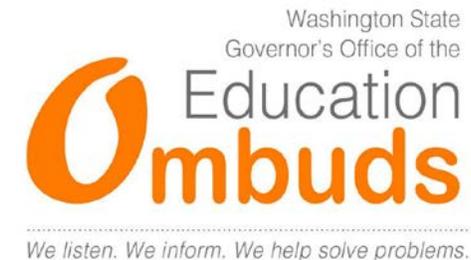


Student Discipline Rules Update and Review

OEO & Open Doors for Multicultural Families
Presented by: Rose Spidell, Senior Education Ombuds,
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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.

Topics for Today

- State Student Discipline Rules, District Policies & Procedures
- Classroom Exclusions and In School Suspensions
- Educational Services during Removals
- Re-Engagement Meetings
- Threat Assessments
- How these intersect with additional protections for students with disabilities

State Rules & District Policies and Procedures

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

District Policies and Procedures on Student Discipline:

- usually on the district website, in the '3000' or "Student" series of policies/procedures

Additional Protections for Students with Disabilities

Washington State Special Education Rules: [WAC 392-172A](#)

- Discipline Procedures and
- Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP)

District Policies and Procedures on Students with Disabilities – generally in the 2000 Series:

- Special Education and Related Services for Eligible Students
- Education of Students with Disabilities under Section 504

Classroom Exclusions

"Classroom exclusion" means: A student is **removed from class** because of **behavior** violations.

The teacher must notify the principal. Either **the teacher or the principal must notify the parent.**

The student either goes back to class the same day, Or, they start back in class at the beginning of the next school day.

In School Suspensions

Student is removed from their regular class because of a behavior violation.

The student is at school, but in a different place than their regular class. There's a school staff person there to supervise.

In School Suspensions can last up to 10 school days.

In School Suspensions – Notice Requirements

Schools should **try to call parents before deciding** to do a suspension.

When a principal or vice principal talks to a student about suspending them, they have to **give the student a chance to call their parents**.

After a suspension, schools have to give parents and students **WRITTEN NOTICE** (it can be by email).

What if....

A high school student has an IEP and spends about 2 hours a day in the special education resource room.

The student starts getting in trouble in one of their general education classes.

The teacher sends the student to the office several times in one week for being disruptive.

Each time the student goes to the office, he sits until the end of that period and then goes to his next class.

Should the student's family get notice? What could the family do if they hear about this?

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The teacher must notify the principal. **Either the teacher or the principal must notify the parent.**

The student either goes back to class the same day, Or, they start back in class at the beginning of the next school day.

***Look to district policy for grievance procedure. Generally, families can ask for an informal conference with the principal and the teacher involved.**

What if....

The same student keeps getting in trouble and sent out of the same class.

The student starts getting in trouble for being disruptive in the office.

The office sends the student to the special education resource room for the rest of the day.

The student gets in trouble again the next day and has to stay in the resource room for the rest of the week.

What can the family expect to receive from the school? What could the family do if they want to make sure the student can keep going to the general education classes?

Notice of Suspension– What to Look For

- A description of the student’s behavior and how it violated rules;
- How long the suspension will last (beginning and end dates);
- Other things the school considered or tried first and why they decided to suspend;
- Information about the right to a conference.

Written Notice must be in a language the student and parents understand.

Written Notices – Written Translations?

The discipline rules say districts must provide notices in a language students and parents understand

The question is whether a WRITTEN TRANSLATION is required, or

If a district can instead provide an ORAL INTERPRETATION of a written document.

Providing NO language access is NOT an option.

Four Factors for Developing a Language Access Plan when to do a WRITTEN TRANSLATION

1. the total number or proportion of limited English proficient people served
2. the frequency with which the LEP individuals come into contact with the program or service
3. the nature and importance of the program, activity or service to people's lives; and
4. the resources available to the recipient.

Thinking about the Four Factors & Disciplinary Notices

Hypothetical District:

1. The top 5 most common languages in the district after English are Spanish, Vietnamese, Russian, Chinese, and Amharic. There are more than 100 additional languages spoken by families in the district.
2. The district issues more than 800 written disciplinary notices every year to students and families (including in-school and short term suspensions)
3. The discipline notices inform families of what the student is in trouble for, what the consequence is, and what the student and family's rights are if they disagree with the discipline.
4. The school district is a medium sized district (average resources).

Should the district develop WRITTEN TRANSLATIONS of their disciplinary notice FORM LETTERS in one or more languages?

