

Student Discipline Task Force

12/09/2013

| <p><i>Singular definition (3 Member Votes)</i></p> <p>Non-compliance, Disobedience, Defiance and Disruption: student behavior that creates a sustained disruption of the educational environment and is unalterable through staff positive redirection.</p> | <p><i>Separate Definitions (4 Member Votes)</i></p> <p>Failure to cooperate (minor): repeatedly failing to comply with or follow the reasonable, lawful directions or requests of teachers or staff. Disruptive conduct (major): conduct that materially and substantially interferes with the educational process and is unalterable through staff positive redirection.</p> |
|--|---|
| <p><i>Suggested edits:</i> Non-compliance, Disobedience, Defiance and Disruption: student behavior that creates a sustained disruption or interference of the educational environment and is unalterable through teacher or staff positive redirection.</p> <p>Non-compliance, Disobedience, Defiance and Disruption: student behavior that creates a disruption of the educational environment and is not altered or not improved through staff positive redirection.</p> <p><i>Comments:</i></p> <ul style="list-style-type: none"> Choice of either not altered or not improved - not both. Sustained is very subjective on what is or is not sustained. | <p><i>Suggested edits:</i> Failure to cooperate (including but not limited to non-compliance, defiance, and disobedience) (minor): repeatedly failing to comply with or follow the reasonable, lawful directions or requests of teachers or staff, and does not respond to positive staff interventions/redirections. Disruptive conduct (major): conduct that materially and substantially interferes with the educational process and is unalterable through staff positive redirection, and does not respond to positive interventions/redirections.</p> <p>Failure to cooperate (including but not limited to non-compliance, defiance, and disobedience) (minor): repeatedly failing to comply with or follow the reasonable, lawful directions or requests of teachers or staff and is unalterable through staff positive redirection. Disruptive conduct (major): conduct that materially and substantially interferes with the educational process and is unalterable through staff positive redirection.</p> <p>Failure to cooperate (minor): repeatedly failing to comply with or follow the reasonable, lawful directions or requests of teachers, staff, volunteers and contractors. Disruptive conduct (major): conduct that materially and substantially interferes with any school operation and is unalterable through staff positive redirection.</p> <p><i>Comments:</i></p> <ul style="list-style-type: none"> "Lawful" protects the student. Addition is slight broadening to take into consideration those working for the school. "With any school operation" would avoid confusion if the disruption interred with something like an after school event, such as a football game. Divide the definitions between those that occur in classrooms from those that occur on busses, hallways, recess, parking lots, passing times (non-classroom). Add definitions of a few more of the categories (e.g., theft, truancy) to the list in order to get at reducing the "other" category significantly beginning in 2014-15. |

Positive Behavioral Interventions and Supports 101: Data, Systems and Practices



Lori Lynass, Ed.D.
NWPBIS Network
www.pbisnetwork.org

NWPBIS Mission

The Northwest PBIS Network, Inc. is a non-profit organization dedicated to supporting educators, families, and community members to implement and sustain positive, effective and culturally inclusive environments and supports to achieve social and academic success for **ALL** children and youth.

PBIS As A Federally Supported Framework

- National PBIS center now funded for 20 years.
- In NCLB and IDEA
- Vocally supported by Sec. Duncan and President Obama.
- 37 States Now Have Some State Level Support

Washington Task Force on Behavioral Disabilities --- 1997

- An estimated 9–13 % of youth aged 9–17 with emotional disturbances serious enough to impede their functioning in family, school, or community activities
- Not severe enough to be identified for special education services.
- These students often end up suspended, expelled and incarcerated.
- The Task Force recommended mul---ered *transdisciplinary* “comprehensive system of care” with universal, targeted at---risk, and intensive level services.

PBIS Implementation History

- First 4 schools in Washington Implement PBIS through Univ. of WA
- Currently about 630 schools (21%) in Washington have been trained in PBIS.
- 86 (30%) Districts have at least 1 school implementing PBIS.
- Several Districts have district initiatives including Highline, North Thurston, Olympia, Richland, White River, Omak, Vancouver, Anacortes, Camas, Tacoma and Federal Way.
- PBIS is supported federally and is currently used in over 21,000 schools across the nation.

Student Wellbeing

- One in five (20%) of students are in need of some type of mental health service during their school years, yet **70%** of these students do not receive services
 - (Surgeon General's Report on Mental Health, 2011)
- It is estimated that the number of students being identified as having an Emotional/Behavioral Disorder has doubled in the last 30 years
 - (US Dept of Ed, 2007)

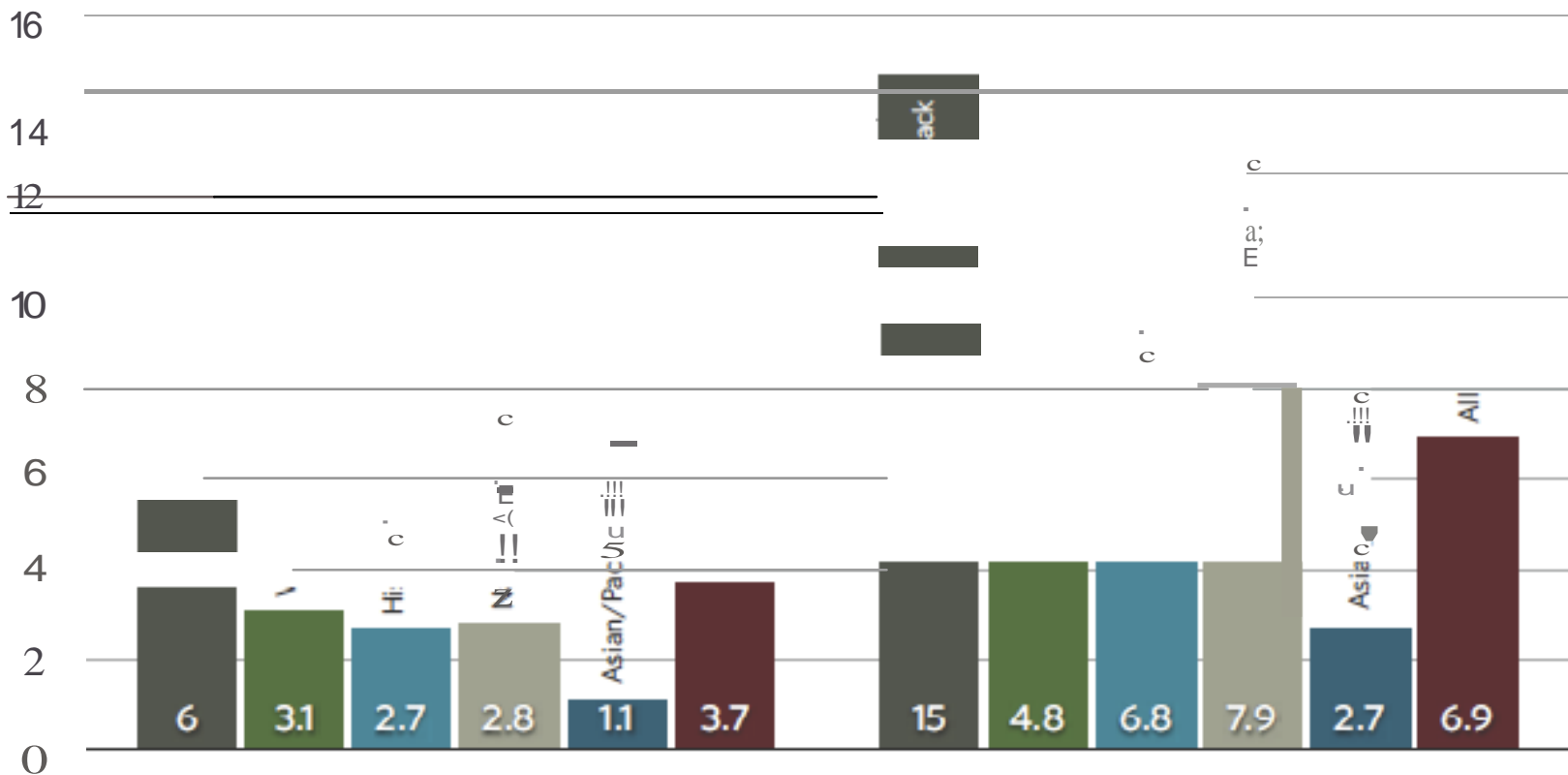
Exclusion & Punishment

- Exclusion and punishment are the most common responses to conduct disorders in schools.
 - Lane & Murakami, (1987)
 - Rose, (1988)
 - Nieto, (1999)
 - Sprick, Borgmeier, & Nolet, (2002)
- Punishing problem behaviors (without a proactive support system) is associated with **increases** in (a) aggression, (b) vandalism, (c) truancy, and (d) dropping out.
 - Mayer, 1995
 - Mayer & Sulzar---Azaroff, 1991
 - Skiba & Peterson, 1999

The Real Cost of Suspension

- Being suspended even once in ninth grade is associated with a twofold increase in the likelihood of dropping out, from 16% for those not suspended to 32% for those suspended just once (Balfanz, 2013).
- The high number of students suspended, should be of grave concern to all parents, educators, taxpayers, and policymakers.

FIGURE 1 Increasing Risk For Suspension by Race 1973,2006



■ Black
 ■ White
 ■ Hispanic
 ■ Native American
 ■ Asian/Pacific Islander
 ■ All

What Do We Know About Disciplinary Disparities

- **Consistent and severe for African American Students**
- Increased risk for:
 - Latino students: May increase over time
 - Students with disabilities (Losen & Gillespie, 2012)
 - Gender: Males (Toldson et al., 2013; Wallace et al., 2008)
 - Emerging data that LGBT students also at risk
- Not due to:
 - SES
 - Student displays of more severe behavior

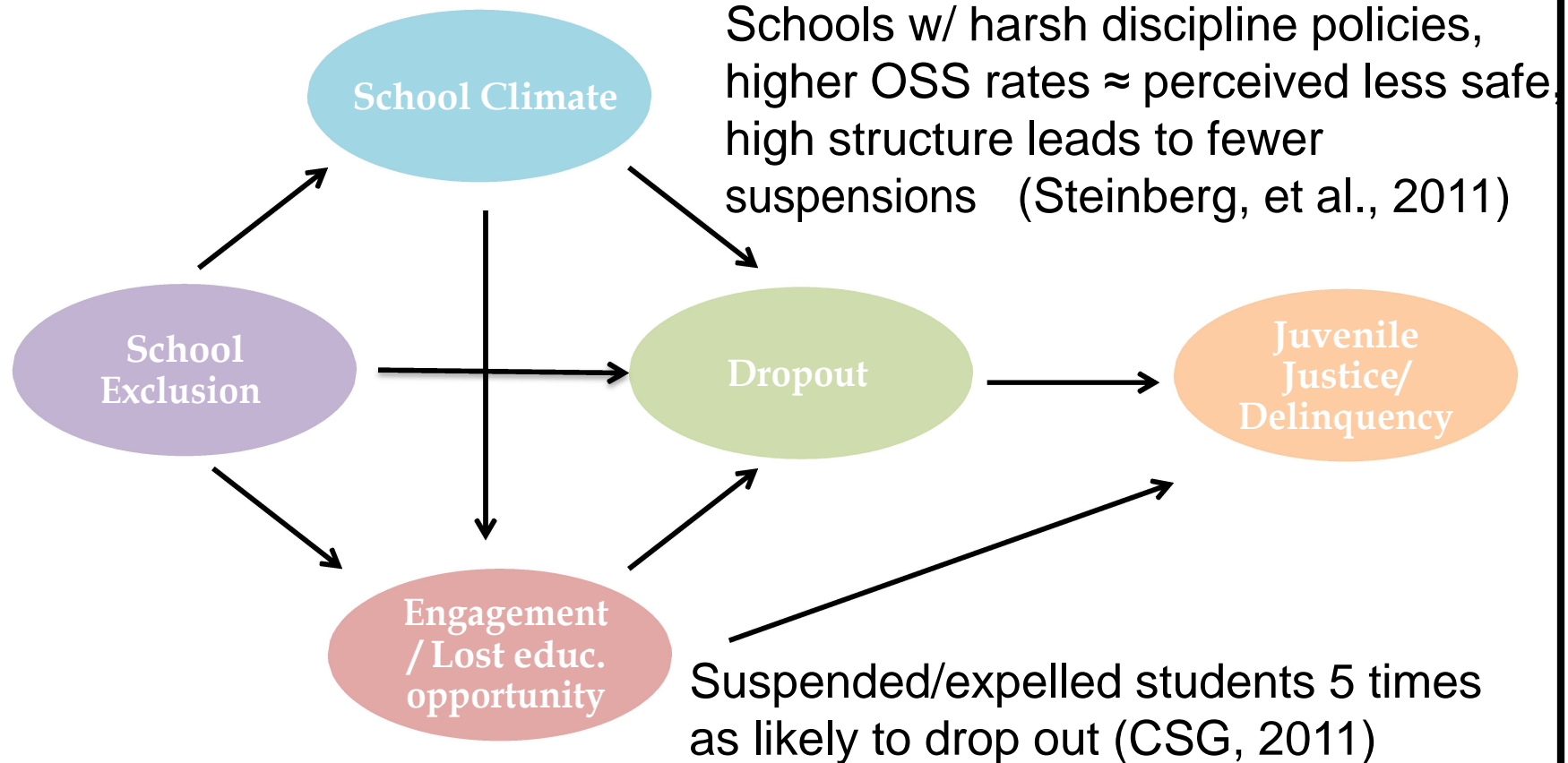


Some Predictors of Disproportionality in Discipline

- Higher Rates of Students of Color (Racial Threat Hypothesis)
- Diversity of Staff (Representative Bureaucracy)
- School Climate Contribution
- Classroom Contributions
 - Classroom management
 - Cultural mismatch/implicit bias
- Office Contributions

Is The School-to-Prison Pipeline Real?

