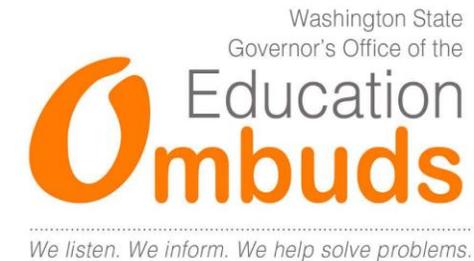


Making Special Education Work for Students in Foster Care and Kinship Care

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History of the OEO

Tackling the Opportunity Gap in k-12 Washington State Public Schools

Founded by the state legislature in 2006

OEO's Mission: We work with families, communities, and schools to navigate educational challenges and increase collaborative problem-solving so that every student can fully participate in and benefit from public education in Washington.



What OEO Does

We listen. We inform. We help solve problems.

CASEWORK

TRAININGS & OUTREACH

POLICY

Read more about how we work with families, educators and community professionals on our website: www.oeo.wa.gov/contact.

Today's agenda: Troubleshooting Issues via Hypothetical Scenarios

- Updating plans and supports with changes in schools
 - Transportation
 - Addressing emotional needs
 - Behavior and Discipline
 - Progress toward graduation
 - Transition planning
- What can we do to problem-solve after an issue arises?
 - What can we do to avoid problems?

Updating Plans/Supports to Match Present Needs

Hypothetical Scenario:

- 4th grade student with an IEP;
- Current IEP (last updated in October) shows student receives 100 minutes/day of specially designed instruction (in reading and in math) in a special education setting (resource room);
- Starting in January, her teacher starts to see a change in behavior –not participating in class, asking frequently to go to the bathroom or nurse’s office, sometimes leaving the room without saying anything; the team tries having her spend more time in the resource room, or with school counselor; in February, the student leaves campus during recess and tries to walk home. The team requests additional support and a “temporary para” is assigned.
- In March, student is placed in Foster Care and goes to live with her Aunt, on the other side of the state.
- Student arrives in new school; IEP states 100 minutes/day in resource room, no reference to para.

What to do next? Any way to prevent similar problems in the future?

Request IEP team meeting?

Request that sending district provide records, including “PWN” relating to changes in support?

What if there was no written notice reflecting the additional support?

Request updated evaluation? Behavior assessment?

- IEP –updated at least once per year, and more often as needed. Based on student’s current needs; any team member can ask for a meeting;
- Evaluations – at least once every 3 years or more often as needed/requested by teacher or parent, but not more than once per year unless agreed otherwise; evaluations can include a Functional Behavior Assessment;
- PWN – a “prior written notice” required to inform parents of decisions re evaluation, services, placement.
- [OEO’s Website: Supports for Students with Disabilities](#);
- [OSPI Special Education Guidance for Families](#);
- Your District’s Special Education Policies and Procedures.

Troubleshooting Transportation

Hypothetical Continued:

- In her former school, the student walked or got a ride to school;
- In new school, student continues to struggle with “elopement” (leaving class, trying to leave school) and has started to struggle with peer interaction;
- When bus drops her off at new school, student runs straight to bathroom, often doesn’t come out until teacher goes to find her;
- Student’s younger cousin tells her mom (student’s Aunt) that others are bullying the student at school and on the bus.

What to do next? Any way to prevent similar problems in the future?

- Request IEP team meeting?
- Request specialized transportation?
- If so, what kind of specialized supports for transportation? Different bus? Other?
- What to do about report of bullying?
- Request meeting with Principal?
Transportation?
- Transportation – a related service, as is required to assist a student eligible for special education to benefit from special education
- HIB – harassment, intimidation and bullying - addressed by district policy and procedure. Also can be addressed by an IEP team if it is interfering with a student’s access to “FAPE” (Free Appropriate Public Education)

Emotions, Behavior, Consequences

Hypothetical Scenario:

- 10th grade student, diagnosed with ADHD in elementary school; passed all of his classes in 9th grade; has an IEP and receives specially designed instruction in organizational skills in a special education setting; he is failing the 2nd semester of science and math; barely passing other classes;
- He is currently staying with his older sister;
- The science teacher has called the student out in class for not following directions and sent him to the office 6 times in the last 2 weeks for being disruptive and disrespectful;
- Student has started skipping PE (staying in the library), has gotten in arguments with the Vice Principal, and was emergency expelled on a Friday for threatening the science teacher (the teacher called him out to the hallway and student, yelling and using profanity, told the teacher he'd better get off his back, or he'd be sorry);
- Student has a BIP (Behavior Intervention Plan) from last year that addresses disruptive/interrupting behavior in class.

First, considering the emotions and behaviors...

- What might the **adults** be feeling in this situation?
 - What kind of emotions might be influencing the adults' responses to the student?
 - Using objective, non-judgmental terms, how would you describe the "behavior" of the adults in this situation? (e.g., one behavior was to 'send the student to the office')
- What might the **student** be feeling in this scenario?
 - What kind of emotions might be influencing the student's responses to the adults?
 - Using objective, non-judgmental terms, how would you describe the "behavior" of the student in this situation? (e.g., one behavior was to go to the library at the time of PE class).

What to do next?

