

Troubleshooting Behavior, Attendance and Academics OEO and Fostering Together, Part 2

Presented by: Rose Spidell, Senior Education Ombuds,
Hosted by: Fostering Together
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www.oeo.wa.gov

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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.

Behavior & Discipline & IEPs

Classroom removals

Functional Behavior Assessments
& Behavior Intervention Plans

Short term suspensions



Behavior Goals/Services

Manifestation Determinations

Least Restrictive Environments

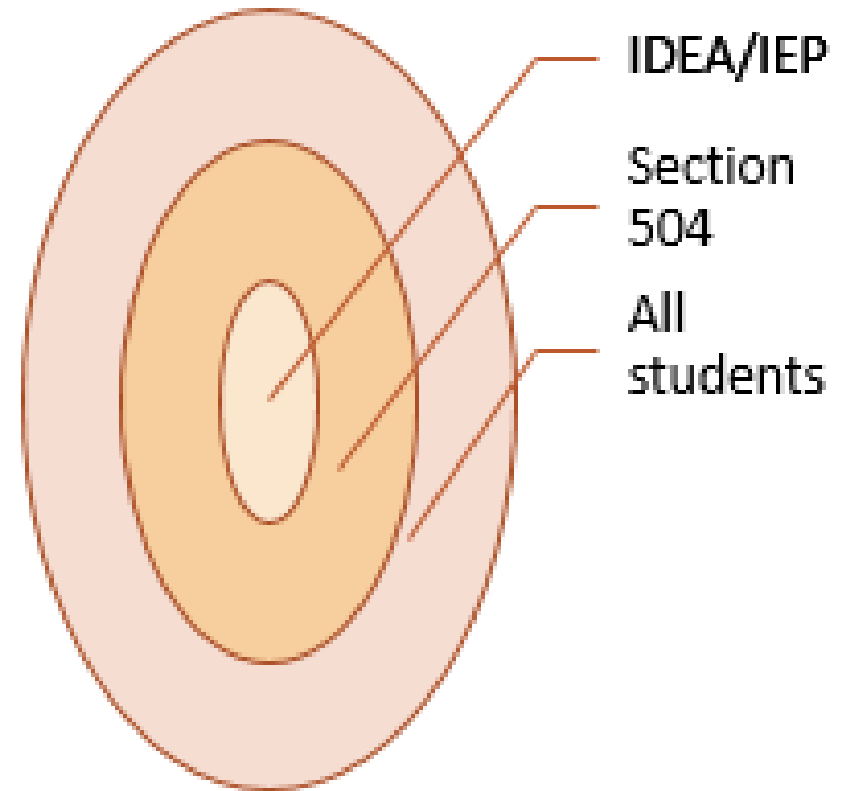
Disability Protections in Schools

Section 504 (of the Rehabilitation Act)

- Anti-discrimination law
- Definition of student with a disability is broad (any mental or physical impairment that substantially limits a major life activity)
- Section 504 Plans generally list accommodations a student needs in school.

Individuals with Disabilities Education Act (“IDEA”)

- Special education law
- Definition of child with a disability is more specific
- IEPs (Individualized Education Programs) include areas of “Specially Designed Instruction” in addition to accommodations, related services, etc..



New Student Discipline Rules - All Students

Student Discipline Rules: [WAC 392-400](#)

Resources From OSPI re New Student Discipline Rules:

Family Resources

[New Discipline Rules Family Quick Guide](#)

Discipline in Schools: A Parent Guide

[English](#) [Arabic](#) [Chinese](#) [Korean](#)
[Punjabi](#) [Russian](#) [Somali](#) [Spanish](#)
[Tagalog](#) [Ukrainian](#) [Vietnamese](#)

District and Community Resources

New Student Discipline Rules: OSPI Overview
[Presentation](#) [Webinar](#)

[New Student Discipline Rules Q&A: A Technical Guide](#)

[Discipline Policy Updates: Substance Use and Possession](#)

[2018–19 Discipline Rules PDF Version](#)

[2019–20 Discipline Rules PDF Version](#)

Pop Quiz: What's New with School Rules?

1. When should the school notify parents?

- a. When a student is sent out of the classroom for misbehavior;
- b. When a student is given a short-term suspension;
- c. When a student is given a long-term suspension, expulsion or emergency expulsion;
- d. All of the above.

Answer...

1. When should the school notify the parents?

The answer is

d. All of the above.

Starting this year, schools must notify parents when a student is removed from the classroom for behavior violations, or given a “**classroom exclusion.**”

See [WAC 392-400-335.](#)

Pop Quiz: What's New with School Rules?

2. When a student with an IEP is given a suspension or expulsion, when should the school provide support for them to keep up while they are out?

- a. When the student is out for **any** suspension or expulsion (including short-term suspensions and emergency expulsions);
- b. Starting right away, but only if the student will be out for more than 10 days (long-term suspension or expulsion);
- c. After 10 school days, if the student will be out for more than 10 school days;

Answer...

2. When a student with an IEP is given a suspension or expulsion, when should the school provide support for them to keep up while they are out?

The answer is

a. When the student is out for **any suspension or expulsion (including short-term suspensions and emergency expulsions);**

For up to 5 days, the student should get coursework and access to school staff for help in keeping up; for 6 to 10 days, someone from the school should reach out to coordinate with the student and family to help keep up; more than 10 days requires a 'course of study'.

See [WAC 392-400-610](#).

Meaningful Re-Engagement Planning

- **REQUIRED** for suspension/expulsion of more than 10 days, and
- Schools must engage with families and students to develop a culturally-responsive and culturally sensitive re-engagement plans

What might a re-engagement meeting/plan need to include for a student with an IEP?