Pathways from Schools to Juvenile Justice



What Should We Do to Intervene? National Research

- Restructure Disciplinary Practices
 - SWPBIS
 - Sound Threat Assessment Practices
 - Codes of Conduct
- Develop Relationships
 - Mentoring, Check, Connect and Expect
 - Restorative Practices
- Build Social and Emotional Literacy
 - Student support teams, and student-centered approach

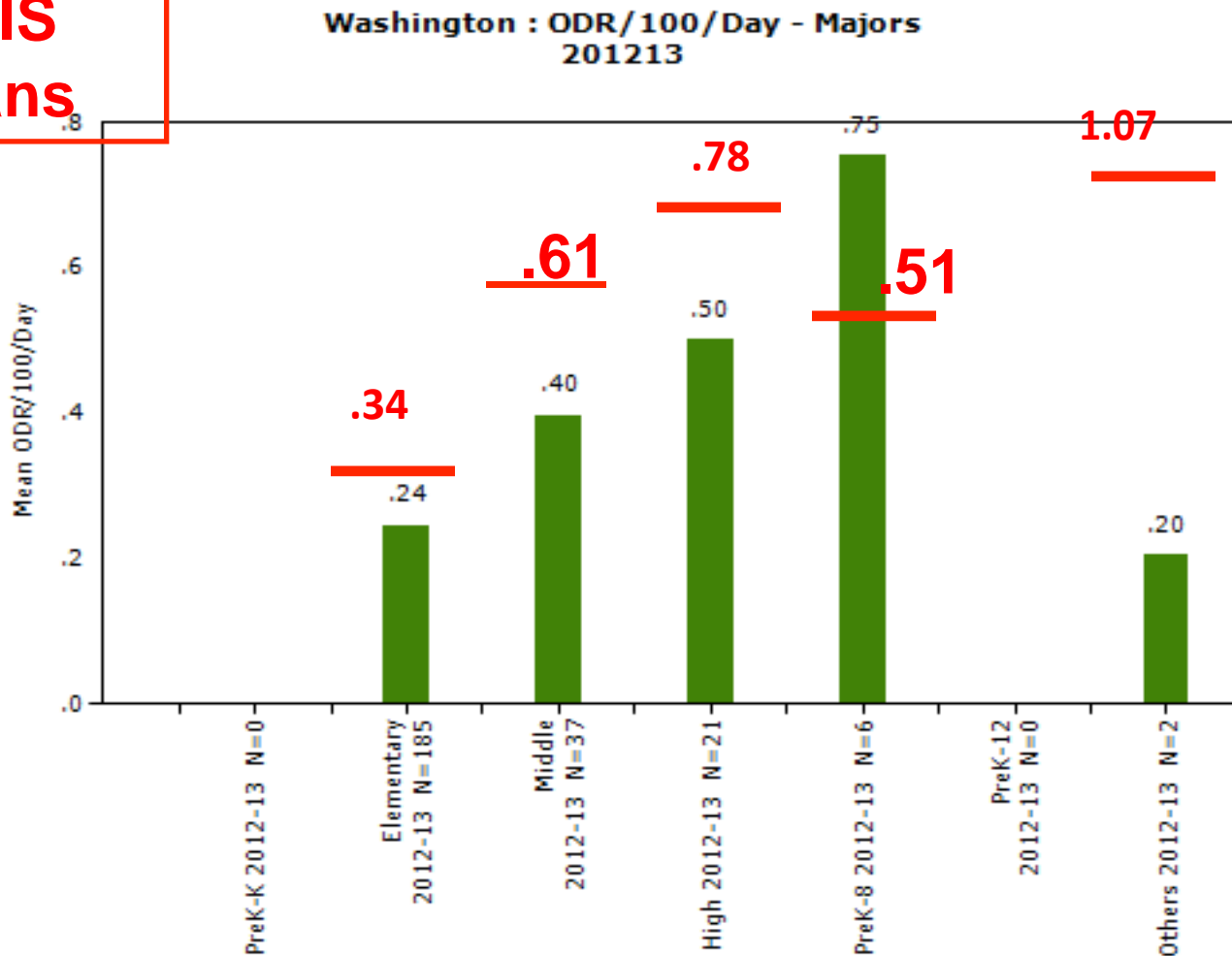
Results from SWPBS

- Reduction in Office Referrals
 - Reduction in Suspension
 - Reduction in Drop Outs
 - Increase in Academic Gains
 - Increase in Staff Satisfaction
 - Increase in Student Satisfaction
- * Return on Investment is High



The Impact of PBIS In Washington

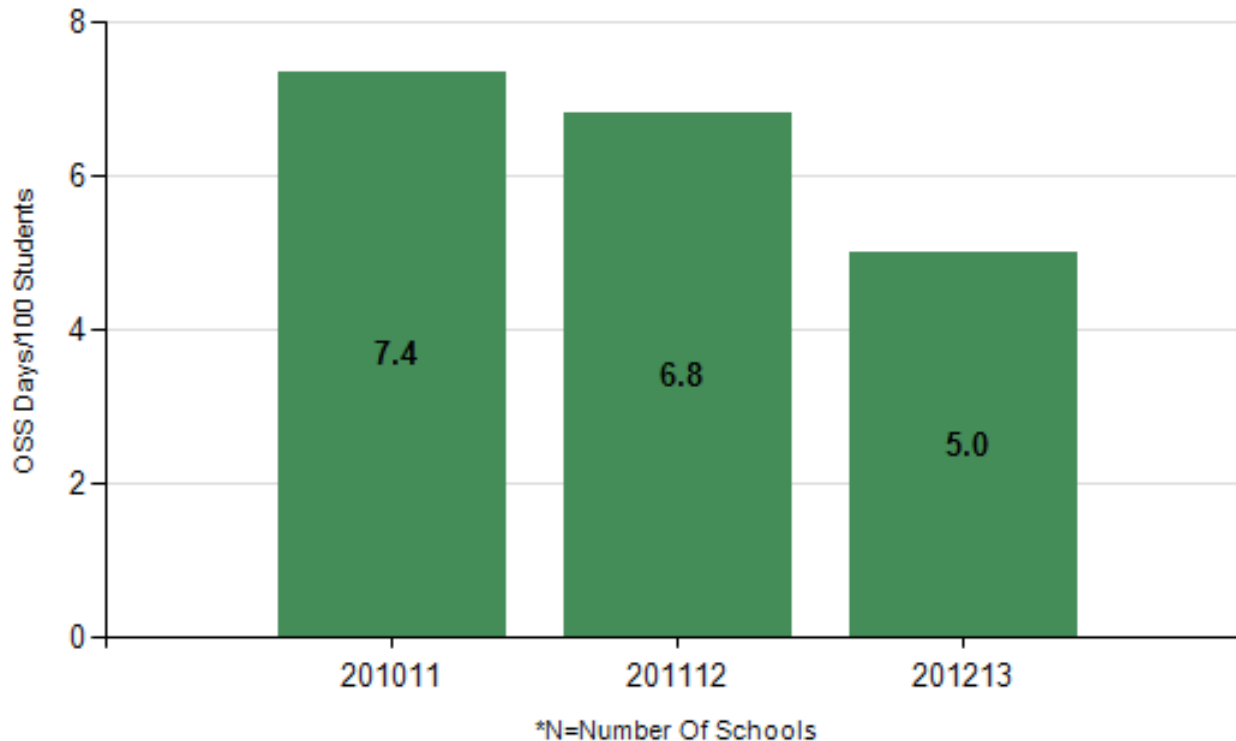
**National
SWIS
means**





Is PBIS Making an Impact in Elementary Schools?

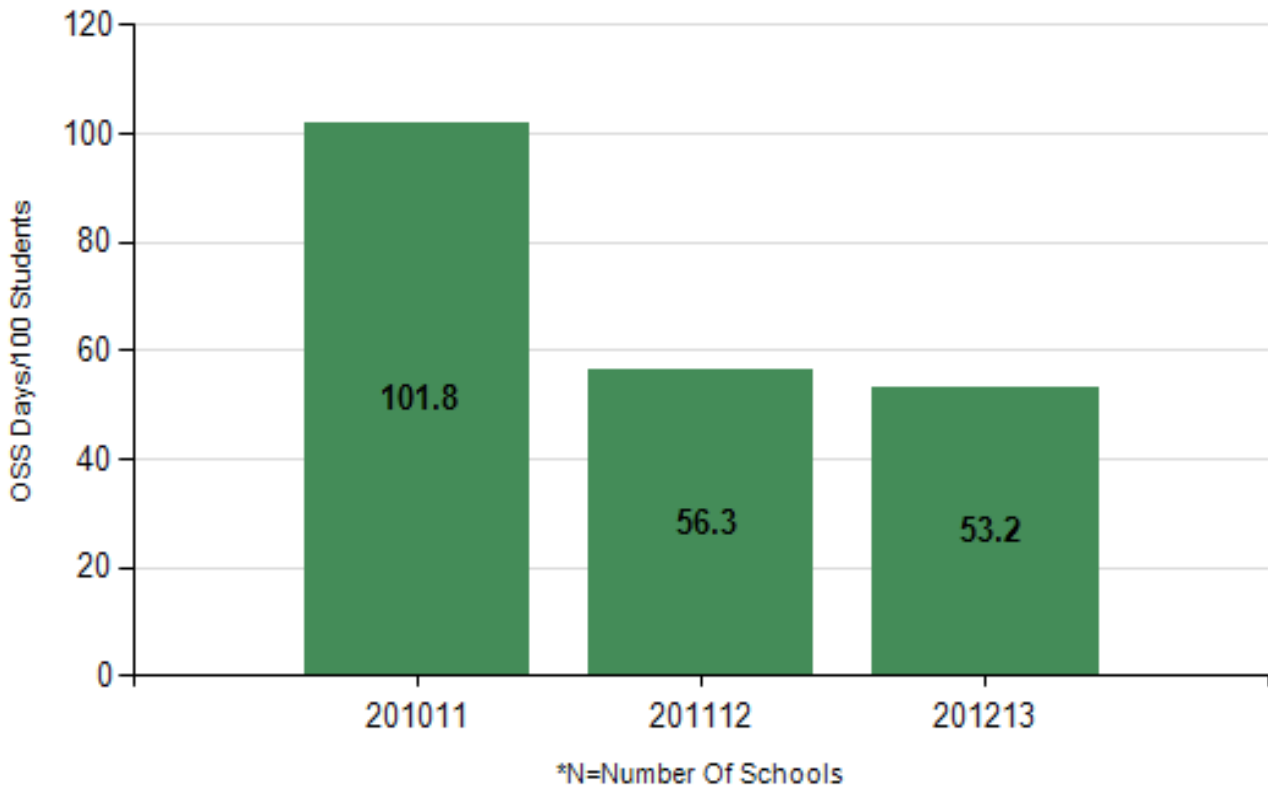
Washington : Elementary OSS Days/100 Students
201011-201213, N=196

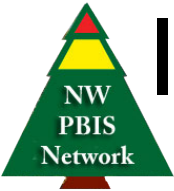




Is PBIS Making an Impact in Middle Schools?

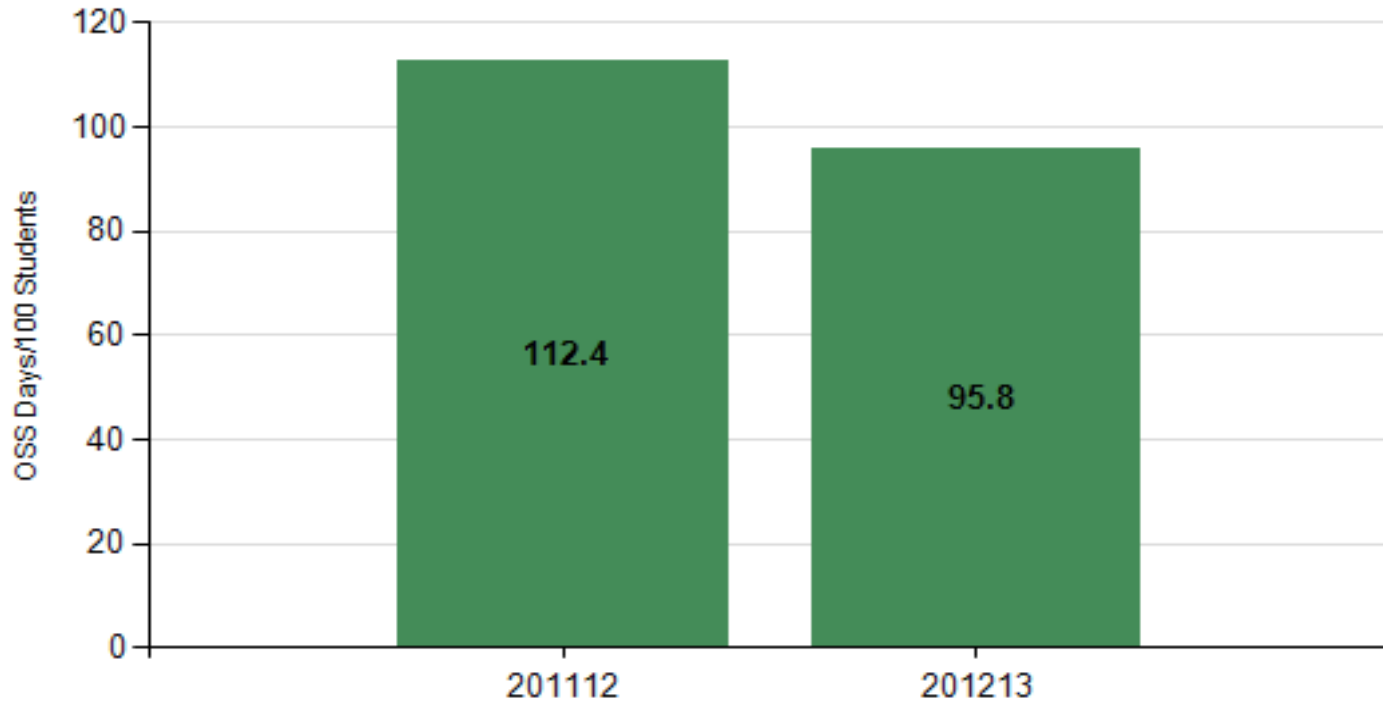
Washington : Middle OSS Days/100 Students
201011-201213, N=40





