



OFFICE OF SPECIAL EDUCATION DISCIPLINE WEBINAR

This webinar will begin at 1:30 p.m.

If you are not able to hear audio, please do the following:

- Check to see if your speakers are on, plugged-in and the volume is turned-up (not muted).
- Click the “Meeting” tab, then click “Manage My Settings” and then click the “Audio Setup Wizard”. Run through the wizard to test your equipment.
- If you can’t hear the audio, please watch the recorded version when the connection/system is working.

August 29, 2012

Missouri Department of Elementary
and Secondary Education

Participating in this Webinar

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- Today's webinar will be in "listen-only" mode (with text chat).
- Note that all DESE webinars are listed at <http://dese.mo.gov/webinar/>. Be sure to check this page often, as new presentations are made available. Most programs will also send out information about the events to their mailing lists.
- This webinar is being recorded. To find the recording, visit the webinar Web page and click on the "Webinars - Recorded" button.
- Recordings, presentations, and other documents will be posted to the DESE website after the event.



Today's webinar will be in "listen-only" mode with text chat. We welcome and encourage questions related to today's topic of the Special Education Discipline Process for students with disabilities in Missouri. You may ask questions by typing in the chat window. Please note that all attendees may see your questions and comments at all times. We will try to answer questions at the end of the webinar. Question not specifically related to the webinar topic will be referred the Special Education Compliance Supervisors for individual responses. The Q and A will be posted along with the slides and the recording on the DESE webinar website <http://dese.mo.gov/webinar-schedule.htm>

May you live in interesting times. . .

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As the Chinese proverb says "May you live in interesting times . . ." And, as you all know, working in the field of special education, we get to live this proverb every single day!! We need to make you aware of two recent updates . . .

May you live in interesting times. . .

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**NEW OSEP Guidance issued
affecting bus discipline**

June 21, 2012 Letter to Sarzynski



Since the training video was developed, vetted and recorded, there has been new OSEP guidance issued that affects bus discipline. This is the Letter to Sarzynski dated June 21, 2012. Staff here at the Department will be reviewing this new guidance in the coming weeks and looking at the implications for the State Plan and the SPED Program Compliance Standards and Indicators manual. Please be watching your SELS messages for updates.

May you live in interesting times. . .

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**NEW OSEP Guidance issued
affecting bus discipline**

June 21, 2012 Letter to Sarzynski

Revised Model Discipline Documentation Form

based on child complaint and annual discipline monitoring data review

- Includes prompts for determining a “pattern of suspensions”
- Includes prompts and place to document determination of decision regarding services beginning on day 11 in Section A



In addition, we have revised the Model Discipline Documentation Form to assist teams in maintaining compliance with IDEA when disciplining students with disabilities. The department reviewed the data from child complaints and the annual discipline monitoring process and identified the most common mistakes that led to noncompliance. These updates were made to page 1 and Section A and will be shared immediately following the training video and before the Question and Answer section.

We have lots to cover and a short amount of time – so let’s get started. . .



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THE DISCIPLINE PROCESS FOR STUDENTS WITH DISABILITIES

August 29, 2012

Missouri Department
of Elementary and Secondary Education

Welcome to our Webinar about the Discipline Process for Students with Disabilities. We will be describing and discussing both the process and the compliance requirements to ensure that students with disabilities who are disciplined will receive appropriate due process under the Individuals with Disabilities Education Act (IDEA). During the webinar, we will be reviewing the legal requirements for the discipline process as well as sharing model forms and flow charts to help you understand and follow the process. In addition, we will be using real-life situations to illustrate the process and documentation requirements and how to avoid common mistakes. Finally we will be providing resources and answering your questions. Your facilitators today are Nancy Thomas, Assistant Director of Special Education Compliance, Julie Bower, Special Education Compliance Supervisor, and Jennifer McKenzie, Compliance Consultant at the Heart of MO Regional Professional Development Center.

Learning Objectives

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- Understand how individual student discipline decisions relate to the district and state monitoring data
- Know the legal basis for disciplining students with disabilities in order to protect their rights
- Understand terminology related to the discipline process
- Be able to use the Standards and Indicators Manual to follow the disciplinary process



As a result of participating in this webinar, each of should be able to: read list from slide

Learning Objectives (continued)

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- Be able to document discipline decisions (both what they are and how they were made)
- Be able to apply the discipline process in making individual student discipline decisions
- Know when and how to handle dangerous and violent students
- Know where to get additional assistance and resources



Read list from slide

What to Expect in this webinar

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- Presentation
- Overview of resources
- Opportunity to ask questions



We plan to accomplish our learning objectives through a short training video and slide presentation, an overview of resources and examples of how to access those resources, followed by an opportunity for you to ask questions. You may submit questions at any time during the webinar by typing them in the “chat” box located at the right of your screen. We will answer as many of your questions as possible during the webinar– and every question related to the topic that is submitted will be answered in the Question/Answer document that will be posted on the web following our webinar. Remember that questions about specific students and topics other than the discipline process should be directed to the Special Education Compliance Supervisors by calling 573-751-0699.

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A little background . . .



Let's begin with an overview of "Compliance" in terms of special education and why it is important to the individual student and the school district.

Why is Compliance Important?

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Compliance is the **FOUNDATION**
of your district's
Special Education Program

Process

Following all the
steps,
in the correct order,
within the timelines

Content

Implementing the IEP
as written and
documenting correctly
(Implementation and Evidence)

Compliance with IDEA and the Missouri State Plan for Special Education is the basis or foundation of your district's special education program. Compliance includes both **PROCESS** and **CONTENT**. Process includes following all of the required steps, in the correct order and within the timelines. Content includes documenting correctly (your evidence of following the process) and implementing the IEP as written (your implementation of the results of the process).

The “IEP” of SPED Compliance

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I Implementation
E Evidence
P Process



An easy way to remember the components of special education compliance is the I – E – P: Implementation. Evidence. Process. If these three elements are in place you should be compliant with the IDEA.

Disciplining Students with Disabilities

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- Following the discipline process ensures the student's rights under IDEA are protected
- Involves a process of analysis and decisions
- District's core data reporting includes discipline data
- Monitored by the Department and OSEP
 - Annual Discipline Review for SPP 4A / 4B



Now let's talk specifically about disciplining students with disabilities. Some people believe that students with disabilities CANNOT be disciplined – that is simply NOT true. Yes, there are certain protections afforded to students with disabilities but these protections and processes were developed to ensure that the student's rights under IDEA were not lost due when they break school rules and are disciplined by the LEA.

When disciplining students with disabilities, there are specific steps that must be followed which involve an analysis of the incident along with additional discipline data and then making a decision based on that analysis and documenting that decision. We will spend quite a bit of time during this webinar on this process and the documentation of disciplining students with disabilities as these are key in maintaining compliance with IDEA.

The school district is required to collect and report data about discipline to the Department of Elementary and Secondary Education for both students with and without disabilities. The report must include both Out of School Suspension (OSS) and In School Suspension (ISS). This data must be reported by race/ethnicity as well. The data that each school reports is then analyzed to determine if there is disproportionate representation based on races and/or disability in the actual discipline imposed in each district. If disproportionality is found, the district must conduct a review of their policies, practices and procedures to determine if these are contributing to the disproportionality. If noncompliance is found, changes must be made in those policies, practices and/or procedures. Each year, all of this data on disproportionality must be reported by the State to the Office of Special Education Programs (OSEP) for State Performance Plan indicators 4A and 4B.

