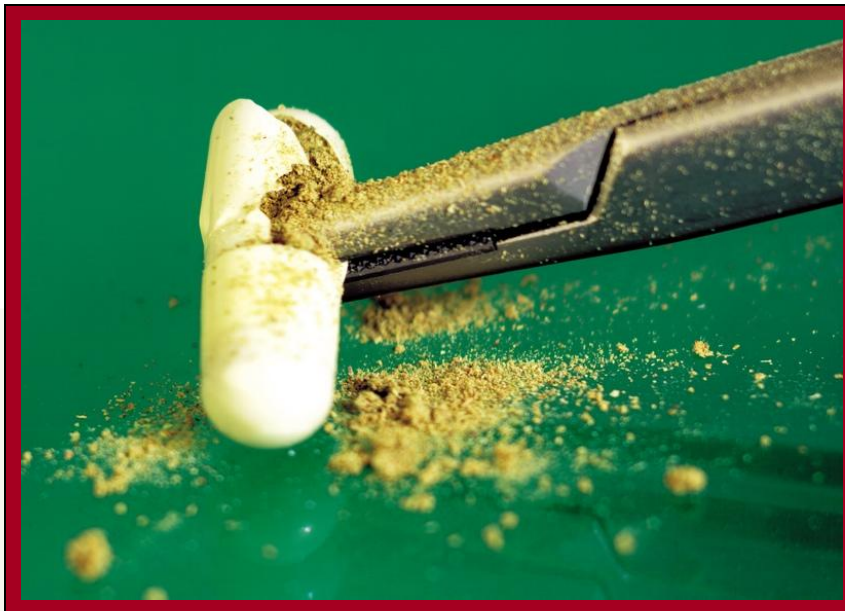
- Positive interventions, strategies and supports designed to address the behavior in question (i.e. PBIS)
- A team approach that includes relevant system staff and the parents
- The BIP is a fluid plan that should be modified as necessary

How Do You Know if the Process is Working?

- Data, Data, Data
- Establish a way to collect, analyze, and report data on a regular basis to determine if the positive behavior supports are working to help the student use desirable, replacement behavior that serves the same function.

It's NOT working if the student continues the behavior and the same consequences are given!

peculiar circumstances



Special Circumstances

1. Carries or possesses a weapon at school.
2. Knowingly possesses, uses or sells drugs at school.
3. *Has inflicted serious bodily injury upon another person at school or at school function.*

Up to 45 school days without regard to manifestation.

Special Circumstances

School personnel may remove the child to an IAES for not more than 45 school days without regard to whether or not the behavior is a manifestation of the child's disability.

- Take prompt steps to complete manifestation determination
- If manifestation determination is NO – regular disciplinary consequences may apply and student must continue to receive educational services

Law Enforcement and Judicial Authorities

- Nothing in the Discipline Rule prohibits district officials from reporting criminal activity allegedly committed by a student with a disability.
- Copies of the student's special education and disciplinary records, if appropriate, are sent to the agency to which the crime was reported.


Students Not Determined Eligible for Special Education Services

- If LEA had knowledge that student has a disability, student is protected under Discipline Rule*
- Does not apply if parent refuses an evaluation, refuses services, or after an evaluation has determined that student does not have disability.
- If requested during disciplinary actions, expedited evaluation is required

Appeal Process

- Parent or LEA may appeal placement or manifestation determination by requesting a hearing
 - Arranged by GaDOE by filing due process complaint
 - Must occur within 20 school days from date complaint is filed
 - Decision by Administrative Law Judge (ALJ) or hearing officer must be provided within 10 school days of hearing

Appeal Process

- Resolution meeting must be held within 7 **calendar** days of complaint being filed*
- Within 15 **calendar** days of filing complaint, LEA and parent can resolve issue and avoid hearing
- Appeal decisions are appealable 

Appeal Results

- May return SWD to placement from which removed if the removal was a violation of the rule or if behavior was a manifestation of disability.
- May order a change of placement for not more than 45 school days if determined that the current placement of the child is substantially likely to result in injury to the child or others.

Characteristics of Effective IAESs

- Highly qualified teachers who enjoy working with challenging students
- Flexibility
- Clear, individualized goals (i.e., achievement and social-emotional outcomes)
- Research supported interventions
- Onsite or easily accessible mental health services
- Positive behavioral supports

NASP, 2001

*An ounce of prevention is worth
a pound of cure.*

What's the alternative?



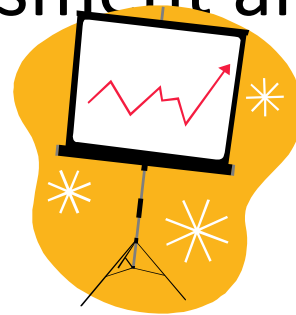
Starting Point...

- We can't "make" students learn or behave
- We can create environments to increase the likelihood students learn and behave
- Environments that increase the likelihood are guided by a core curriculum and implemented with consistency and fidelity

Tim Lewis, Ph.D., University of Missouri

How do we change behavior?

- Interventions must address strengths and weaknesses of the student
- Parent and family are critical components
- Interventions should be evaluated as to their short-term and long-term effectiveness in improving student behavior
- Teachers and staff need to be well trained with respect to assessment and interventions



Building Blocks For Effective Behavior Intervention Plans

Individualized Behavior

Plans: Clear behavior, concise summary statement, evidence-based practices, function based

Behavior Intervention: Adult mentor, increased supervision and daily report card, positive relationships, progress monitoring and reinforcement, parent involvement

Classroom Management: Class layout; wall/ceiling displays; social expectations posted; transitions, procedures, and routines taught; effective instruction; social behavior maintained; clear communication

Schoolwide Features: Leadership team, clear social expectations, social expectations posted throughout school, social expectations taught and reinforced, strategies for reducing problem behaviors, disciplinary system aligned with classroom and school procedures, data collected and analyzed for social behavior, data-based decision making

Source: Algozzine, B., Daunic, A., & Smith, S. (2010). Preventing Problem Behaviors: Schoolwide Programs and Classroom Practices. Thousand Oaks, CA. Corwin Press. *Adapted*

What we know about interventions...