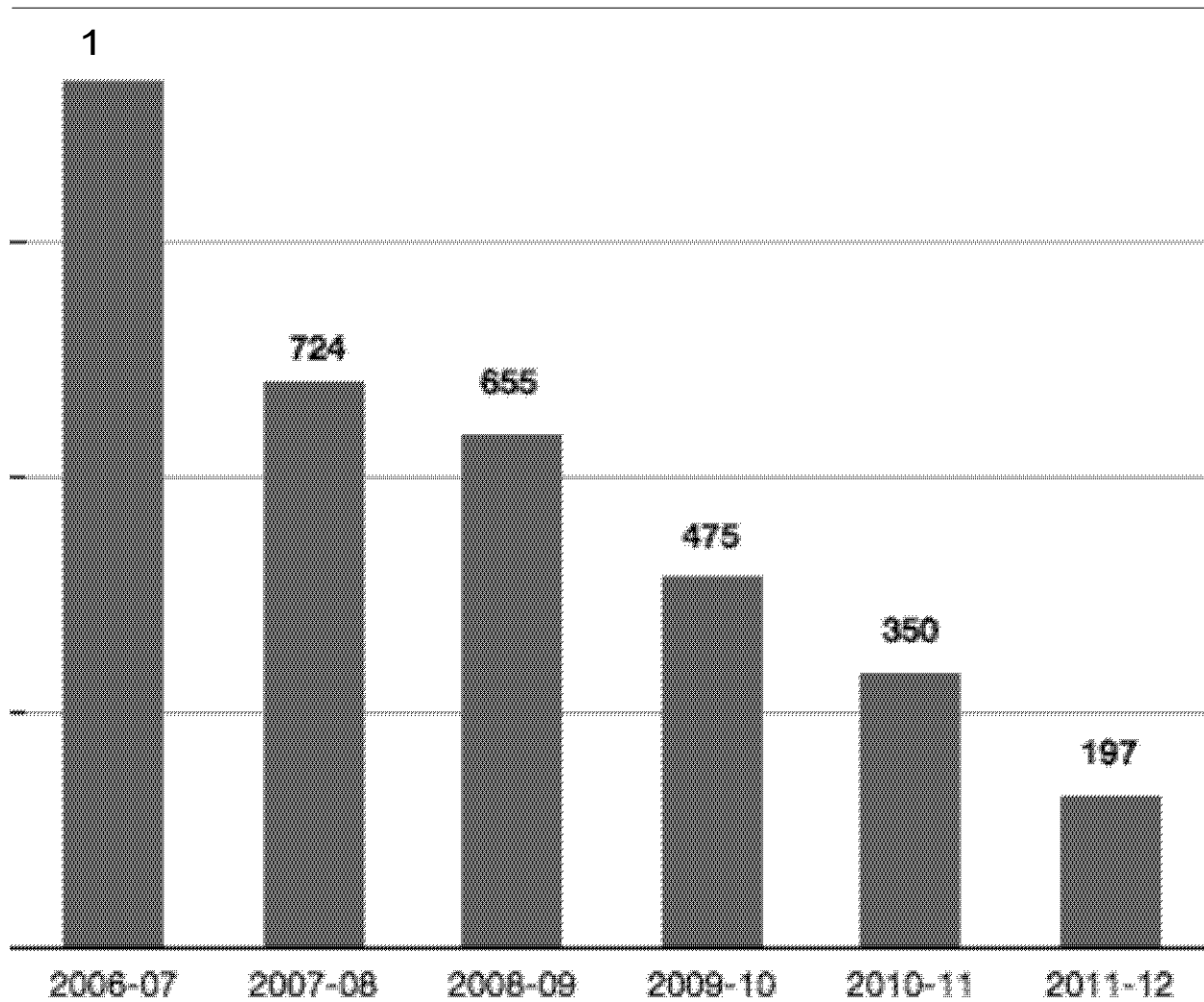
Is PBIS Making an Impact in High Schools?

Washington : High OSS Days/100 Students
201112-201213, N=23



*N=Number Of Schools

Office Discipline Referrals - Peter G Schmidt, Tumwater



Office Discipline Referrals by Year

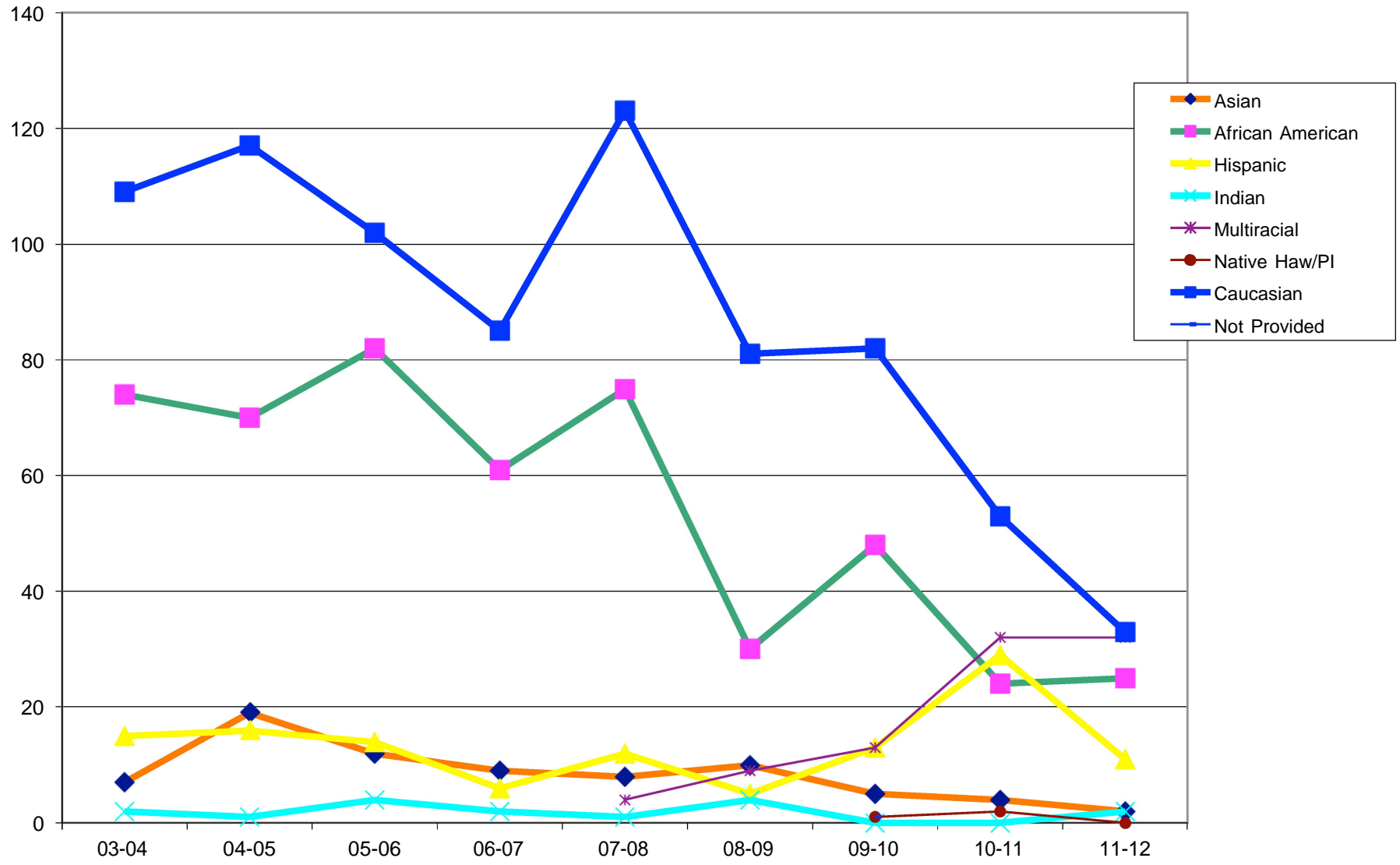
Impacts In Highline in Just One Year

Time Recovered

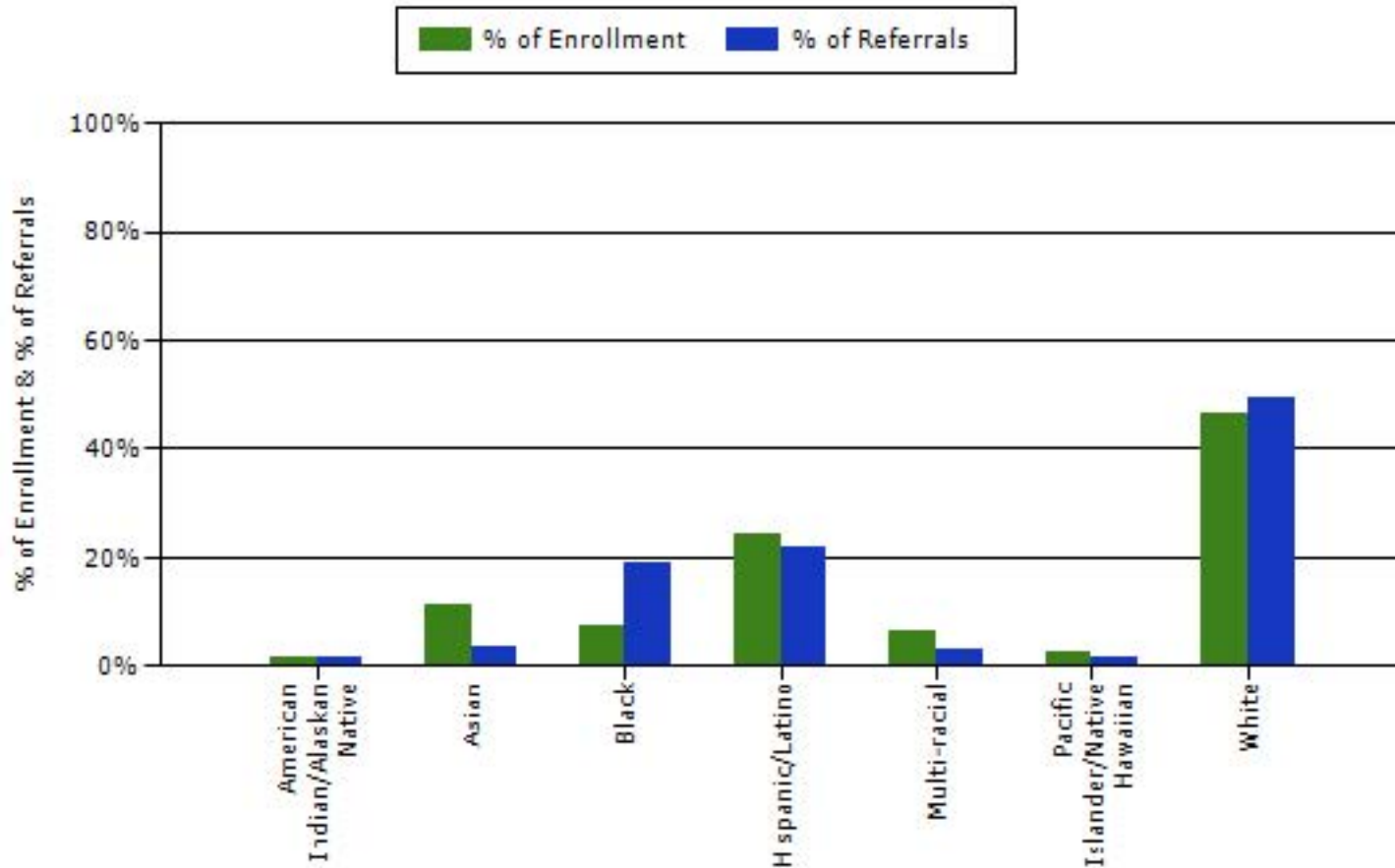
| | 2011-2012 | | 2012-2013 | |
|---------|--------------|--------------------|--------------|--------------------|
| | Student Time | Administrator Time | Student Time | Administrator Time |
| Minutes | 64170 | 21390 | 47475 | 15,825 |
| Hours | 1070 | 357 | 791 | 264 |
| Days | 178 | 45 | 132 | 33 |

This Data Reported Yearly to the Highline School Board As Part of Their Visibility and Sustainability Efforts

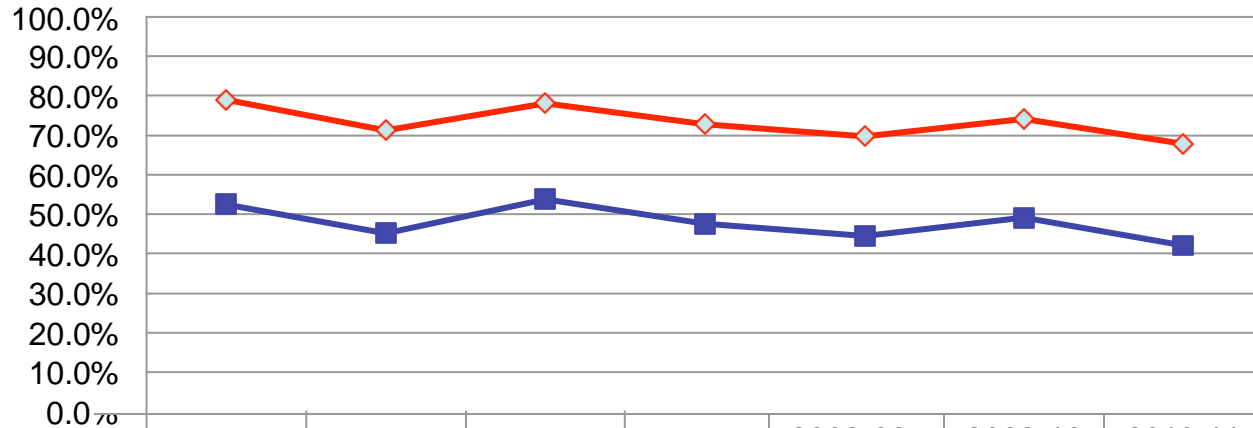
11-12 1st Semester Discipline by Ethnicity