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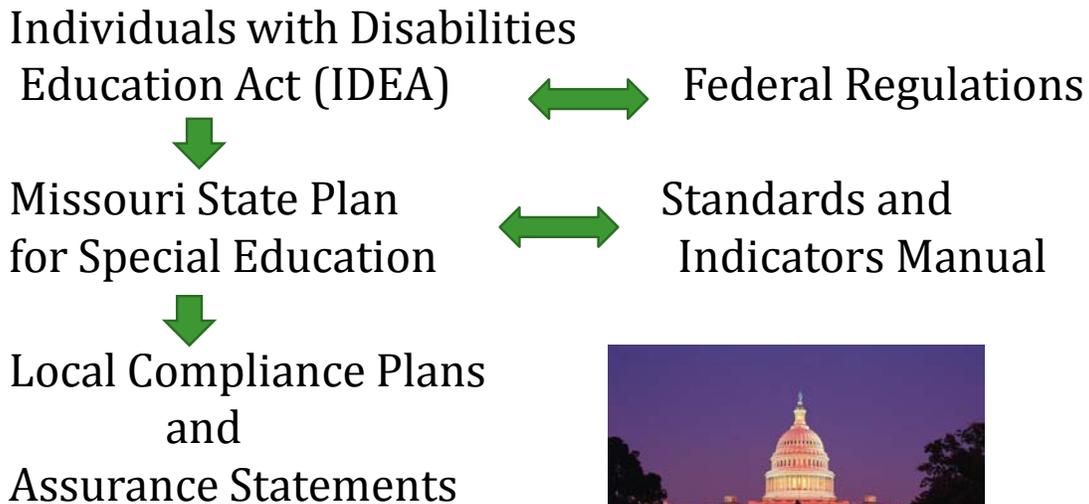
Discipline and the Law



Now let's take some time to look at the laws that directly affect disciplining students with disabilities.

The Law

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Anyone involved with disciplining students with disabilities MUST be familiar with the provisions of the Individuals with Disabilities Education Act or IDEA. This is the federal law that governs special education. The Federal Regulations provide guidance on implementing the IDEA. The Missouri State Plan for Special Education is based on the IDEA and documents how Missouri will be in compliance with the requirements of the IDEA. This document is revised as changes are made in the IDEA, Federal Regulations or OSEP guidance documents/letters. The most recent revisions became effective in June, 2010. All public agencies responsible for providing services to students with disabilities are required to develop a Local Compliance Plan for Special Education that aligns with the IDEA and the Missouri State Plan for Special Education. In addition, each school year, the school board of every public agency responsible for providing services to students with disabilities must provide an assurance indicating that they will comply with the state and federal laws in regards to students with disabilities when the district opens their budget in ePeGs.

Section 504 is another federal law that applies to students with disabilities. It focuses on civil rights and non-discrimination. Generally, if a school district is in compliance with IDEA, it is in compliance with Section 504. However, school district staff should seek the advice of their district's legal counsel if in doubt in regards to a specific situation.

Missouri State Law

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- Safe Schools Act
 - Sections 160.261–160.272 of the Revised Statutes of Missouri
 - Passed in 1996
 - Applies to all students
 - Provisions
 - Written Policy / Definitions
 - Reporting



The Safe Schools Act, contained in sections 160.261–160.272 of the Revised Statutes of Missouri, was originally passed in the Legislature and signed into law by the Governor in 1996. The main provisions of the Safe Schools Act fall into two categories – written policy / definitions and reporting. The act requires each local school board to establish a written discipline policy. The policy must include definitions of key terms and the policy must provide for a one-year suspension or expulsion of a student who brings a weapon to school in violation of school policy. The policy must require administrators to report acts of school violence to district employees with a “need to know” and administrators must report to law enforcement any students’ acts that would constitute a felony if committed by an adult. Let’s take a few minutes to look at some of the key terms in the Safe Schools Act.

Violent Behavior

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- **Violent Behavior**
 - The exertion of physical force by a student with the intent to do serious bodily harm ...to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities
- No student shall be readmitted or enrolled if **charged with** or **convicted of** any of the following serious offenses:
 - First or Second degree murder
 - First degree assault
 - Forcible rape or sodomy
 - Statutory rape or sodomy
 - Robbery or Arson in the first degree
 - Distribution of drugs to a minor



The first key term is “violent behavior” . . . (READ SLIDE)

Serious Bodily Harm

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- Means a **serious bodily injury** which involves—
 - a substantial risk of death
 - extreme physical pain
 - protracted and obvious disfigurement
 - protracted loss or impairment of the function of a bodily member, organ, or mental faculty
 - As distinguished from a **bodily injury** which means a cut, abrasion, bruise, burn, or disfigurement; physical pain; illness; impairment of the function of a bodily member, organ, or mental faculty; or any other injury to the body, no matter how temporary
- ! Emergency Room visit does not equal serious bodily injury !**



The second key term in the Safe Schools Act is “Serious Bodily Harm” which means a serious bodily injury which involves (READ LIST ON SLIDE).

IDEA uses the term “Serious Bodily Injury” instead of “serious bodily harm. For that reason these terms are sometimes used interchangeably.

It is important to remember that a trip to the emergency room does NOT necessarily mean the person has sustained a serious bodily injury resulting in serious bodily harm.

Weapon

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- Firearm, blackjack, explosive weapon, firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun, and a switchblade knife.
- See the ***Missouri Revised Statutes*** for the exact definition of each of these weapons (Section 571.010)
 - Knife: any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person.



The final key term is "Weapon". A weapon is defined as a Firearm, blackjack, explosive weapon, firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun, and a switchblade knife. Each of these weapons is described and defined in the Missouri Revised Statutes. It is easy for administrators to assume that they know what a weapon is – for example, a "knife." In Missouri the legal definition of a "knife" in terms of being a weapon is any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For discipline purposes, "knife" does not include ordinary pocketknives with blades less than four inches in length.

As you can see it is important to know the legal definitions when making discipline decisions about students.

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Discipline Terms / Key Concepts



It is also very important to understand the terms used in association with disciplining students with disabilities as well as several key concepts in the IDEA.

The Basics . . .

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- What is DISCIPLINE?
 - Removal from the current educational placement in response to a violation of the student code of conduct
 - To another setting
 - To an interim alternative educational setting
 - Out of School by suspension or expulsion
- When is a removal a CHANGE OF PLACEMENT?
 - More than 10 consecutive school days
 - OR
 - A series of removals that exceed 10 cumulative school days and constitute a pattern



First, the only form of discipline for students with disabilities that is relevant to this discussion is a removal from the current educational placement to another setting where the student does not receive the special education and related services described in the student's IEP. Time out in the student's classroom, detention, community services, Saturday School, or other restrictions of privileges are not subject to the requirements relating to discipline under IDEA unless the student's IEP specifically precludes these or addresses these. In that situation, the IEP provisions must be implemented.