Should the district develop a system to ensure WRITTEN TRANSLATION of STUDENT SPECIFIC information in one or more languages?

An example of the 4 factors applied:

From the US Department of Education's Office of Special Education Programs:

“Under Title VI, all vital documents, including a student’s IEP, must be accessible to LEP parents, but that does not necessarily mean that all vital documents must be translated for every language in the district. For example, a timely and complete oral interpretation or translated summary of a vital document might suffice in some circumstances. **A district must, however, be prepared to provide timely and complete translated IEPs to provide meaningful access to the IEP and the parental rights that attach to it. This is because a parent needs meaningful access to the IEP not just during the IEP meeting, but also across school years to monitor the child’s progress and ensure that IEP services are provided.**”

(translate IEPs because families need to be able to reference back to them throughout the year).

Back to the regularly scheduled program.....

What about Recess?

From OSPI's Technical Assistance FAQs:

Does a classroom exclusion include exclusions from recess? **No.**

A classroom exclusion concerns exclusions from curricular instructional or activity areas. A classroom exclusion does not include exclusions from recess, lunch, transportation, or extra-curricular activities.

However, research says: limiting physical activity can increase problem behaviors

So: ask about alternatives that include physical activity if a student will be excluded from recess or PE.

Educational Services during Suspension/Expulsion

For any out of school suspension.

If 1-5 days – have homework sent home;

If 6-10 days – someone from school must be in touch to help coordinate collecting homework, and making sure it gets back to teachers for grading;

10+ days – for students with an IEP, the IEP team decides what is necessary for the student to make progress on IEP goals, and access the general education curriculum. (WAC 392-172A-05145)

More than 10 Days....

For a student with an IEP or a 504 Plan, a removal that will last more than 10 school days means:

- Manifestation Determination meeting
- Interim Alternative Educational Services, decided by IEP team

And:

- Re-engagement Meeting/Planning

Interim Alternative Educational Services - IEP

For a student with an IEP, out for more than 10 school days, look to WAC 392172A-05145(3):

The student must continue to receive educational services, that provide a FAPE,

- To allow the student to continue to participate in the general education curriculum, and
- to progress toward meeting the goals set out in the student's IEP.

The student's IEP team determines appropriate services.

Re-Engagement Planning

Required for any suspension or expulsion of more than 10 school days.

When to meet to start Re-Engagement Planning:

- within 20 calendar days of removal, or
- if removal is less than 20 days, then no later than 5 days before return date, or
- as soon as possible, if requested by family or student

What to discuss:

- any supports needed to keep student on track academically;
- ideas to address circumstances that led to suspension; and
- **Shortening the suspension and returning to school early.**

Routes Back to Class after Suspension/Expulsion

- ✓ School shortens removal on its own
- ✓ Appeal of suspension or expulsion
- ✓ Manifestation Determination (Students with Disabilities)
- ✓ Re-engagement Plan
- ✓ Petition for Readmission
- ✓ End date of suspension or expulsion

Threat Assessment

A school-based threat assessment program, should:

- Be prompted by behavior (not a general concern about a student) and
- Focus on a behavior that is deemed threatening, or potentially threatening to self or others

For a student with disabilities, the IEP or 504 team should be involved. Strategies to address concerns should be consistent with the IEP or 504 plan.

What if...

A student has been getting in trouble a lot. The student has been sent home early and given short term suspensions for fighting with other students and arguing with teachers.

Last week, the student was given an emergency expulsion for making threatening statements to a teacher.

The school wants the student to have a threat assessment with an outside psychologist before returning to school. The earliest appointment is in 20 days.

What kind of meetings will be scheduled? Will the IEP team need to meet? What will the IEP team need to decide?

Takeaways: Notice and Opportunity to Talk

When a student is disciplined, families should get **clear information** about the reasons for the discipline and how long it will last.

Families should have the **opportunity to talk** with the school about why the behavior is happening, and other options for responding to the student's behavior.

Takeaways: Educational Services

When a student is disciplined, their education should continue.

For students with an IEP, **the IEP team decides** what interim alternative educational services are needed when the student will be out for more than 10 days.

Takeaways: Planning for Return

Every student should have a plan for returning to school or class after removal.

For students with an IEP, they might return after a manifestation determination. There might be a Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP) to help support them when they return.

If a student with an IEP has been home for 20 days, ask for a Re-Engagement Meeting to start talking about when they can get back into school.

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