Washington - Elementary ,N=88
All Enrolled Students by Ethnicity and Referrals by Ethnicity
201213



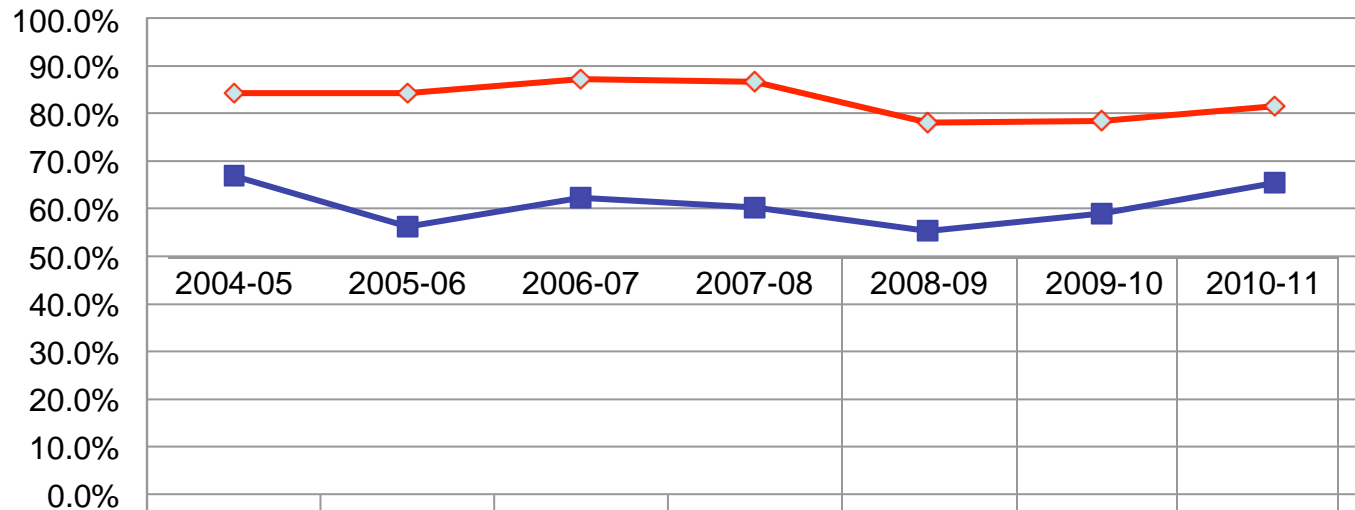
Income Gap --- 7th Grade Reading



WA

| | | | | | | | |
|------------------|-------|-------|-------|-------|-------|-------|-------|
| WA State Non-Low | 78.9% | 71.3% | 78.0% | 72.7% | 69.7% | 74.1% | 67.8% |
| WA State Low Inc | 52.5% | 45.2% | 53.7% | 47.6% | 44.4% | 49.1% | 42.1% |

UPSD



| | | | | | | | |
|--------------|-------|-------|-------|-------|-------|-------|-------|
| UPSD Non-Low | 84.3% | 84.2% | 87.3% | 86.6% | 78.1% | 78.5% | 81.5% |
| UPSD Low Inc | 66.9% | 56.3% | 62.2% | 60.3% | 55.3% | 58.9% | 65.4% |

What is School---wide PBS?

A systems approach, establishing the **social culture** and behavioral supports needed for schools to be **effec%ve learning** environments for all students.

SWPBS is not an add---on program, it is a system.

School---Wide Systems for Student Success: A Response to Interven%on (RtI) Model

Academic Systems

Behavioral Systems

Tier 3/Tertiary Interventions 1-5%

- Individual students
- Assessment-based
- High intensity

1-5%

Tier 3/Tertiary Interventions

- Individual students
- Assessment-based
- Intense, durable procedures

Tier 2/Secondary Interventions 5-15%

- Some students (at-risk)
- High efficiency
- Rapid response
- Small group interventions
- Some individualizing

5-15%

Tier 2/Secondary Interventions

- Some students (at-risk)
- High efficiency
- Rapid response
- Small group interventions
- Some individualizing

Tier 1/Universal Interventions 80-90%

- All students
- Preventive, proactive

80-90%

Tier 1/Universal Interventions

- All settings, all students
- Preventive, proactive

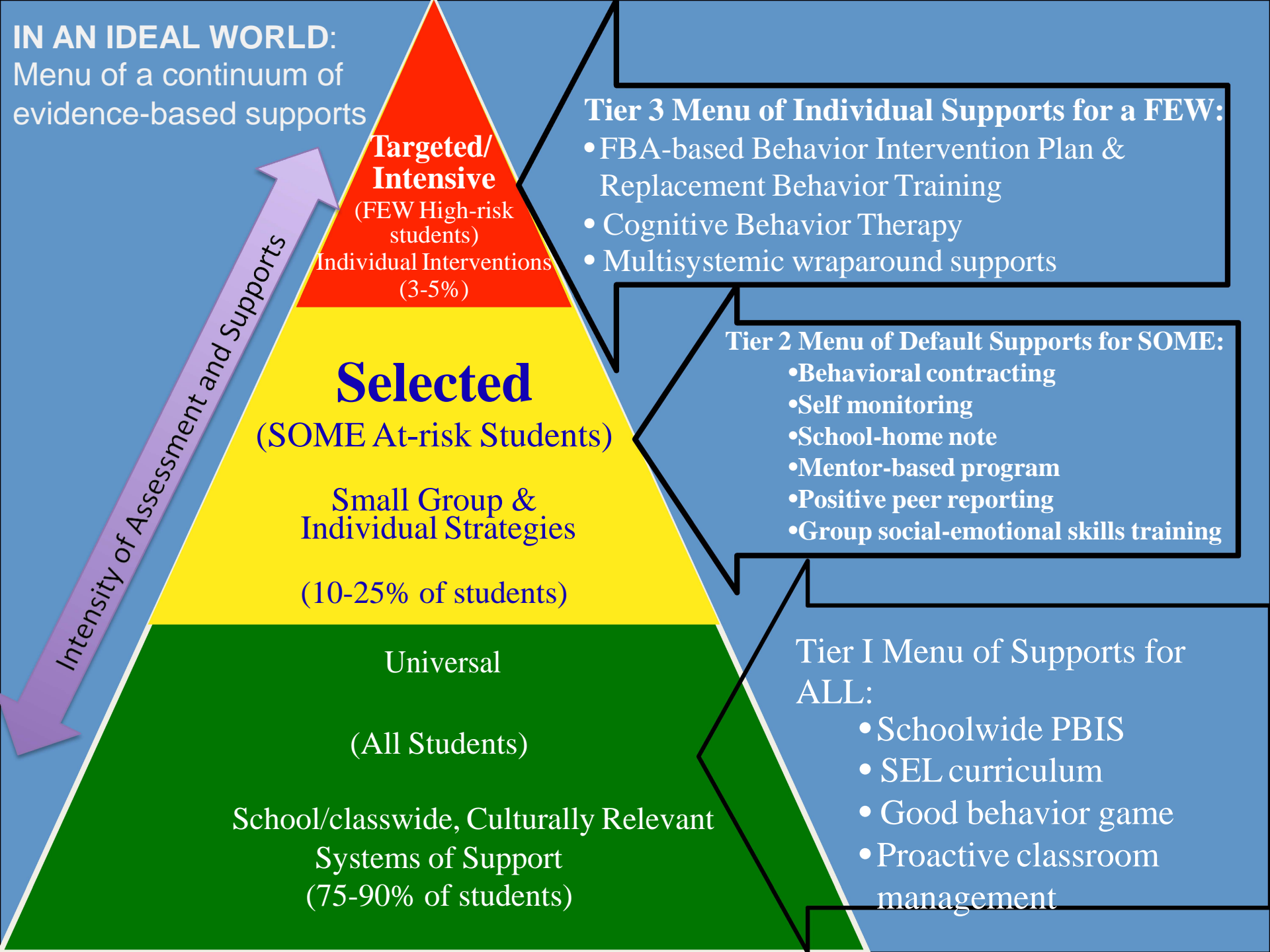
Illinois PBIS Network, Revised May 15, 2008.
Adapted from "What is school-wide PBS?"
OSEP Technical Assistance Center on Positive
Behavioral Interventions and Supports.
Accessed at <http://pbis.org/schoolwide.htm>

Public Health Example: Universal Prevention

Recommendations for all

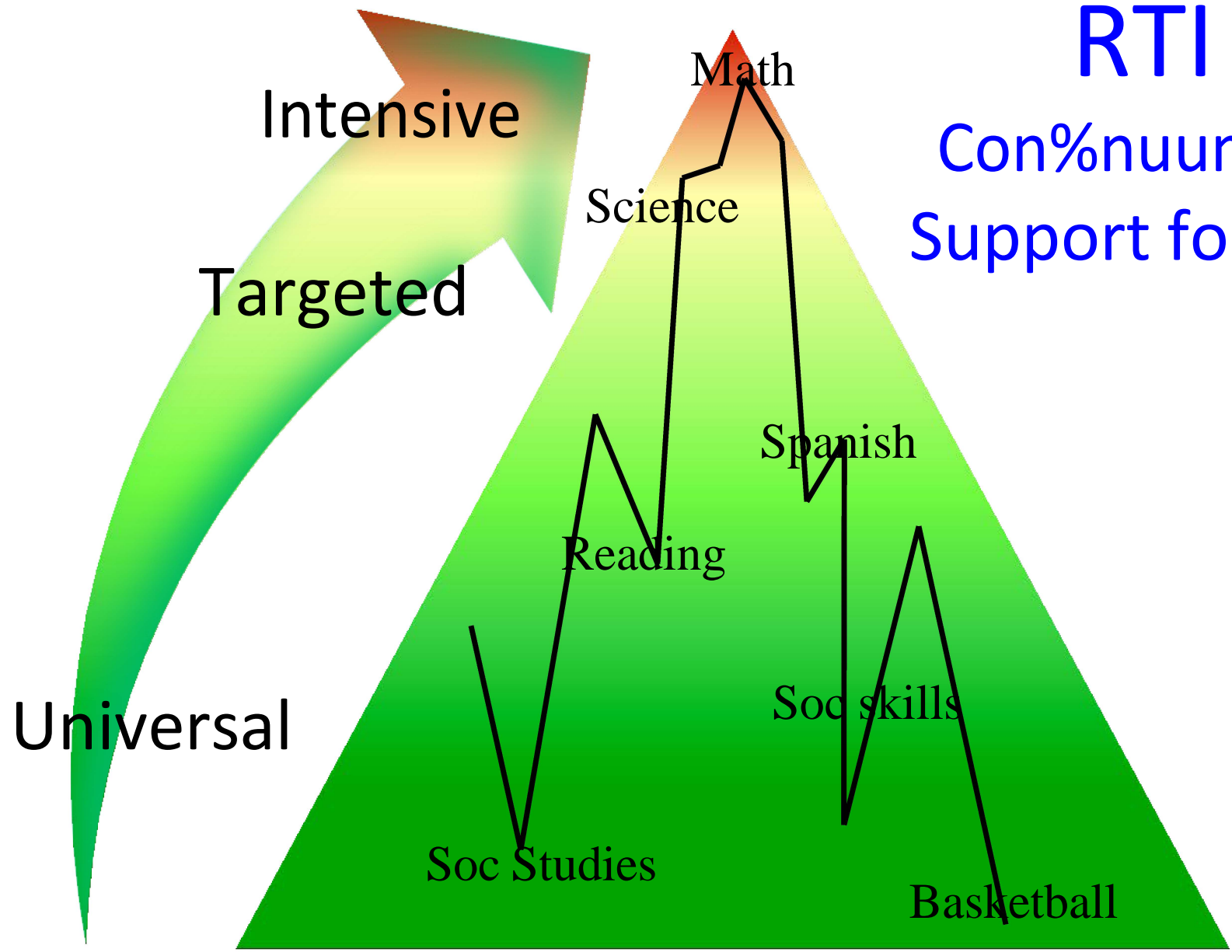
- Balanced diet
- Exercise
- Stress management