Removal from the educational placement is not considered a change of placement unless it lasts longer than 10 school days . This can be more than 10 consecutive school days - for example, a student receives 11 days in a row of Out of School Suspension for fighting in the cafeteria. OR there can be a series of removals that total more than 10 cumulative school days and these removals create a pattern of suspension. The district determines on a case-by-case basis whether a pattern of suspension has been created. For example, a student receives 8 days of out of school suspension for bullying a classmate after being previously out of school suspended for 5 days for bullying a different classmate the month before.

The Basics . . . (continued)

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- How is a PATTERN of suspensions determined?
 - School staff must consider the following:
 - If the series of removals total more than ten (10) school days cumulatively in a school year;
 - If the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and,
 - Additional factors such as length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
 - If challenged, the determination is subject to review through due process and judicial proceedings



Factors that must be considered in making the determination of whether or not a "pattern" exists include the following:

First, the series of removals must total more than ten (10) school days cumulatively in a school year. Second, the child's behavior must be substantially similar to the child's behavior in the previous incidents that resulted in the series of removals; and, finally, school staff must consider additional factors such as the length of each removal, the total amount of time the child has been removed from school, and the proximity of the removals to one another.

It is important to remember that the school staff, not the parents, must determine if a pattern of suspensions exists. However, if the parent disagrees with the school staff's determination, that determination is subject to review through due process and judicial proceedings.

Key Concepts

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- ISS versus OSS
 - In-School Suspension (ISS)
 - Does not count towards change of placement so long as student still receives special education and related services described in IEP
 - Out of School Suspension (OSS)
 - Always counts toward change of placement
 - Bus suspensions count IF student misses school



Now let's look at some of the key concepts when disciplining students with disabilities. First, let's address the difference between in-school and out-of-school suspension.

In-school suspensions or ISS means that a student is removed for disciplinary reasons from their assigned classroom and schedule to some type of school staff supervised setting during the school day. It can be called "being assigned to the ISS program", "temporary attendance at the Alternative School", "being sent to the Recovery Room," or some other similarly named "room" or "program" – the key is that the student is removed from their current educational program to another setting for disciplinary reasons. Many school administrators prefer to use ISS as it keeps the student in school and provides supervised time to make-up school work and keep current on assignments while the student is assigned ISS. ISS does not count towards change of placement so long as the student with a disability still receives special education and related services as described in their IEP.

Out-of-school suspension or OSS, by contrast, means a student is removed from the school setting for a set period of time for disciplinary reasons. OSS days always count toward a change of placement since, by definition, the student is not in school and cannot receive their special education and related services as described in their

Missouri Department of Elementary and Secondary Education

IEP. The key for OSS is that the suspension results in the student with a disability NOT receiving the services required by their IEP. That is why bus suspensions count as OSS for students with disabilities. IF transportation is listed as a related service for the student and the parents do not send the student to school when their student is suspended from the bus.

SEE HEIDI WEBINAR Questions and Answers/September 2, 2010, Webinar

13. If a student with a disability is suspended from the bus, how does that affect the OSS days? I realize if the student attends, then it is not counted as a suspension. However, if the student does not attend school due to the bus suspension, is that counted as OSS?

Answer: Suspension from the bus only counts as an exclusion from school if the student's IEP requires transportation as a related service.

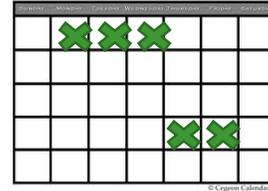
So the next logical question is "Is there ever a time when ISS becomes OSS?" The answer is "YES". ISS settings are considered general education settings. When a student with a disability is in ISS, they must still receive their special education and related services as described on the IEP in order for the ISS to be considered "ISS" and not count towards a change in placement. Remember the key is that if the disciplinary action results in the student with a disability not receiving the special education and related services required by the IEP, then no matter what you call it – it is OSS and that day counts toward a change of placement.

Key Concepts . . . (continued)

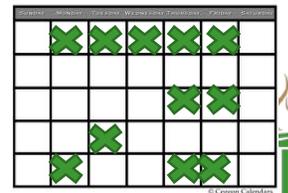
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□ Short-term Suspension

- ≤ 10 days and
- First 10 days = NO services required



- > 10 days cumulative in school year and no pattern
- If > 10 cumulative days with NO pattern then LEA along with at least one teacher of student decides what services are required



The final key concept to understand is the difference between a short-term suspension and a long-term suspension.

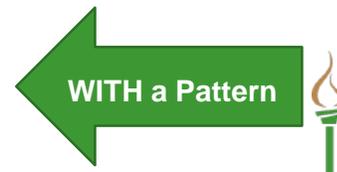
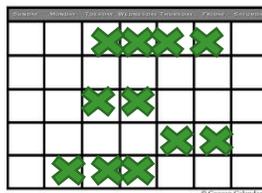
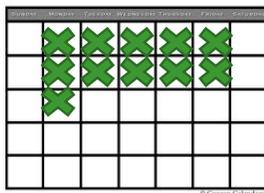
So, what constitutes a short-term suspension? Any suspension that is less than or equal to 10 school days during a school year that is not a change of placement. What educational services must be provided when a student with a disability is short-term suspended? For short-term suspensions of less than 10 days in a school year, the LEA is NOT required to provide services unless services would be provided to a student without a disability who has been similarly removed.

However, if the short-term suspension results in the student being suspended greater than 10 days in a school year cumulatively, then the LEA must make a determination of whether the suspensions constitute a PATTERN of behavior. If no pattern is found, the greater than 10 days cumulative suspension in a school year does NOT constitute a change of placement and is considered a short-term suspension. In that case, school personnel, in consultation with at least one of the student's teachers, determines the extent to what services are required beginning on the 11th school day and thereafter, and the location of those services. The services provided must permit the student to participate in the general education curriculum and progress towards IEP goals. Sending missed assignments and homework to a student with a disability who is suspended is NOT providing services. Remember that the services to be provided are determined by school personnel in consultation with at least one of the student's teachers – not the parent or the IEP team.

Key Concepts . . . (continued)

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- Long-term Suspension
 - More than 10 consecutive days OR >10 days cumulative with a pattern
 - MUST hold Manifestation Determination meeting to determine if conduct that caused disciplinary action is or is not related to the child's disability
 - Cannot long-term suspend if behavior related to disability
 - Services required beginning on 11th day



Now let's focus on long-term suspensions. So, what constitutes a long-term suspension? Any suspension for disciplinary reasons that exceeds 10 consecutive school days in a school year OR any suspension that exceeds 10 cumulative school days in a school year where a pattern of behavior is established triggers a change of placement and is considered a long-term suspension.

What are the immediate steps that the LEA must take when long-term suspending a student? Within 10 school days of the decision to make a change of placement, the district and relevant members of the IEP team along with the parents of the student MUST meet to determine if the conduct resulting in the disciplinary action was caused by or had a direct and substantial relationship to the child's disability or if the conduct was a result of the district's failure to implement the IEP. This meeting is known as the Manifestation Determination meeting.