- Ask about how the student can keep up with classes during the emergency expulsion?
- Challenge the discipline?
- Ask about manifestation determination meeting?
- Request an updated Functional Behavior Assessment?
- Alternative Educational Services – required during any suspension or expulsion;
- Manifestation Determination – required if a student is removed for more than 10 days;

Emotions, Behavior, Consequences

Hypothetical Scenario, Con't.:

- The district, the [parent](#)* and relevant members of Student's IEP team meet for a Manifestation Determination meeting; the student's sister believes the behavior was a manifestation of his disability and also a failure to implement the BIP, but other members of the team disagree and decide it was not a manifestation;
- The school converts the emergency expulsion to a long-term suspension to last the remaining 35 days of the semester. The school also tells the family they need to get a risk assessment before the student can return;
- They talk about setting up some tutoring services to take place at the district office;
- They agree to do an early re-evaluation.

What to do next?

- How many hours of tutoring should the student receive?
- When can re-engagement planning start?
- Who will be responsible for paying for the risk assessment?
- What areas of concern should be included in the evaluation?
- **Interim Alternative Educational Services** are provided during a period of suspension or expulsion to enable the student to continue to participate in the general ed curriculum, and to progress toward meeting IEP goals. The student's **IEP team determines** appropriate services.
- When a student is suspected to have a disability and need accommodations or special education, a district must conduct a comprehensive evaluation at no cost to the parents (includes mental or physical impairment that substantially limits a major life activity (504); and emotional or behavioral disorders (IDEA).
- **Re-engagement meetings** – within 20 days of removal (if it is for more than 20 days) or no less than 5 days before return (if it is less than 20 days)

Any way to prevent similar problems from escalating to this point in the future?

- What might be some of the early signs that a student's needs have changed?
- When can/should a team consider doing an FBA, and developing a BIP or reviewing an existing one?
- What are tools, resources for supporting readiness to engage with students in a “trauma-informed” manner?

Problem Solving Tool: Functional Behavior Assessment

CLEAR,
SIMPLE
SUBJECT
LINE

When to do an FBA?

If Manifestation Determination = YES, then an FBA is required;

If Manifestation Determination = NO, then do FBA “as appropriate”

And/or:

When behavior is getting in the way of learning and a team wants to know more about the triggers, functions and consequences of the behavior in order to effectively address it.

- ✓ CONSENT
- ✓ PWN

To: IEP Case Manager or School Psychologist

Cc: Other team members

RE: (SAMPLE) Request for an FBA for _____

Dear _____,

I am writing to request that the school conduct an FBA to better understand the reasons behind the challenging behaviors you are continuing to see at school.

I can come to the school to meet with you and sign consent paperwork for this behavior evaluation (before school, or after pick-up), or can make myself available if you think we should meet as an IEP team to discuss this. Please also send me a written notice with the response to this request.

Thank you,

Behavioral Intervention Plans

Things to look for:

Does the plan address a specific, observable behavior?

- Can you picture it in your mind?

Does the plan identify an appropriate, replacement behavior that will be taught?

Does the plan include clear steps to reduce triggers of the problem behavior?

Does the plan say when the team will get together again to review how it is going?

Eyes on Graduation, and Beyond

Hypothetical Scenario, Con't.:

- Same student, approaching the end of his 10th grade year, received some tutoring during the suspension; was able to bring his grade back up in math; failed science and PE but passed other classes;
- Missed the state test in math due to expulsion; took the reading/writing but doesn't know yet if he passed;
- Student used to think he wanted to go to college and work in environmental sciences but recently is saying he just wants to get a job and be done with school.

What to do next?

- Look for options to do some credit retrieval over the summer? Or in the fall? Plan for 5th year of high school?
- Review options for state assessments?
- Review High School and Beyond Plan?
- Review Transition Plan?
- Engage a “person-centered planning” process?
- [State Graduation Requirements](#) (credits, assessments, high school and beyond plan): toolkits available for each class year, listing credit requirements for each subject area; Districts may have more requirements;
- [Transition Planning](#): a process that begins no later than the year the student turns 16, for every student with an IEP;
- [State Assessment Alternatives – CIA/CAA](#) – if a student with an IEP is not able to meet standard on one or more of the state assessments, the IEP team can consider whether student should be able to meet graduation requirements by passing at a basic level, passing an off-grade level assessment.

Student Self-Advocacy and Engagement Transition Planning & Services

By at least age 16, every IEP must include a plan that looks ahead and sets goals for what the student wants to do **after high school** in relation to:

- Post-Secondary Education
- Employment
- Independent Living

Transition Planning starts with Transition Assessments: what are the student's strengths, interests and dreams? What will the student need in order to reach those goals?

Person Centered Planning – going beyond pen/paper or computer assessments, it is a process that gathers a group of people who know and care about the student to help identify strengths, interests and dreams.

Student Discipline – Laws and Rules

Find state laws regarding student discipline that apply to all students in public schools:

RCW 28A.600.015: <http://app.leg.wa.gov/RCW/default.aspx?cite=28A.600.015>

Find state student discipline rules that apply to all students in public schools:

WAC 392-400: <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400&full=true>

***OSPI is still in the process of updating discipline rules to reflect the changes in the law.

Section 504 of the Rehabilitation Act – prohibits discrimination against students with disabilities, including in the implementation of discipline;

The IDEA (Individuals with Disabilities Education Act) includes specific protections relating to discipline; find Special Education rules at: WAC 392-172A, <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-172A&full=true>.

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