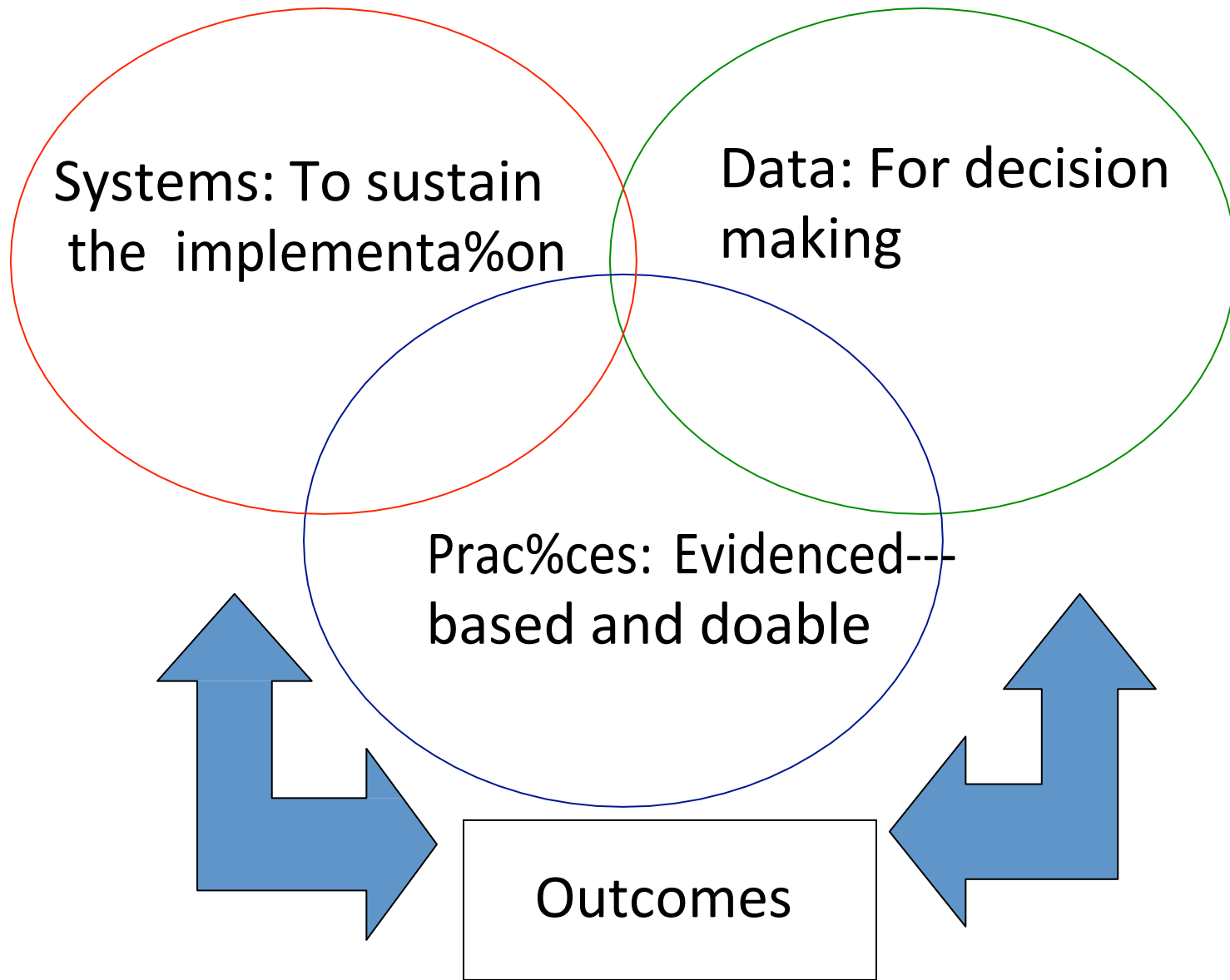
RTI

Continuum of Support for ALL



RACHEL

SWPBIS IMPLEMENTATION DRIVERS



Why implement SWPBIS?

Create a positive school culture:

School environment is predictable

1. common language
2. common vision (understanding of expectations)
3. common experience (everyone knows)

School environment is positive

regular recognition for positive behavior

School environment is safe

violent and disruptive behavior is not tolerated

School environment is consistent

adults use similar expectations

How do you start, what does it look like, and how do you sustain it?



| Stage | Description |
|---|--|
| Exploration/ Adoption | Decision regarding commitment to adopting the program/practices and supporting successful implementation. |
| Installation | Set up infrastructure so that successful implementation can take place and be supported. Establish team and data systems, conduct audit, develop plan. |
| Initial Implementation | Try out the practices, work out details, learn and improve before expanding to other contexts. |
| Elaboration | Expand the program/practices to other locations, individuals, times- adjust from learning in initial implementation. |
| Continuous Improvement/ Regeneration | Make it easier, more efficient. Embed within current practices. |

Should we do it!

Work to do it right!

Work to do it better!

School-wide Systems

1. Common **purpose** & approach to discipline
2. Clear set of **positive expectations & behaviors**
3. Procedures for **teaching** expected behavior
4. Continuum of procedures for **encouraging** expected behavior
5. Continuum of procedures for **discouraging** inappropriate behavior
6. Procedures for on-going **monitoring** & evaluation

* All should be done with a cultural competence lens.

Productive. Respectful. Integrity. Dependable. Excellence.

iAmMaverick



iAmProductive



iAmRespectful



iActwithIntegrity

iAmDependable

iStriveforExcellence



RESPECTFUL

RESPONSIBLE

KIND

SAFE

Mrs. Grochnour

KEITHLEY MIDDLE SCHOOL PBIS Behavior Matrix

| | Cafeteria | Classroom | Computer Lab | Courtvard |
|-----------------------|--|--|---|--|
| Be Safe | <ul style="list-style-type: none"> • Form a single line • Wait patiently • One person per chair • Eight chairs per table • Raise hand to be excused from table | <ul style="list-style-type: none"> • Walk quietly into class • Go to assigned area • Keep hands/feet to yourself | <ul style="list-style-type: none"> • Walk quietly into the lab • Access school-appropriate sights • Leave all food and beverages outside | <ul style="list-style-type: none"> • Remain in bounds, within the yellow lines • Remain within appropriate sports zone • Walk |
| Be Respectful | <ul style="list-style-type: none"> • Move carefully in line • Maintain level 2 voice • Open seats are available to anyone • First come/first served • Sit while eating/drinking • Avoid passive bullying | <ul style="list-style-type: none"> • Conversation level should meet CHAMP expectations • Quietly raise hand when help is needed and continue working | <ul style="list-style-type: none"> • Track with finger only • Respect learning of others | <ul style="list-style-type: none"> • Give everyone the opportunity to play • Respect personal space • Use positive / appropriate language • Maintain level 2-3 voice |
| Be Responsible | <ul style="list-style-type: none"> • Clean up after yourself • Clear your tray • Report spills • Use own money • Eat own food • Know lunch number (Student ID) | <ul style="list-style-type: none"> • Student should be actively participating in activity • Come prepared to work and learn | <ul style="list-style-type: none"> • Return internet permission form • Sit at appropriate computer area • Be prepared with student ID | <ul style="list-style-type: none"> • Pay fair • Avoid passive bullying • Proceed to next class promptly • Have a courtyard staff member sign your planner to serve as a pass |
| Be a Learner | <ul style="list-style-type: none"> • Eat Healthy • Respond appropriately to "The cafeteria expectations are..." | <ul style="list-style-type: none"> • When the bell rings, be ready to learn • Meet CHAMP expectations | <ul style="list-style-type: none"> • Utilize technology for academic purposes | <ul style="list-style-type: none"> • Make good choices • Do your best • Use library for quiet or study time |

Orea Lunchroo'!! Expectations

Orcas are responsible:



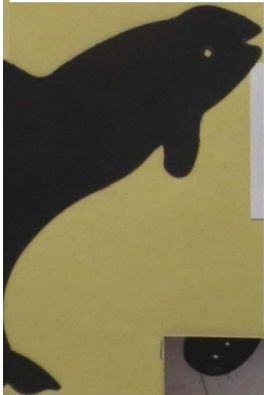
Be ready



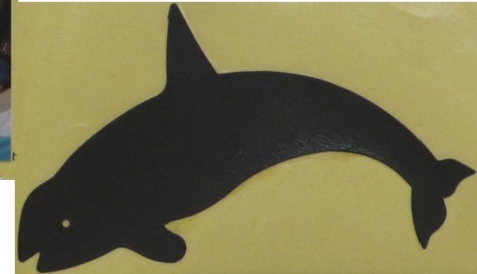
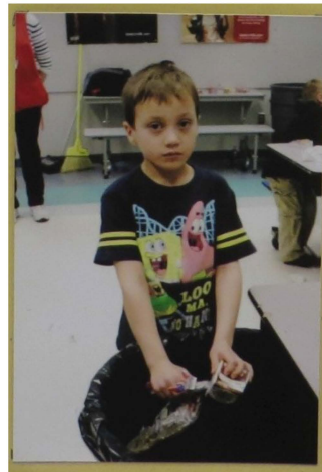
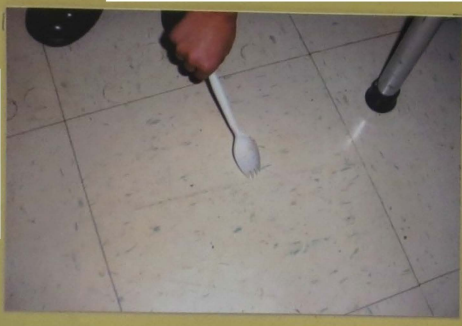
Be ready



Eat only your lunch



Responsible
Be ready
Eat only your lunch
Clean up



Be ready

Clean un

HALLWAY EXPECTATIONS:

Stay to the right
and in place

Hands and feet
to yourself

Quiet walking

Facing forward



"Learning, Friendship and Fun for Everyone."

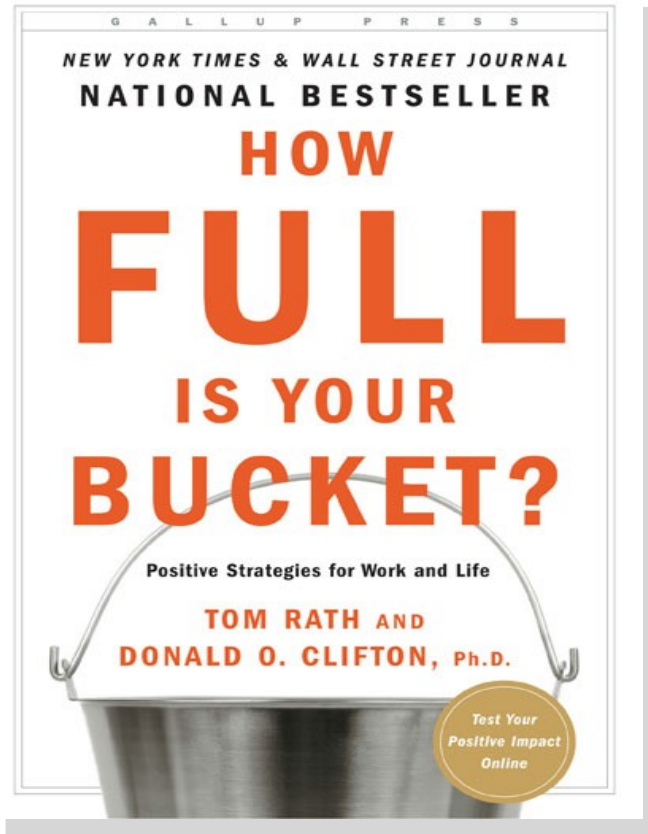




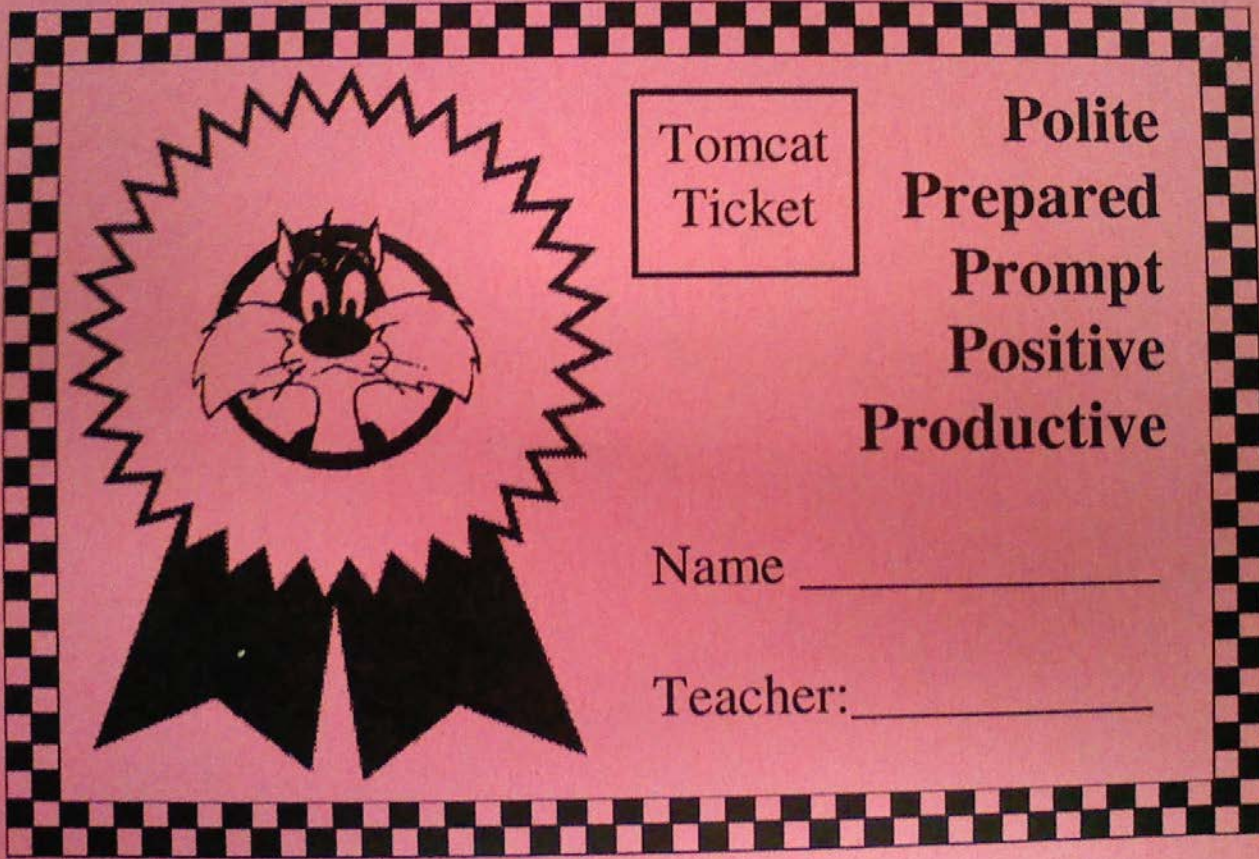
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* ASK to use the phone
NO/num

How Full Is Your Bucket?