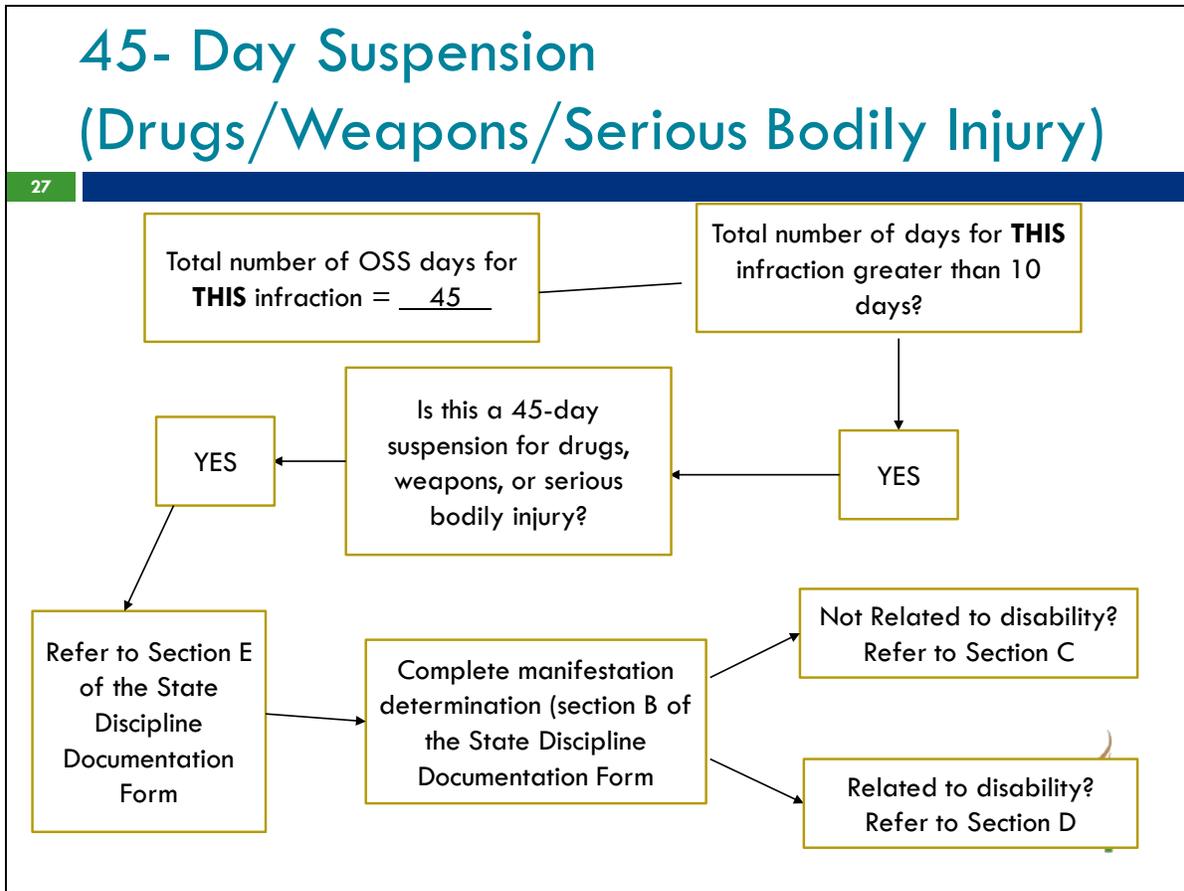
If the conduct is related to the disability, no long term suspension can occur. If the conduct is unrelated to the disability, the LEA can impose the same disciplinary consequences as they would for a student without a disability. However, the IEP team must determine the setting and the appropriate services needed to enable the student with a disability to continue in the general education curriculum and to progress toward meeting IEP goals in the new setting while the student is being disciplined. On the date the decision is made to long-term suspend a student, the district must notify the parent of that decision and provide them with a copy of the procedural safeguards.

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The Discipline Decision Process



Let's walk through the actual steps for making discipline decisions regarding students with disabilities. In order to do this, we will use a flow chart that walks us through the different types of infractions and situations that may arise in your District. We will also refer to the State sample Discipline Documentation form, but using this form is not required for documentation.



The first situation you may deal with is a single infraction for which the total number of OSS days exceeds 10. In this particular case, the student received a 45-day suspension for bringing a weapon to school. So the total number of days for THIS infraction is greater than 10 days and is a 45-day suspension for drugs, weapons, or serious bodily injury.

The next step is to complete a manifestation determination to determine if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability.

There are several sections of the State Discipline Documentation Form to help you continue the process. You may want to refer to Section E of the State Discipline Documentation Form which describes the steps required for a 45-day suspension. A manifestation determination must be completed as part of this process, so you may also refer to Section B of the State Discipline Documentation Form. If the team determines that the conduct in question is NOT related to the disability you can then refer to Section D of the State Discipline Documentation Form. If the team determines that the conduct in question is related to the disability, you can then refer to Section D of the State Discipline Documentation Form. All of these forms are supported by Section 300.30 of the Standards and Indicators. Let's take a look at each of the sample forms we've referred to in this process thus far.

<p style="text-align: center;">SECTION E <u>45 School Day Interim Alternative Educational Placement (IAEP) –</u> <u>Weapons/Drugs/Serious Bodily Injury</u></p> <p>Documentation is present that on the date on which the decision to make a removal that constitutes a change of placement was made:</p> <p><input type="checkbox"/> <u>The</u> parent was notified of the decision <input type="checkbox"/> Parent was provided a copy of Procedural Safeguards</p> <p>Documentation is present that within 10 school days after the date of the decision to take the disciplinary action, relevant members of the IEP team met to:</p> <p><input type="checkbox"/> Conduct a Manifestation Determination</p> <p>Documentation is present that relevant members of the IEP team determined that the conduct was:</p> <p><input type="checkbox"/> Not a manifestation of the disability (see Section C) OR <input type="checkbox"/> A manifestation of the disability (see Section D)</p>	
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Section E of the Discipline Documentation Form is used only for a 45-day OSS for weapons, drugs or serious bodily injury. When this type of suspension is imposed, the parent must be notified not only of the discipline decision, but that it constitutes an Interim Alternative Educational Placement. A Notice of Action for change of placement and a copy of the Procedural Safeguards must be provided to the parent/guardian. Relevant members of the IEP team must meet to conduct a manifestation determination within 10 school days after the date of the decision to take disciplinary action.