- Interventions must be a combination of proactive, corrective and instructive strategies
- Interventions should be guided by schoolwide and districtwide policies that emphasize positive over punitive
- Interventions must be linked with an assessment of the student's behavior
- Multiple interventions are necessary – single, short term strategies are temporary
- Interventions must address a constellation of related behaviors

Example Tier 4 Behavior Interventions

- **Behavior Plans & Counseling Therapy:** Individualized, greater frequency and intensity, often addressing multiple issues simultaneously
- **Multi-agency Plans:** Coordinate w/outside agencies on counseling, behavioral plans, meds, family therapy, juvenile justice, etc.
- **Data Progress Monitoring:** Psychological assessment, Tier III data

Not all Interventions are Created Equal

| Disorder | Effective Treatments/Interventions |
|---------------|---|
| ADHD | Behavior modification, reinforcement of other behaviors, parent training, organizers, CBT, medication |
| Anxiety | CBT, family anxiety management |
| Depression | CBT, coping skills training, behavioral self-control therapy |
| OCD | Exposure, response prevention |
| ODD/CD | Behavioral parent training, anger management, CBT, REBT, Time-out, parent-child therapy, problem-solving training |
| Fears/Phobias | Graduated exposure, modeling, reinforced practice, In-vivo exposure, CBT, imaginal desensitization, self-calming techniques |

Alternatives to School Removal

- Mini-courses or skill modules on topics related to behavior
- Individual behavior contracts
- In-school suspension
- Alternative school programs



Alternatives to School Removal

- Lunch or after school detention
- Suspension from co-curricular activities
- Restitution
- Community service at the school
- Service learning project
- Saturday school
- Counseling with skill development



Best Practices

- Ensure that all children & their families know and understand the code of conduct
- Incorporating into IEP goals --support and individualized instruction that enable effective behavior management
- “Predict and Prevent” Practices
- Establish system for data management

Questions to Contemplate

Is there...

- A system in place that monitors discipline events for students with disabilities?
- A method of identifying at-risk students (e.g. # of referrals)
- A method of identifying classrooms targeted for intervention? (student failure & problem behavior)
- A variety of interventions for both teachers and students ready to go?

http://www.nichcy.org/SchoolsAndAdministrators/Pages/discipline.aspx

The screenshot shows a Windows Internet Explorer browser window with the address bar displaying <http://www.nichcy.org/SchoolsAndAdministrators/Pages/discipline.aspx>. The page content includes the NICHCY logo and tagline 'National Dissemination Center for Children with Disabilities' with the AED logo. A navigation menu contains links for HOME, ABOUT US, CONTACT US, PUBLICATIONS, NEWSLETTER, and EN ES. A search bar is present with the text 'Enter Search Term...'. Below the navigation menu are four tabs: Families and Community, Early Intervention Providers, Schools and Administrators (which is active), and State Agencies. The main content area features the breadcrumb 'NICHCY > Schools and Administrators > Applying Discipline Rules to Students with Disabilities' and the title 'Applying Discipline Rules to Students with Disabilities'. A 'Rate this Page' widget shows a rating of 5 out of 5 by 2 people. A 'ShareThis' widget is also visible. The main text states: 'NICHCY is pleased to offer you three types of information about how discipline rules may be applied to students with disabilities who violate a code of conduct. These webpages are found in our section on Placement, under "Educate Children (3-22)," which quick-links to them below.' To the right of this text is a photograph of an elderly woman. Below the main text are three sub-sections: 'Placement and School Discipline' with a brief overview of disciplinary action, 'Discipline, in Detail' with a link to IDEA's discipline procedures, and 'Related Information' with links to Organizations, Related News, and More Nichcy Pages. At the bottom right of the main content area is a section for 'OSEP Resources' with a link to Publications/Products. A sidebar on the left contains a list of links: Disabilities, Help Babies (0 to 3), Educate Children (3 to 22), Laws, Resources, Research, News, NICHCY Blog, and Spanish. At the bottom of the sidebar is a 'State Specific Info' section with a map of the United States and text: 'Locate organizations and agencies within your state that address disability-related issues.' The browser's taskbar at the bottom shows several open applications: start, Ginny O'Connell..., Instant Messagi..., Applying Discipli..., My Computer, and Windows Media ... The system tray on the right shows the time as 1:45 PM.

Resources and Credits

- Positive Behavioral Interventions and Supports
www.pbis.org
- National Dissemination Center for Children with Disabilities (NICHCY) www.nichcy.org
- Special Education Implementation Manual at
www.gadoe.org
- The IRIS Center
www.iris.peabody.vanderbilt.edu
- Online tutorial: <http://serc.gws.uky.edu/pbis>

Resources and Credits

- Blomberg, N.(2011). Effective Discipline for Misbehavior: In school vs. Out of School Suspension.
<http://concept.journals.villanova.edu/article/viewFile/138/109>
- OSEP-Discipline Rule
 - <http://idea.ed.gov/explore/view/p/%2Croot%2CdYNAMIC%2CTopicalArea%2C6%2C>

- National Association of School Psychologist.(2001).IAES for Children with Disabilities

http://www.familiestogetherinc.org/PDF%20FILES/IAES_book.pdf