Tomcat Tickets



Tomcat
Ticket

Polite
Prepared
Prompt
Positive
Productive

Name _____

Teacher: _____

| Minor Problem Behavior | Definition |
|---|---|
| Defiance/Disrespect/ Non-compliance (M-Disrespt) | Student engages in brief or low-intensity failure to respond to adult requests. |
| Disruption (M-Disruption) | Student engages in low-intensity, but inappropriate disruption. |
| Dress Code Violation (M-Dress) | Student wears clothing that is near, but not within, the dress code guidelines defined by the school/district. |
| Inappropriate Language (M-Inapp Lan) | Student engages in low-intensity instance of inappropriate language. |
| Other (M-Other) | Student engages in any other minor problem behaviors that do not fall within the above categories. |
| Physical Contact/ Physical Aggression (M-Contact) | Student engages in non-serious, but inappropriate physical contact. |
| Property Misuse (M-Prpty Misuse) | Student engages in low-intensity misuse of property. |
| Tardy (M-Tardy) | Student arrives at class after the bell (or signal that class has started). |
| Technology Violation (M-Tech) | Student engages in non-serious but inappropriate (as defined by school) use of cell phone, pager, music/video players, camera, and/or computer. |

Levels of Problem Behaviors

| Level I | Level II | Level III |
|--|--|--|
| <p>Referral not necessary as long as student redirects to desired behavior.</p> | <p>Violations that require an Office Discipline Referral (ODR) OR ongoing Level 1 violations</p> | <p>Student and referral go immediately to office for administrative intervention OR ongoing Level II violations</p> |
| <ul style="list-style-type: none"> • Not following CHAMP expectations • Electronic devices • Inappropriate language • Work refusal / sleeping • Disruptive Behavior • Dress Code / write on self • Safety in classroom • Public Display of Affection • Graffiti | <ul style="list-style-type: none"> • Defiance • Harassment, Intimidation, Bullying, Inciting Drama • Academic Dishonesty • Verbal / Physical aggression to student • Computer violations • Inappropriate behavior to guest teacher • Offensive language • Inappropriate behavior during emergency procedures | <ul style="list-style-type: none"> • Fighting / Assault • Inciting a fight • Gang Activity • Illegal activities (theft, drugs, weapon(s), alcohol, tobacco) • Ongoing harassment, intimidation, bullying, inciting drama • Property damage • Unwanted physical contact • Verbal / Physical aggression to staff |

U10 the following
 teacher consequence:
 t.1111. cb:111NfRd pib+1.0
 ,.f.t.(111dWN Q igl)
 P01 <1111.k., t.1USTI

NO

Is the behavior
 office managed?
 []

YES

Write referral to the office

1st Offense:
 []

n

2nd Offense:
 Teacher determined
 consequence
 Parent-Guardian
 Contact

| Teacher Managed Behaviors | Office Managed Behaviors |
|---|---|
| <ul style="list-style-type: none"> • Attitude or Tone • Belching • Blurted out • Cheating • Disrespect • Disruption • Dress Code Violation (around the office) • Electronics • Food, Drink, Gum • Inappropriate Space-keeping • Tardy • Language • Minor Dishonesty • Minor Insubordination • Non-compliance • Non-Performance or Refusing to Work • Preparedness • Running in the Halls/ Hotplay | <ul style="list-style-type: none"> • Disruption • Infringement (x3) • Aggressive Physical Contact • Bullying/Harassment • Drugs/Alcohol • Major Insubordination • Profanity Towards Staff or Student • Off Campus • Smoking • Theft • Threats • Truancy • Vandalism • Weapons |

Administrative
 Referral/Consequences

+

Administrator
 Contacts
 Parent-Guardian

+

[]

n

3rd Offense:
Teacher
determined
consequence
& Parent-
Guardian
Contact

Teacher
Receives
Copy of
Referral

Noncompliance: Prerequisite Conditions

- A direction is given by a person with authority.
- Following directions has been an explicitly taught skill in the setting.
- Teacher secured student attention prior to giving the direction.
- Direction has been completely clear and student has the ability to comply.
- Directions delivered positively.

Components of a PBIS Office Referral Form

- Date
- Time of the Incident
- Location of the Incident
- Teacher's Name/Name of Referring Staff
- Student's Name
- Problem Behavior
- Possible Motivation for the Behavior
- Others Involved
- Administrative Decision
- Other Comments

Primary versus Precision Statements

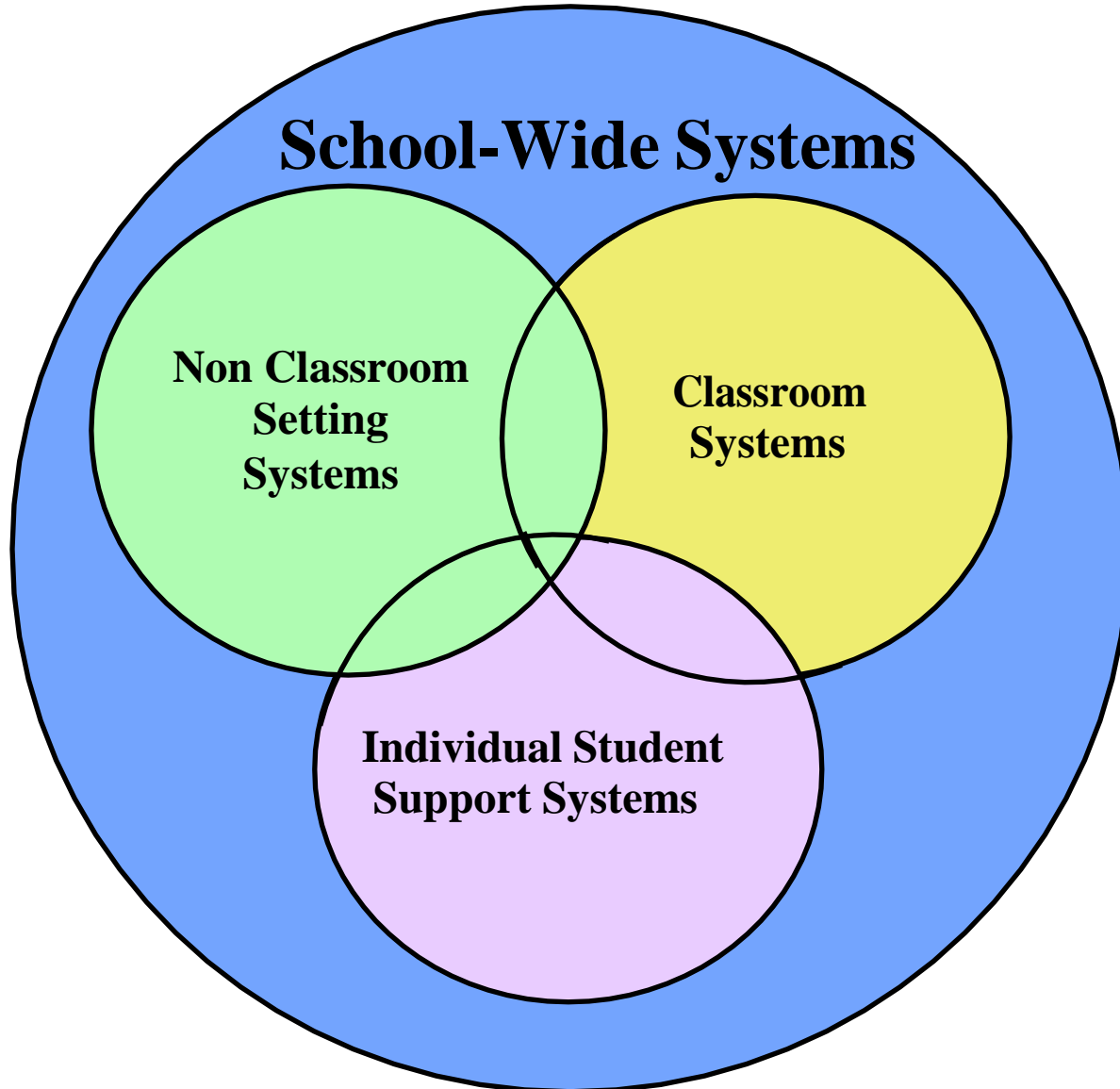
- **Primary Statements**

- Too many referrals
- September has more suspensions than last year
- Gang behavior is increasing
- The cafeteria is out of control
- Student disrespect is out of control

- **Precision Statements**

- **There are more ODRs for aggression on the playground than** last year. These are most likely to occur during **first recess**, with a **large number of students**, and the aggression is related **to gang access to the new playground equipment.**

Using Office Discipline Referrals for Team Planning



Prevention

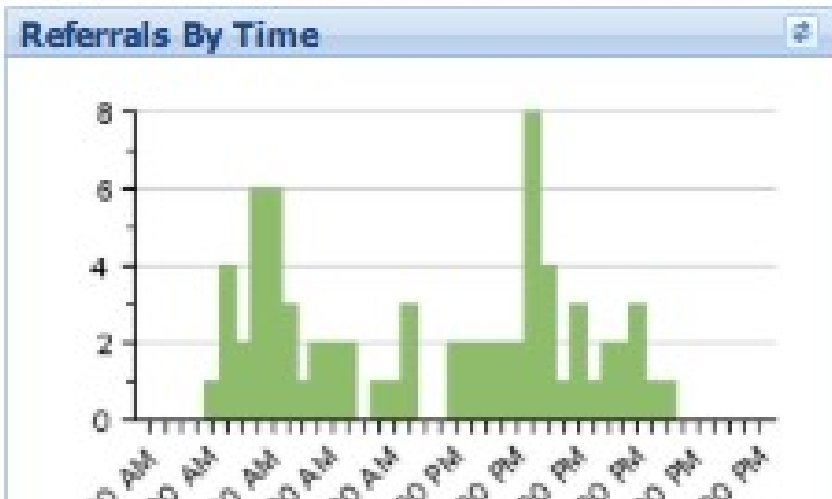
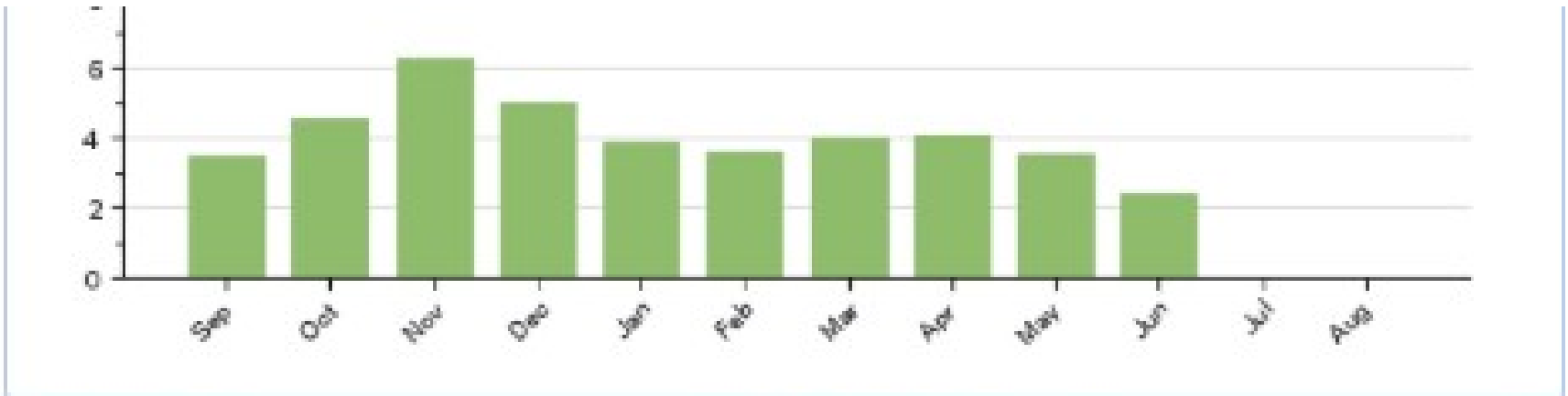
How can we decrease the likelihood the behavior will occur?



Data, Monitoring and Early Intervention

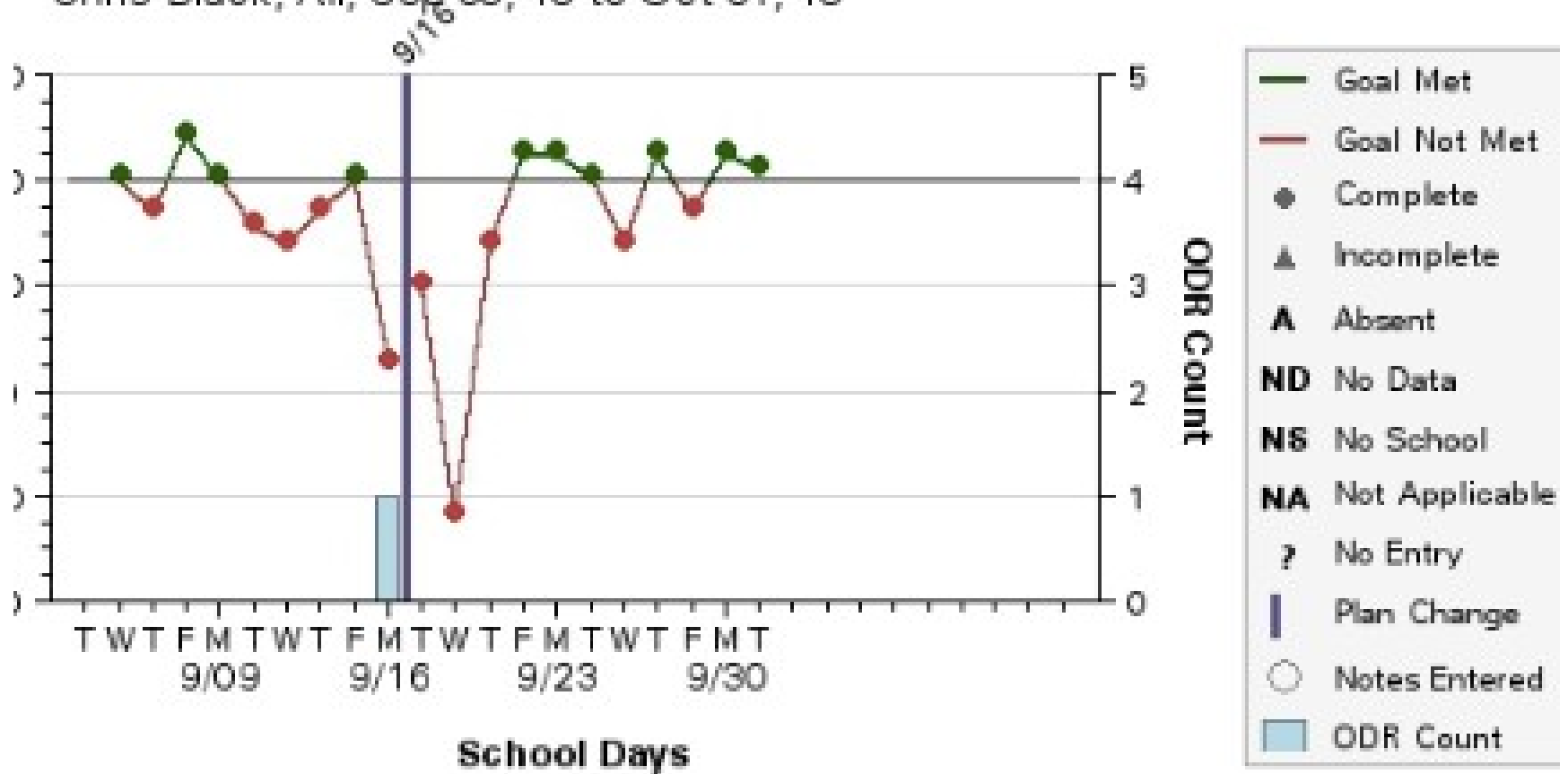


Data---Based Decision Making



Monitoring Progress

Chris Black, All, Sep 03, 13 to Oct 01, 13



Who Supports PBIS?