SECTION B Documentation of MANIFESTATION DETERMINATION																									
<p>_____ Documentation is present that within ten (10) school days of any decision to implement a long-term suspension, the local educational agency, the parent and relevant members of the IEP team met to conduct a manifestation determination.</p> <p><u>Manifestation Determination meeting</u></p> <p><u>Step 1</u></p> <p>Team reviewed the following:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%;">• All relevant information in the student's file</td><td style="width: 10%; text-align: center;"><input type="checkbox"/> yes</td><td style="width: 10%; text-align: center;"><input type="checkbox"/> no</td><td style="width: 30%;"></td></tr><tr><td>• Child's IEP</td><td style="text-align: center;"><input type="checkbox"/> yes</td><td style="text-align: center;"><input type="checkbox"/> no</td><td></td></tr><tr><td>• Any teacher observations</td><td style="text-align: center;"><input type="checkbox"/> yes</td><td style="text-align: center;"><input type="checkbox"/> no</td><td></td></tr><tr><td>• Relevant information provided by parents</td><td style="text-align: center;"><input type="checkbox"/> yes</td><td style="text-align: center;"><input type="checkbox"/> no</td><td></td></tr></table> <p><u>Step 2</u></p> <p>Team determined that:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%;">• Conduct in question was caused by, or had a direct & substantial relationship to the child's disability; or</td><td style="width: 10%; text-align: center;"><input type="checkbox"/> yes</td><td style="width: 10%; text-align: center;"><input type="checkbox"/> no</td><td style="width: 30%;"></td></tr><tr><td>• The conduct in question was the direct result of the LEA's failure to implement the IEP</td><td style="text-align: center;"><input type="checkbox"/> yes</td><td style="text-align: center;"><input type="checkbox"/> no</td><td></td></tr></table> <p>Finding of the team:</p> <p>_____ <u>Conduct is not a manifestation of the disability</u></p> <p>_____ <u>Conduct is manifestation of the disability</u></p>		• All relevant information in the student's file	<input type="checkbox"/> yes	<input type="checkbox"/> no		• Child's IEP	<input type="checkbox"/> yes	<input type="checkbox"/> no		• Any teacher observations	<input type="checkbox"/> yes	<input type="checkbox"/> no		• Relevant information provided by parents	<input type="checkbox"/> yes	<input type="checkbox"/> no		• Conduct in question was caused by, or had a direct & substantial relationship to the child's disability; or	<input type="checkbox"/> yes	<input type="checkbox"/> no		• The conduct in question was the direct result of the LEA's failure to implement the IEP	<input type="checkbox"/> yes	<input type="checkbox"/> no	
• All relevant information in the student's file	<input type="checkbox"/> yes	<input type="checkbox"/> no																							
• Child's IEP	<input type="checkbox"/> yes	<input type="checkbox"/> no																							
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• The conduct in question was the direct result of the LEA's failure to implement the IEP	<input type="checkbox"/> yes	<input type="checkbox"/> no																							



Section B of the State Discipline Documentation Form can be used to document the meeting for and team findings of the manifestation determination. Information to be reviewed during this meeting should include: all relevant information in the student's file, student's IEP, teacher observations, and relevant information provided by parents.

The team must use all relevant information to determine if:

- The conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or
- The conduct in question was the direct result of the LEA's failure to implement the IEP; or
- The conduct in question is unrelated to the child's disability

SECTION C
(Long-term suspension—conduct was not a manifestation of the disability)

Documentation present that:

- _____ Relevant IEP team members found the conduct was not a manifestation of the disability.
- _____ School personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except that the IEP team determined services that would enable the child to:
 - Continue to receive educational services to continue to participate in the general education curriculum, although in another setting.
 - Progress toward meeting goals in the IEP
 - Receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur.
- _____ Determined Placement
- _____ Parent provided with Prior Written Notice for change of placement/services
- _____ Parent provided a copy of the Procedural Safeguards



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Section C may be used for documentation when the conduct in question was not a manifestation of the child's disability. In this case, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as would be applied to children without disabilities except that the IEP team determines services that would enable the child to:

- Continue to receive educational services to continue to participate in the gen ed curriculum, although in another setting
- Progress toward meeting IEP goals
- Receive, as appropriate, a functional behavior assessment (FBA) and behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

Along with determining appropriate services, the team also determines the student's placement and location of services. At this time, the parent needs to be provided with Prior Written Notice for change of placement/services and a copy of the Procedural Safeguards.

SECTION D (Long-term suspension—conduct is manifestation of the disability)
--

Documentation present that:
____ Relevant IEP team members found the conduct a manifestation of the child's disability

IEP team
____ conducted a FBA
OR
____ FBA was conducted prior to this behavioral incident

IEP team
____ Developed a BIP
OR
____ reviewed an existing BIP
AND/OR
____ modified an existing BIP, as necessary, to address the behavior related to this incident



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Section D can be used to document a manifestation determination meeting in which the finding was that the conduct in question is a manifestation of the disability. It will be shown in two separate slides in this presentation.

In this case, the IEP team **MUST** conduct a functional behavior assessment (FBA) or show documentation that an FBA was conducted prior to this behavioral incident. Once an FBA is completed, the IEP team **MUST** either:

- Develop a behavior intervention plan (BIP); or
- Review an existing BIP; or
- Modify an existing BIP, as necessary, to address the behavior related to this incident

SECTION D (continued)

Documentation is present that:

____ Agency returned child to the placement from which the child was removed

OR

____ Parent and LEA agreed to a change of placement as part of the modifications of the BIP

OR

____ In the case of a 45 school day placement for drugs, weapons, or serious bodily injury continued the child's placement in the interim alternative educational setting

AND

____ determined services that would enable the child to

- Continue to participate in the general education curriculum, although in another setting.
- Progress toward meeting goals set out in the IEP
- Receive, as appropriate behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur

Documentation is present that:

____ Parent provided with a Notice of Action - Change of Placement, when required

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Documentation must also be present which documents that:

- The student was returned to the placement from which the child was removed;
or
- Parent and LEA agreed to a change of placement as part of the modifications of the BIP; or
- In the case of a 45-day change of placement for drugs, weapons or serious bodily injury, continued the child's placement in the interim alternative educational setting.

The IEP team must also determine services that would enable the child to:

- Continue to receive educational services to continue to participate in the gen ed curriculum, although in another setting
- Progress toward meeting IEP goals
- Receive, as appropriate, a functional behavior assessment (FBA) and behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

The parent must be provided with a Notice of Action for change of placement, when required

Case #1: Edward

33

Edward is a 10th grader with an educational identification of Emotional Disturbance. He also has a medical diagnosis of mood disorder. Edward tends to act out and/or become severely withdrawn and angry with peers and he is failing most of his academic subjects. Edward's file contains an FBA and a BIP, in addition to his IEP.

- 45-day suspension for bringing a gun to school, showing it to another student and making a threat about using it to shoot another student.



What now?

Let's look at two scenarios that we can use to walk through the process for this particular process. Read slide. In this case, a manifestation determination meeting must be held to determine if Edward's behavior is related to his disability. Edward has a history of acting out behavior and of trouble with interpersonal relationships. His Functional Behavior Assessment showed that he often made poor choices and would sometimes seek attention when he was angry with peers. His behavior plan addressed anger management and improved relationships with peers. Due to this history, the IEP team determines that Edward's behavior was a manifestation of his disability. The district must then return Edward to his original placement or, with the parents' agreement, determine an Interim Alternate Educational Setting. Regardless of the placement, the team must also determine what services Edward needs, which may also include another FBA or a modification to the current BIP.