10 days: Manifestation Determinations

Was the conduct in question **caused by**, or did it have a **direct and substantial relationship to**, the student's **disability**?

Was the conduct in question the **direct result** of the school district's **failure to implement the IEP**?

Questions answered by: the school district, the parent, and relevant members of the student's IEP team (as determined by the parent and the school district);

Based on: all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents.

If Manifestation question = **YES**, then an FBA is required (and student returns to placement)

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

Requesting an FBA and BIP

When behavior is getting in the way of learning and a team wants to know more about the reasons behind the behavior in order to effectively address it.

A parent can request an FBA, and the district should respond with written notice, acknowledging the request and explaining its response and reasons for it.

Behavioral Intervention Plans

Does the plan address a **specific, observable behavior**?

- Can you picture it in your mind? If two people try to picture the behavior, would they have the same idea?

Compare, for example:

“student loses her temper and engages in destructive behavior”

“student clenches her fingers, screams or yells, and may throw items like pencils or books, break pencils, or tear paper,”

Does the plan:

- identify an appropriate, replacement behavior that will be taught?
- include clear steps to reduce triggers of the problem behavior?
- say when the team will get together again to review how it is going?

Checking all Relevant Parts of the IEP

Tying the Pieces Together

When developing a BIP, remember to think about how it ties to all of the other parts of the IEP. Consider whether changes might be needed in other parts of the IEP to reduce triggers, and/or support the teaching and reinforcement of appropriate behaviors, including:

Assistive Technology?

Communications?

Accommodations/Modifications?

Supplemental Aids/Services?

Training for Staff?

Specialized Transportation?

Present levels – and associated Goal Areas?

Specially Designed Instruction minutes (Service Matrix)?

Attendance & IEPs

Excused Absences

IEP Team Meeting

Unexcused Absences

Functional Behavior Assessment
& Behavior Intervention Plan

Truancy

Review of Progress, Supports



When a student has 2 unexcused absences:

For a student with an IEP or 504 plan, convene the IEP or 504 team, include a behavior specialist or mental health specialist where appropriate, consider reasons for absence, if needed and if parent consents, do an FBA and develop a BIP

For a student without an IEP or 504 plan, but with a suspected disabilities, inform parents of right to request an evaluation.

[RCW 28A.225.020\(c\)\(ii\), \(iii\).](#)

Supporting Academic Progress: Students with IEPs

Is there a goal that focuses on the academic area?

- What does the latest progress report say?

Is the student accessing the general education curriculum, even if in a different environment?

Are there relevant accommodations that should be happening in the class?

Are behavior/disciplinary issues impacting academic progress?

IEP Development, Review, Revision: Team Responsibilities



- Meet **at least once a year and more often as needed**
- Determine Annual Measurable Goals (based on Present Levels of Performance)
- Track Progress on Goals
- Decide Accommodations, Supports, Related Services
- Decide on Services (Specially Designed Instruction and related services)
- Determine Placement
- Develop Transition Plan (as age-appropriate)

What if an IEP Team does not Agree?

If the IEP team cannot reach consensus (does not agree), then:

- The DISTRICT must make a decision; and
- Inform the Parents in writing, with a prior written notice, “PWN.”

Prior Written Notice (PWN)

A district must give a parent written notice (PWN) when a decision is made about eligibility, evaluation, placement or services.

The PWN is required **when:**

- **a district proposes an action or change, or**
- **a parent makes a request**

The PWN must explain the action requested or proposed, the decision made, and the reasons for it.

The PWN must be translated into a parent's native language if the parent does not read English.

Options for Resolving Disagreements relating to Special Education

Informal:

- **Ask the team to reconsider** or **postpone a change** until it has a chance to gather more information or have further discussion;
- Work out a plan to **take data** that the team can review to consider the possible need for a change, or effect of a change;
- **Seek help** in resolving the disagreement from another person (e.g., district supervisor, parent advocate, family liaison, education ombuds);
- **Request a Facilitated IEP team meeting**
- **Request Mediation** with the District;

Formal:

- **File a Citizen's Complaint** with OSPI;
- **Request a Due Process Hearing;**
- File a **complaint** with the US Department of Education **Office for Civil Rights (OCR)**.

Options for Resolving Disagreements relating to Section 504

Informal:

- Ask the teacher and/or 504 team to reconsider, gather more information and/or have further discussion;
- Work out a plan to try something for a short period of time, track how it is working, and meet again to review.
- Seek help in resolving the disagreement from another person (e.g., school or district supervisor, parent advocate, family liaison, education ombuds);

Formal:

- Request a Due Process Hearing (check your District's 504 Procedures for details);
- Follow your School District's Nondiscrimination complaint procedure (with an option to appeal to OSPI Equity & Civil Rights if it is not resolved);
- File a complaint with the US Department of Education Office for Civil Rights (OCR).

Tips for Resolving Disagreements: Working toward Understanding

Three Challenges for Communicating in Difficult Situations:

Self-Awareness: understanding your own feelings and how they are impacting the interaction. Noticing, “What am I feeling?” “What am I expecting from this meeting, this person?”

Listening to Understand: holding back judgment to try to understand another person’s perspective. Accepting, “Maybe I still won’t agree, but I can try to understand where they are coming from.”

Interests over Positions: trying to identify your core interests, hopes for an outcome and accepting there may be more than one way to satisfy those interests. Considering, “Ultimately I want to see _____. I think the right way to get there is _____, but I’m open to other options.”

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