To Name A Few.....

- Alliance for Children and Families
- American Association of Colleges for Teacher Education
- American Council for School Social Work
- American Educational Research Association
- American Federation of Teachers
- American School Counselor Association
- Beach Center on Disability, University of Kansas
- Bullying Research Network
- Center for Behavior Education and Research, University of Connecticut
- Center for Child and Family Well-being at the University of Nebraska Lincoln
- Center for Health and Health Care in Schools at George Washington University
- Center for School Mental Health at the University of Maryland School of Medicine
- Johns Hopkins Center for the Prevention of Youth Violence
- National Association of Elementary School Principals (NAESP)
- National Association of School Nurses
- National Association of School Psychologists
- National Association of School Resource Officers
- National Association of Secondary School Principals (NASSP)
- National Association of Social Workers
- National Education Association
- Parents Forum

Find Out More

- www.pbisnetwork.org
- execdirector@pbisnetwork.org
- PBIS Winter Institute Jan 27th in Seaside
- 12th Annual PBIS Oregon Conference –
Portland * Let us know if you want to attend.
State directors meeting with national director.

DISCIPLINE PROTECTIONS FOR STUDENTS WITH DISABILITIES (IDEA/SECTION 504)

Kristin Hennessey & Scott Raub (OSPI)

Discipline Task Force Meeting

(SB 5946)

December 9, 2013

Misconceptions/Clarifications

2

- “P” in IEP stands for Program. An IEP is an Individualized Education Program (504 plan)
- A student with an IEP or 504 plan can be disciplined for behavior at school
- Student with IEP or 504 plan—general education discipline rules apply too
- Discipline protections are afforded to all students with an IEP or 504 plan

Misconceptions/Clarifications

(continued)

3

- Shortened class days allowable, but...
- General education limits on suspensions (WAC 392-400-245)

K-4: Short-term suspensions may not exceed a total of ten school days during any single semester or trimester

5 and above: Short-term suspensions may not exceed a total of fifteen school days during any single semester or ten school days during any single trimester

Misconceptions/Clarifications

(continued)

4

- Bus suspensions are removals if transportation is included in a student's IEP as a related service
- Under IDEA providing work (sending packets of worksheets home) does not substitute for services during disciplinary change of placement
- Zero tolerance policies should not trump a student's behavioral plan
 - Discipline can, but need not, exempt student from general education disciplinary measures

FBA's and BIP's

- Not explicitly required except during discipline proceedings
- Allowable to conduct an FBA before one is required
- Key to developing an effective Behavioral Intervention Plan (BIP) is accurately identifying the antecedent to a student's "misbehavior", the function of the behavior, AND to how the consequence is experienced by the student—as something that successfully addresses the behavior or as something that reinforces the behavior

Behavioral Intervention Plans (BIPs)

6

- ❑ Interventions should be developmentally appropriate for the student
- ❑ Should be written with enough clarity and detail for any new staff to understand and implement
- ❑ All implementers should understand and have a copy of the plan
- ❑ Needs to be consistently implemented
- ❑ Needs to be fully implemented

BIPs (continued)

7

- Need to be implemented long enough to determine its value
- All implementers need to understand and/or have training in the strategies contained in the plan
- Ideally has the support of Behavior Case Manager
- Need to be revisited and evaluated to ensure student is making progress on the target behaviors (e.g., review grades, rate of homework completion, duration of on-task behavior, and frequency and quality of social interactions)

IEP Requirement: Always consider behavior...

8

□ **WAC 392-172A-03110 Development, review, and revision of IEP. (PART)**

(2)(a) When considering special factors unique to a student, the IEP team must:

(i) Consider the use of positive behavioral interventions and supports, and other strategies, to address behavior, in the case of a student whose behavior impedes the student's learning or that of others;

Incorporating Behavioral Needs....

9

- Annual IEP goals
- Align BIP with annual IEP goals
- Modifications to student's program
- Support to student's teacher(s)
- Related services

Definition of Day

10

- WAC 392-172A-01050 Day--Business day--School day. (PART)

(3) School day means any day, **including a partial day** that students are in attendance at school for instructional purposes, including students with and without disabilities.

In School Suspensions are not counted if student is receiving access to general education curriculum and IEP services that enable them to work toward achieving IEP goals

IDEA versus Section 504

11

- **IDEA:** Explicit regulations addressing discipline
*504: No regulations which address discipline—
grey!*
- **IDEA:** Services provided after disciplinary change
of placement
*504: If behavior is not a manifestation, no services
provided after disciplinary change of placement*
- **IDEA:** Right to request an IEE
504: No right to request an IEE

IDEA versus Section 504

12

- **IDEA:** Drug or alcohol use—still hold manifestation determination meeting
 - 504: Drug or alcohol use—can be suspended or expelled like any other student with no right to a manifestation determination*
- **IDEA:** Interim alternate educational placement as expanded stay-put
 - 504: No provision for interim alternate educational placements*
- **IDEA:** Peer harassment based on disability: limited
 - 504: Peer harassment, based on disability: stronger*

Special Education Discipline

13

- School personnel may **consider any unique circumstances** on a case-by-case basis when determining whether a change in placement is appropriate for a student eligible for special education services, who violates a code of student conduct.
 - **WAC 392-172A-05145 (1)**

Disciplinary Change in Placement: Definition

14

- The removal is for more than ten consecutive school days; or
- A series of removals that constitute a pattern:
More than ten school days in a school year.
Substantially similar student behavior
Length of removals, total amount of time student has been removed, proximity to other removals.
□ **WAC 392-172A-05155 (1-2)**

Disciplinary Change in Placement: Who Decides?

15

- The district determines on a case-by-case basis whether a pattern of removals constitutes a change in placement.
 - ▣ **WAC 392-172A-05155 (3)**
- The determination regarding a disciplinary change of placement is subject to review through due process and judicial proceedings.
 - ▣ **WAC 392-172A-05155 (4)**

Disciplinary Change in Placement: Procedures For No Change

16

- School personnel, in consultation with at least one of the student's teachers determine the services needed to enable the student to participate in the general education curriculum and to progress toward meeting the IEP goals.
 - ▣ **WAC 392-172A-05145 (4) (e)**

Disciplinary Change in Placement: Procedures For Change

17

- On the date on which the decision is made to make a removal that constitutes a change in placement, the district must notify the parents of that decision, and provide them the procedural safeguards notice.
 - ▣ **WAC 392-172A-05145 (8)**

Manifestation Determination Review Procedures

18

- Within ten school days of any decision to change the placement of a student, relevant members of the students' IEP team (as determined by the parent and district) must conduct a manifestation determination.

Relevant information in the student's file must be reviewed which includes, but is not limited to:

- the IEP,
- teacher observations,
- information from parents.

- **WAC 392-172A-05145 (5)(a)**

Manifestation Determination Review Standards

19

- The manifestation determination review must determine if:

If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or

If the conduct in question was the direct result of the school district's failure to implement the IEP.

- **WAC 392-172A-05145 (5)(a)**

What if Conduct was NOT a Manifestation of Disability?

20

- District may apply the relevant disciplinary procedures in the same manner and for the same duration as a district would apply discipline procedures to students without disabilities;
- The IEP team must determine the services so the student can participate in the general education curriculum and to progress toward the IEP goals.
- The student may receive, **as appropriate**, an FBA and behavior interventions and modifications.
 - **WAC 392-172A-05145 (3)-(4)**

What if the conduct IS a Manifestation of the Disability?

21

- The district must take immediate steps to remedy those deficiencies identified as a direct result of the district's failure to implement the IEP.
 - **WAC 392-172A-05145 (6)**

- And either
 - Conduct FBA if one has not been done and develop a BIP; or
 - Review the existing BIP; and, as necessary, make modification to address those deficiencies.
 - **WAC 392-172A-05145 (5)**

What if the conduct is a Manifestation of the Disability? (cont.)

22

- Return the student to the placement the student was removed from, unless:

The student had been removed to an interim alternative educational setting due to carrying or possession of a weapon, possess, use, or selling of illegal drugs, or inflicting serious bodily injury to another at school;

The district and the parent have agreed to a change of placement.

- **WAC 392-172A-05145 (6)(c)**

Special Circumstances

23

- A school district may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the student's disability, if the student:

Carries a **weapon** to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a school district;

Knowingly possesses or uses **illegal drugs**, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a school district; or

Has inflicted **serious bodily injury** upon another person while at school, on school premises, or at a school function under the jurisdiction of a school district.

- **WAC 392-172A-05145 (7)-(8)**

Special Circumstances (cont.)

24

- Notification and procedural safeguards must be provided on day of decision.
 - **WAC 392-172A-05145 (8)**

- IEP team determines IAES setting for services .
 - **WAC 392-172A-05150**

Special Circumstances (cont.)

25

- **Weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.
 - **WAC 392-172A-05145 (9)(d); 18 U.S.C. 930 (g)(2)**

Special Circumstances (cont.)

26

- **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

- **Illegal drug** means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under that act or under any other provision of federal law.
 - **WAC 392-172A-05145 (9)(a)-(b)**

Special Circumstances (cont.)

27

- ***Serious bodily injury*** means a bodily injury that involves:
 - A substantial risk of death;
 - Extreme physical pain;
 - Protracted and obvious disfigurement; or
 - Protracted loss or impairment of the function of a bodily member, organ, or faculty.
- **WAC 392-172A-05145 (9)(d); 18 U.S.C. 1365 (h)(3)**

Appeal Process

28

- The parent may request a hearing to appeal any decision made by the district for **placement** or the district's **manifestation determination**.
 - ▣ **WAC 392-172A-05160**

- The district may appeal the decision by requesting a hearing if they believe that maintaining the current placement of the student is substantially likely to result in injury to the student or others.
 - ▣ **WAC 392-172A-05160**

Due Process Hearings

29

- An administrative law judge (ALJ) through an expedited impartial due process hearing hears and makes a determination regarding an appeal over disagreements regarding disciplinary removals, placements and manifestation determinations.
 - ▣ **WAC 392-172A-05160 (3)-(4)**

Due Process Hearings (cont.)

30

- An expedited due process hearing must occur within **20 school days** of the date of the complaint request a hearing is filed.
- Unless the parents and district agree in writing to waive the resolution meeting or agree to use the mediation process:
 - A **resolution meeting** must occur within 7 calendar days of receiving notice of the due process complaint; and
 - The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the due process complaint.
- The ALJ must make a determination within **10 school days** after the hearing.
 - **WAC 392-172A-05160 (3)(a)-(b)**

Due Process Hearings (cont.)

31

□ The ALJ may:

Return the student with a disability to the placement from which they were removed if the removal was a violation of the authority of school personnel or that the student's behavior was a manifestation of the student's disability or;

Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

- WAC 392-172A-05160 (2)

Placement during Appeals

32

- When either the parent or the school district requests a due process hearing, the student must remain in the **Interim Alternative Educational Setting** pending the decision of the ALJ or until the expiration of the time period specified in WAC 392-172A-05145 (3) (no manifestation) or (7) (IAES for special circumstances), whichever occurs first, unless the parent and the school district agree otherwise.
 - **WAC 392-172A-05165**

Protections for Students Not Determined Eligible for Special Education and Related Services

33

- A student may assert any of the protections provided for in WAC 392-172A if:

The district had a basis of knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

- **WAC 392-172A-05170 (1)**

What Constitutes a “Basis of Knowledge?”

34

- The parent of the student had expressed concern in writing to supervisory or administrative personnel, or the teacher of the student, that the student is in need of special education and related services or;
- The parent requested an evaluation of the student or;
- The teacher of the student or other personnel of the district expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of the district or to other supervisory personnel of the district.
 - ▣ **WAC 392-172A-05170 (2)**

What Does NOT Constitute a “Basis of Knowledge?”