Case #2: Allen

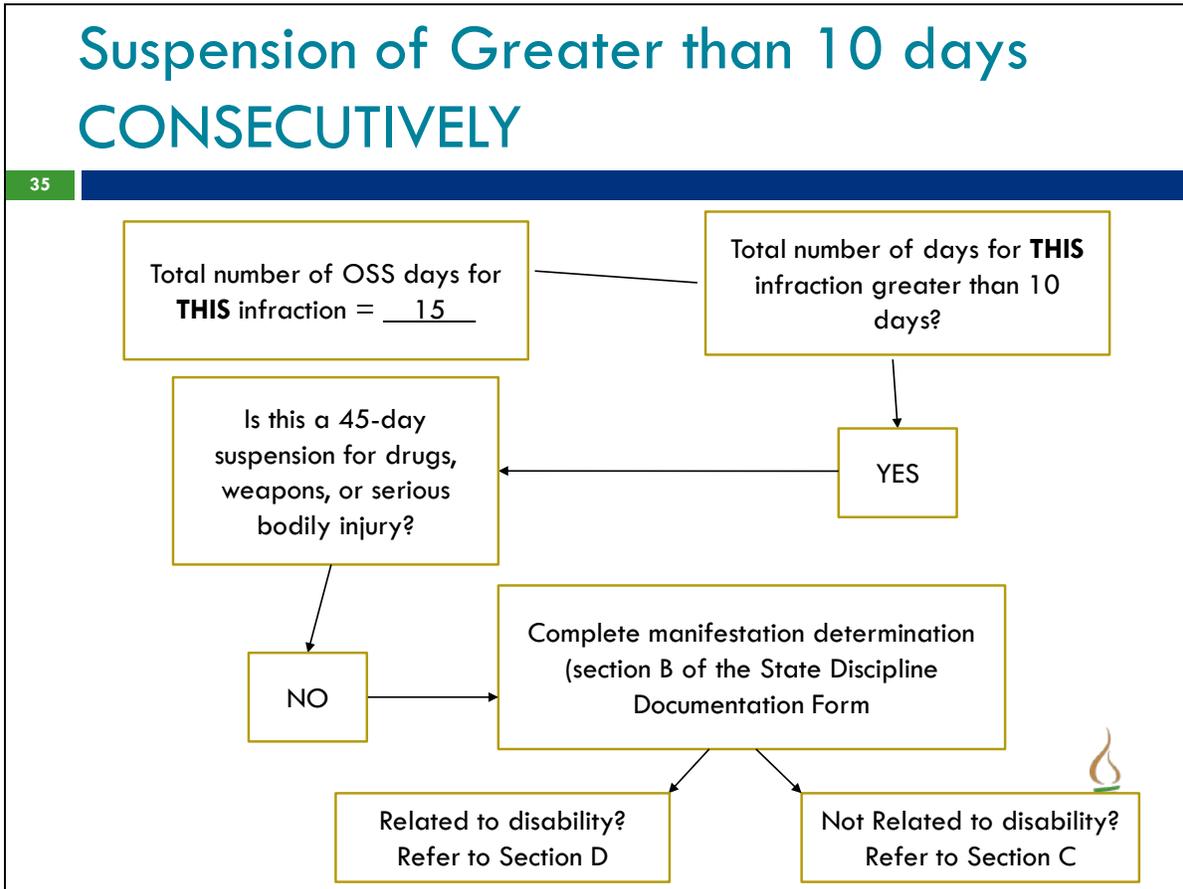
34

Allen is a 11th grader with an educational identification of Specific Learning Disability in Reading Comprehension and Written Expression. He is a popular student and has no history of behavior problems.

- 45-day suspension for removing a hunting rifle from his truck and showing it to a friend during the lunch shift in the school parking lot.



Read slide. Again, a manifestation determination must be held. Allen has no history of behavior issues or aggression. The team determines that Allen's infraction did not have a direct and substantial relationship to his learning disability, especially since the infraction happened during lunch shift and had nothing to do with academic tasks which could cause frustration. Allen must continue to receive educational services as provided under FAPE requirements, to enable him to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in his IEP. On the date that the school district decides to make this removal, Allen's parents must be notified, in writing, that the suspension will constitute a change of placement, and must be given a copy of the procedural safeguards. The IEP team must then determine what services Allen will receive during his suspension and where those services will take place.



Another situation you may encounter is when OSS for a single infraction is more than 10 days, but is not a suspension of drugs, weapons or serious bodily injury. For example, a student receives a 15 day suspension from the superintendent for vandalism. This single infraction results in more than 10 days of OSS, but is not a 45-day suspension for drugs, weapons, or serious bodily injury.

In this case, you could proceed to Section B of the State Discipline Documentation Form for guidance and to document the necessary manifestation determination and resulting team conclusions. The disciplinary choices in each case, either related to or not related to the disability, are the same as they were in option #1, shown earlier. You may also refer to Section 300.30 in the Standards and Indicators for guidance.

Case #3: Charlie



36

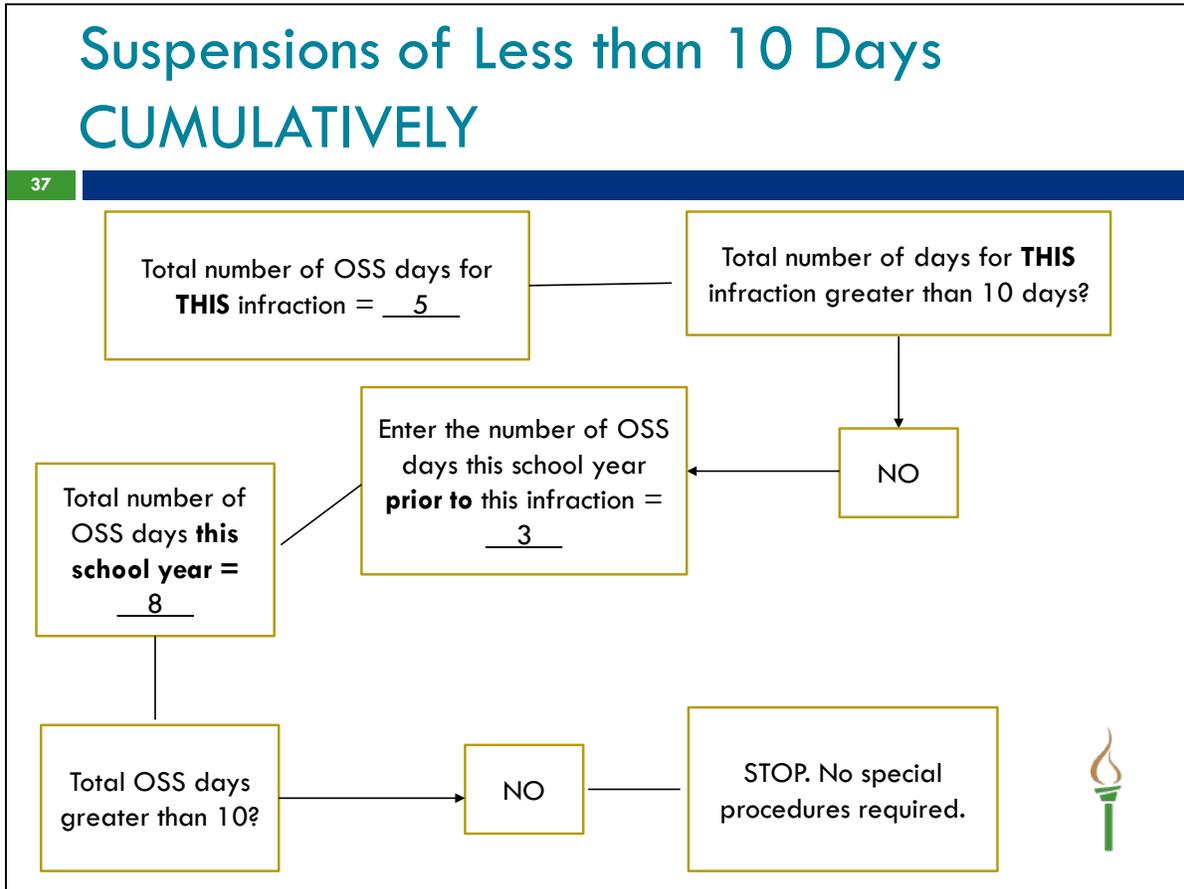
Charlie is a 6th grader who receives special education services for a learning disability in reading. He has no history of behavior problems.

- Feb 10 – Caught stealing software from computer lab; given 3 days OSS
 - Returned to the classroom to gather belongings and confronted teacher, calling her names, threatening to “cut her”, and pretending to swing his fist toward her.
 - Was given an **additional 10 days OSS**, bringing his total to 13 days

Is Charlie’s conduct related to his disability?



Let’s look at a scenario to practice what we’ve covered about determining if conduct is related to the disability. The IEP team reviewed all relevant information in Charlie’s file, Charlie’s IEP, teacher observations, and relevant information provided by parents. Charlie had no prior history of behavior problems or discipline incidents. The conduct did not occur during reading, so there is little probability that Charlie was frustrated with content and, therefore, acted out. The team determined that Charlie’s conduct was NOT related to his disability; therefore, the District may impose the same disciplinary sanctions as they would to any non-disabled child. The IEP team determines placement during suspension and appropriate services to enable Charlie to participate in general education, although in an alternative location and to progress toward IEP goals. The team will also consider an FBA and BIP to keep behavior from recurring.



The next situation we will talk about deals with a single infraction in which OSS of less than 10 days is imposed. In this case, the student received 5 consecutive days of OSS for this infraction, which is less than 10 days. Prior to this infraction, the student had also earned 3 additional days of OSS for other infractions. This takes the total cumulative number of OSS days during this school year for this student to 8. Because the total number of OSS days is less than 10, there are no additional procedures required for this student under IDEA. The District may impose the same disciplinary sanctions for this student as it would for a non-disabled student. It is important to note that all District policies apply to this student, including level of credit for make-up work during the time of OSS. Support for this process can be found in Section 300.10 of the Standards and Indicators.

**Special Education Discipline
Documentation Form**
(Use for Out of School Suspension [OSS] **Only**)

Student Name: _____ Date of infraction: ____/____/____

Description of Infraction: _____

1. Number of OSS days for this infraction _____
Is the total number of days for this infraction greater than 10?
 Yes. Go to #2.
 No. Go to #3.

2. Is this a 45 school day suspension or interim alternative placement for
drugs/weapons/serious bodily injury?
 Yes. Go to Section E.
 No. Go to Section B. (Manifestation Determination)

3. Number of OSS days this school year **prior** to this infraction _____

4. Total number of OSS days this school year (1 + 3) _____

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One tip for record keeping: In the event of future disciplinary incidents, it is a good practice to keep documentation of the steps you have already completed, even if the cumulative days have not reached 10. One way to do this is to complete the first 5 steps on the front page of the Discipline Documentation form for every OSS given to a student. You may keep these as part of the student’s special education file for use later, if necessary.

Case #4: Jenna

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Jenna is a 8th grade student with an educational identification of Other Health Impairment due to a medical diagnosis of ADHD. Jenna has had the following behavior infractions and suspensions this school year:

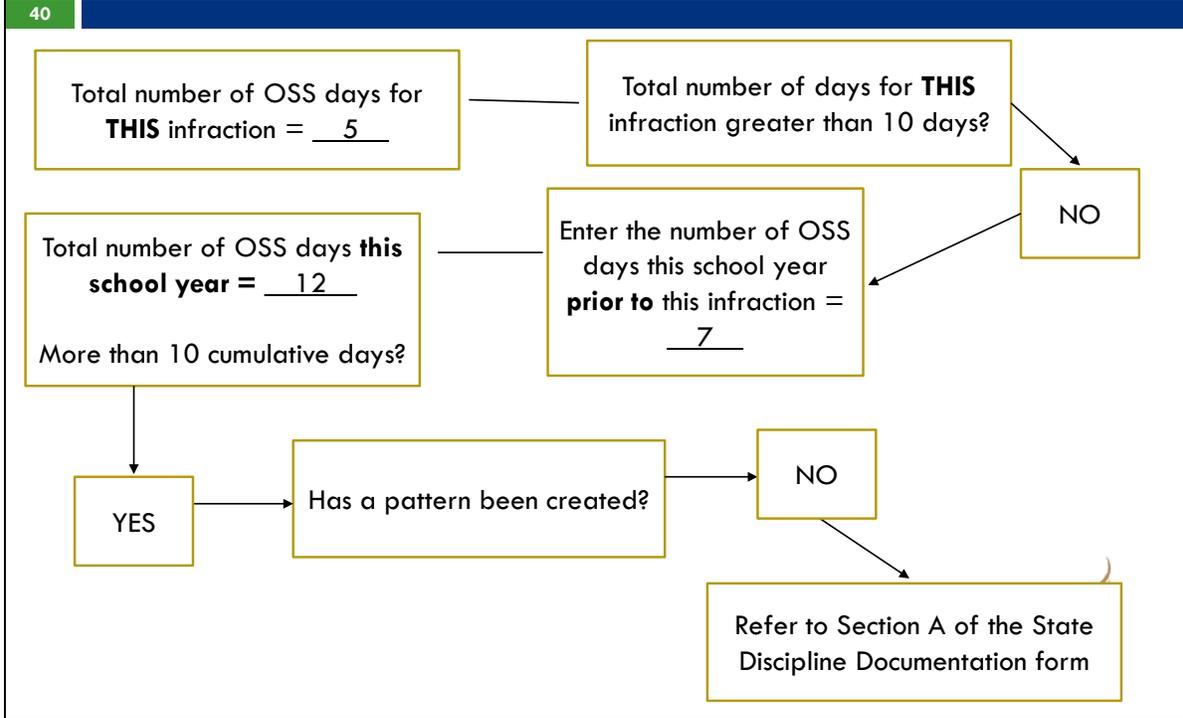
- Nov 7 – 5 days for fighting
- Feb 21 – 3 days for vandalism
- April 1 – 1 day for purposely overflowing sinks and toilets in restrooms

What happens next?



Read slide. Because Jenna's behavior infractions did not result in more than 10 cumulative school days this year, the IEP team has no further responsibilities under IDEA. The District may impose the same disciplinary sanctions for this student as it would for a non-disabled student. All District policies apply to this student, including level of credit for make-up work during the time of OSS.

Suspension that results in more than 10 cumulative days (OSS), but no change of placement



This is a second possible situation in which a single infraction has OSS of less than 10 days imposed. In this case, the student received 5 consecutive days OSS for this infraction, which is less than 10 days. Prior to this infraction, the student had also earned 7 additional days of OSS for other infractions. This takes the total cumulative number of OSS days for this student to 12. Because the total number of OSS days is more than 10, the LEA must determine, by day 11 of cumulative suspension days, if the infractions constitute a pattern of behavior.

According to the Standards and Indicators Manual, 300.20, Note (2), to determine whether a pattern is created, the District must consider:

- If the series of removals total more than 10 school days cumulatively in a school year;
- If the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and,
- Such additional factors as length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

300.20 - Note (3) states that whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

If the team determines that no pattern has been created, they can refer to Section A of the State Discipline Documentation form and 300.20 of the Standards and Indicators for guidance.