35

- The parent of the student has not allowed an evaluation or;
- The parent has refused services or;
- The student has been evaluated in accordance with WAC 392-172A-03005 through 392-172A-03080 and determined to not be eligible for special education and related services.
 - ▣ **WAC 392-172A-05170 (3)**

Additional Resources

36

□ **Guidance for Families: Behavior and Discipline**

<http://www.k12.wa.us/SpecialEd/Families/Behavior.aspx>

Special Education Discipline Flowchart

□ **OSPI Special Education Resource Library**

<http://www.k12.wa.us/SpecialEd/ResourceLibrary/default.aspx>

Technical Assistance Paper (TAP) #2 - Discipline

□ **OSEP Discipline Q and A**

<http://idea.ed.gov/explore/view/p/,root,dynamic,QaCorner,7,>

Questions and Answers on Discipline Procedures

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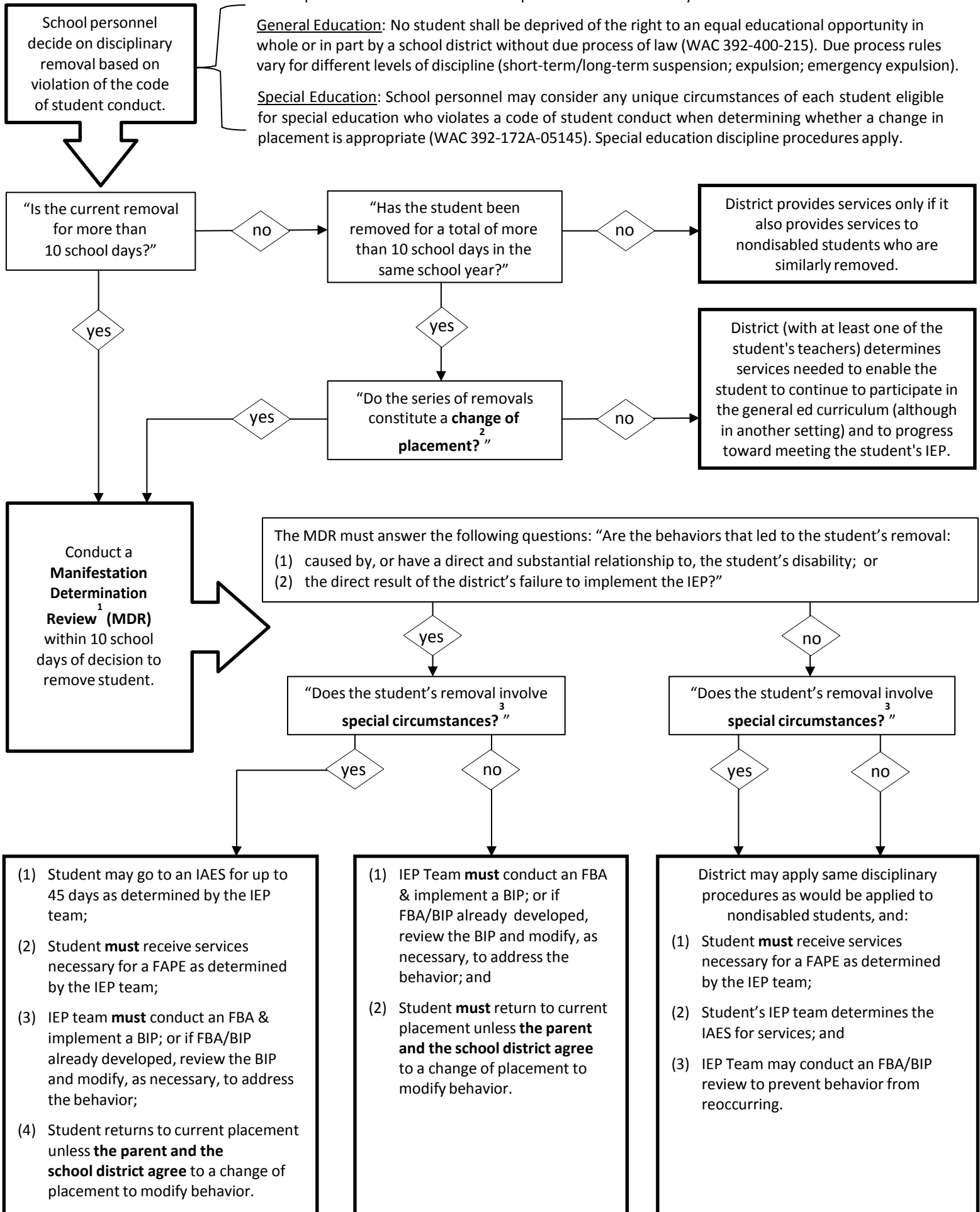
Overview of Discipline Procedures for Students Receiving Special Education Services

START

School personnel need to consider two processes simultaneously:

General Education: No student shall be deprived of the right to an equal educational opportunity in whole or in part by a school district without due process of law (WAC 392-400-215). Due process rules vary for different levels of discipline (short-term/long-term suspension; expulsion; emergency expulsion).

Special Education: School personnel may consider any unique circumstances of each student eligible for special education who violates a code of student conduct when determining whether a change in placement is appropriate (WAC 392-172A-05145). Special education discipline procedures apply.



School personnel decide on disciplinary removal based on violation of the code of student conduct.

“Is the current removal for more than 10 school days?”

yes

Conduct a **Manifestation Determination Review** ¹ (MDR) within 10 school days of decision to remove student.

- (1) Student may go to an IAES for up to 45 days as determined by the IEP team;
- (2) Student **must** receive services necessary for a FAPE as determined by the IEP team;
- (3) IEP team **must** conduct an FBA & implement a BIP; or if FBA/BIP already developed, review the BIP and modify, as necessary, to address the behavior;
- (4) Student returns to current placement unless **the parent and the school district agree** to a change of placement to modify behavior.

no

“Has the student been removed for a total of more than 10 school days in the same school year?”

yes

“Do the series of removals constitute a **change of placement?** ²”

yes

“Does the student’s removal involve **special circumstances?** ³”

yes

- (1) IEP Team **must** conduct an FBA & implement a BIP; or if FBA/BIP already developed, review the BIP and modify, as necessary, to address the behavior; and
- (2) Student **must** return to current placement unless **the parent and the school district agree** to a change of placement to modify behavior.

no

District provides services only if it also provides services to nondisabled students who are similarly removed.

no

District (with at least one of the student’s teachers) determines services needed to enable the student to continue to participate in the general ed curriculum (although in another setting) and to progress toward meeting the student’s IEP.

no

“Does the student’s removal involve **special circumstances?** ³”

yes

- District may apply same disciplinary procedures as would be applied to nondisabled students, and:
- (1) Student **must** receive services necessary for a FAPE as determined by the IEP team;
- (2) Student’s IEP team determines the IAES for services; and
- (3) IEP Team may conduct an FBA/BIP review to prevent behavior from reoccurring.

no

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- (1) Student **must** receive services necessary for a FAPE as determined by the IEP team;
- (2) Student’s IEP team determines the IAES for services; and
- (3) IEP Team may conduct an FBA/BIP review to prevent behavior from reoccurring.

¹Manifestation Determination Review (WAC 392-172A-05145 (5)): A meeting between the school district, the parent(s), and relevant members of the student's IEP team (as determined by the parent and the school district) to review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- (1) If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- (2) If the conduct in question was the direct result of the school district's failure to implement the IEP.

The conduct must be determined to be a manifestation of the student's disability if the school district, the parent(s), and relevant members of the student's IEP team determines that one of the two conditions was met.

²Change of Placement (WAC 392-172A-05155): For disciplinary removals of a student eligible for special education, a change of placement occurs if:

- (1) The removal is for more than ten consecutive school days; or
- (2) The school district determines on a case-by-case basis that the student has been subjected to a series of removals that constitute a pattern because:
 - (a)) the series of removals total more than ten school days in a school year;
 - (b)) the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - (c) there are additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

³Special Circumstances (WAC 392-172A-05145 (7), (9)): A school district may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the student's disability, if the student:

- (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a school district;
- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a school district; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a school district.

Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of subsection (g) of Section 930 of Title 18, United States Code.

Controlled substance means a drug or other substance identified under Schedules I, II, III, IV, or V in Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)); Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under that act or under any other provision of federal law.

Serious bodily injury has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of Section 1365 of Title 18, United States Code.

| Section | Language | Tasks | Completed |
|---------|---|--|-----------|
| 301 | The office of the superintendent of public instruction shall convene a discipline task force | <ul style="list-style-type: none"> • Organize and have meetings | X |
| | Develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district | Definitions <ul style="list-style-type: none"> • Defiance/disrespect/insubordination/noncompliance • Classroom interruption/disruptive conduct • Dress code • Destruction of property/vandalism • Use of electronic devices • Theft/possession of stolen property • Academic dishonesty/plagiarism • Vulgar or lewd conduct • Forgery/alteration of records • Extortion/blackmail/coercion • Hazing • Threats of violence • Multiple/accumulated offenses | X |
| | Develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action. | <ul style="list-style-type: none"> • Data collection standards • Education services provided definition • Education services provided timeline • Petitions for readmissions Yes or NO • Petition-approved or not • Petition-dates • Credit retrieval-Middle and High School • Credit retrieval-credits achieved, number of deficient credits • School dropout (lagging indicator after a period of time) | |

| | | | |
|-----|--|---|--|
| 305 | <p>All school districts must collect data on disciplinary actions taken in each school and must record these actions using the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information shall be made available to the public ((upon request. This collection of)), but public release of the data shall not include personally identifiable information including, but not limited to, a student's social security number, name, or address.</p> | <ul style="list-style-type: none"> • | |
| 306 | <p>Student suspension and expulsion data collected for the purposes of this subsection (2) must be: (i) Made publicly available and easily accessible on the superintendent of public instruction's web site; and (ii) Disaggregated and cross-tabulated as established under RCW 28A.300.042.</p> | <ul style="list-style-type: none"> • OSPI-Data Governance | |
| 307 | <p>All student data-related reports required of the superintendent 18 of public instruction regarding student suspensions and expulsions as 19 required in RCW 28A.300.046 are subject to disaggregation by subgroups including: (a) Gender; (b)) Foster care;</p> | <ul style="list-style-type: none"> • OSPI- Data Governance | |

| | | | |
|--|--|--|--|
| | <p>(c) Homeless, if known;</p> <p>(d)) School district;</p> <p>(e)) School;</p> <p>(f) Grade level;</p> <p>(g) Behavior infraction code, including:</p> <p>(i) Bullying;</p> <p>(ii) Tobacco;</p> <p>(iii) Alcohol;</p> <p>(iv) Illicit drug;</p> <p>(v)) Fighting without major injury;</p> <p>(vi)) Violence without major injury;</p> <p>(vii)) Violence with major injury;</p> <p>(viii) Possession of a weapon; and</p> <p>(ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;</p> <p>(h) Intervention applied, including:</p> <p>(i) Short-term suspension;</p> <p>(ii) Long-term suspension;</p> <p>(iii) Emergency expulsion;</p> <p>(iv) xpulsion;</p> <p>(v) Interim alternative education settings;</p> <p>(vi) No intervention applied; and</p> <p>(vii) Other intervention applied that is not described in this subsection (2)(h);</p> <p>(i) Number of days a student is suspended or expelled, to be counted in half or full days; and</p> <p>(j) Any other categories added at a future</p> | | |
|--|--|--|--|

| | | | |
|-----|---|---|--|
| | <p>date by the data governance group.</p> <p>(3) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:</p> <p>(a) School and district;</p> <p>(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;</p> <p>(c) Behavior infraction code; and</p> <p>(d) Intervention applied.</p> | | |
| 308 | <p>School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.</p> | <ul style="list-style-type: none"> • Reengagement plan- Yes or No • Dates • Components of the plan | |

| CEDARS | SWIS | Shared |
|---|--|--------|
| Behavior Type (bullying, tobacco, alcohol, illicit drugs, fighting without major injury, violence without major injury, possession of a weapon, marijuana, major bodily injury) | Problem Behavior (abusive language/inappropriate language/profanity, bomb threat/false alarm, bullying, defiance/insubordination/non-compliance, disrespect, disruption, dress code violation, fighting, forgery/theft/plagiarism, gang affiliation display, harassment, inappropriate display of affection, inappropriate location/out of bounds area, lying/cheating, minor (defiance, disrespect, disruption, dress code violation, inappropriate language, unknown, warning, other, physical contact/physical aggression, property misuse, tardy, technology violation), other behavior, physical aggression, property damage/vandalism, skip class, skip class/truancy, tardy, technology violation, truancy, unknown behavior, use/possession of (alcohol, combustibles, drugs, tobacco, weapons), vandalism | X |
| Intervention Type (expulsion, long-term suspension, short-term suspension, no intervention, other) | Action Taken (action pending, additional attendance/Saturday school, alternative placement, bus suspension, community service, conference with student, expulsion, in-school suspension, individualized instruction, loss of privilege, no action taken, other action taken, out-of-school suspension, parent contact, restitution/community service, time in office, time out/detention) | X |
| Weapon Type (handgun, rifle or shotgun, multiple firearms, other firearms, knife or dagger, other weapon, firearm or other weapon) | Weapon types (gun, knife < 6 inches, knife > 6 inches, other) | X |
| Demographics (Gender, Race/Ethnicity, Special Programs, Other Information) | Demographics (504s, Gender, Grade, IEPs, Race/Ethnicity, Student Disability) | X |
| | Date/time (date, day of week, school year, time) | |
| | Harassment types (Disability, Ethnicity, Gender, Other Physical Characteristics, Race, Religion, Sexual) | |
| | Location (Art Room, Bathroom/Restroom, Bus, Bus Loading Zone, Cafeteria, Classroom, Commons/Common Area, Computer Lab, Gym, Hallway/Breezeway, Library, Locker Room, Music Room, Off-Campus, Office, Other Location, Parking Lot, Playground, Special Event/Assembly/Field Trip, Stadium, Unknown Location, Vocational Room) | |
| | Others Involved (none, other, peers, staff, substitute, teacher, unknown) | |
| | Perceived Motivation (avoid adult, avoid peer(s), avoid tasks/activities, avoid work, obtain adult attention, obtain items/activities, obtain peer attention, other, unclear/don't know, unknown motivation) | |
| | Referral Type (major, minor) | |
| | Seclusion/Restraint (no, seclusion, restraint, seclusion and restraint) | |
| | Staff (by names) | |
| | Student (by names) | |
| | Custom fields | |
| | Notes | |