SECTION A <u>Removal of a student over ten school days when no long-term suspension is involved</u> <u>(no pattern created)</u>	
<p>_____ School personnel, in consultation with at least one of the child's teachers, determines the extent to what services are required on the 11th school day and thereafter in which the child is in OSS for this infraction and the location of those services.</p>	
Decision: _____ _____ _____ _____	
Date of Decision: ____/____/____	
Name(s) and role(s) of individual(s) making the decision:	
NAME	ROLE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



Section A can be used to document the LEAs decisions regarding removal of a student of over 10 school days (cumulative) when no long-term suspension is involved and no pattern of behavior has been created. A team of school personnel, including at least one of the child's teachers, must determine the extent to what services are required on and after the 11th school day of suspension and the location of those services.

CASE #5: Robert

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Could the LEA determine that the following removals constitute a pattern and, thus, a change of placement:

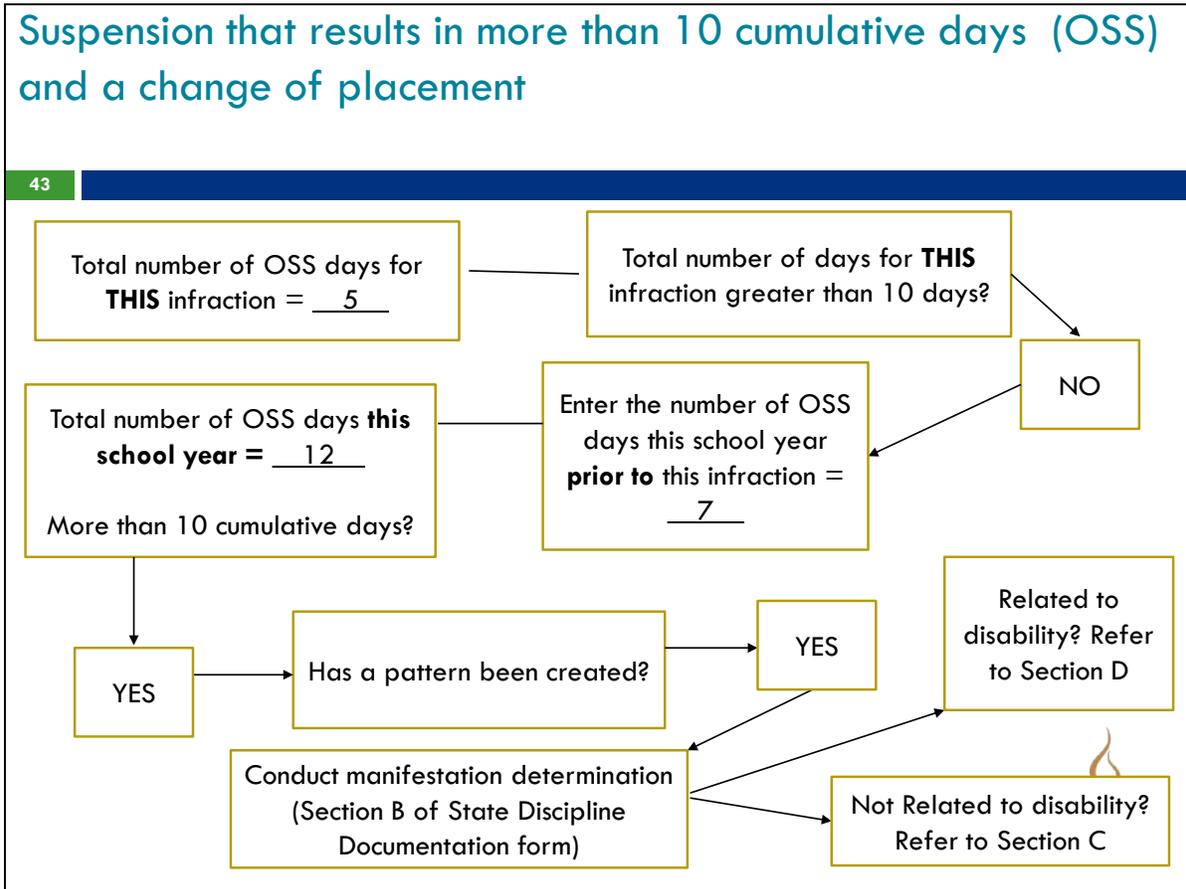
- Sept 3 – 1 day for throwing food in cafeteria
- Oct 15 – 1 day for throwing food in cafeteria
- Nov 20 – 5 days for pulling fire alarm
- Feb 1– 2 days for fighting in class
- April 10 – 2 days for setting off sprinkler system with a lighter



Read slide. In order to determine if a pattern of behavior has been created, the LEA should consider three elements:

- Are the behaviors that led to each suspension substantially similar?
- What is the total amount of time suspended?
- What is the proximity of the suspensions/infractions to each other?

In this case, there are some similarities between infractions, but, overall, the infractions are not substantially similar. The total amount of time suspended is 11 total days, which could be considered a substantial amount of time out of school. The proximity of the infractions is spread throughout the entire school year, so this does not lead the IEP team to suspect a pattern of behaviors. The team then refers to Section A of the Discipline Documentation form and determines the extent to what services are required on and after the 11th school day of suspension and the location of those services.



The final situation is for a single infraction in which fewer than 10 days of OSS is imposed. In this case, the student received 5 days OSS for this infraction, which is less than 10 days. Prior to this infraction, the student had also earned 7 additional days of OSS for other infractions. This takes the total cumulative number of OSS days for this student to 12. The team determined that there was, in fact, a pattern of behavior created by the cumulative infractions. The team then conducts a manifestation determination to determine if the pattern of behaviors is related to the child's disability. The same procedures for decision-making are followed as have already been covered earlier in this presentation. Support for this part of the process can be found in Section 300.30 in the Standards and Indicators.

Case #6: Lori

44

Lori is an eleven-year-old in the 5th grade. She was identified with a specific learning disability in math calculation in 3rd grade. She receives special education services in the regular classroom for math. She has a history of behavior difficulties, dating back to 1st grade.

- Sept 1 – 2 days for refusing to work in science class; directed profanity at teacher
- Oct 5 – 3 days for making threatening remarks toward peer
- Oct 11 – 3 days for telling a sexual joke directed at the PE teacher
- Nov 1 – 3 days for knocking books out of another student’s hands and pushing the peer to the ground



Here is another scenario that is a little different. Read slide. Could the LEA determine that the following removals constitute a pattern and, thus, a change of placement? In this case, Lori has a history of behavior problems. Again, in order to determine if a pattern of behavior has been created, the IEP team should consider three elements:

- Are the behaviors that led to each suspension substantially similar?
- What is the total amount of time suspended?
- What is the proximity of the suspensions/infractions to each other?

In this case, all of Lori’s behaviors are threatening and/or intimidating, making them substantially similar. The total amount of time suspended adds up to 11 full days from September to November, which is a substantial amount of time. The proximity of the events spans only 2 months, which is also substantially close together. This information leads the IEP team to determine a pattern of behavior. The team would then conduct a manifestation determination. Because Lori’s disability is SLD in math, this IEP team finds that her behavior is not related to her disability; therefore, school personnel may apply the relevant disciplinary procedures to Lori in the same manner and for the same duration as would be applied to children without disabilities except that her IEP team determines the services that would enable her to:

- Continue to receive educational services to continue to participate in the gen ed curriculum, although in another setting
- Progress toward meeting IEP goals

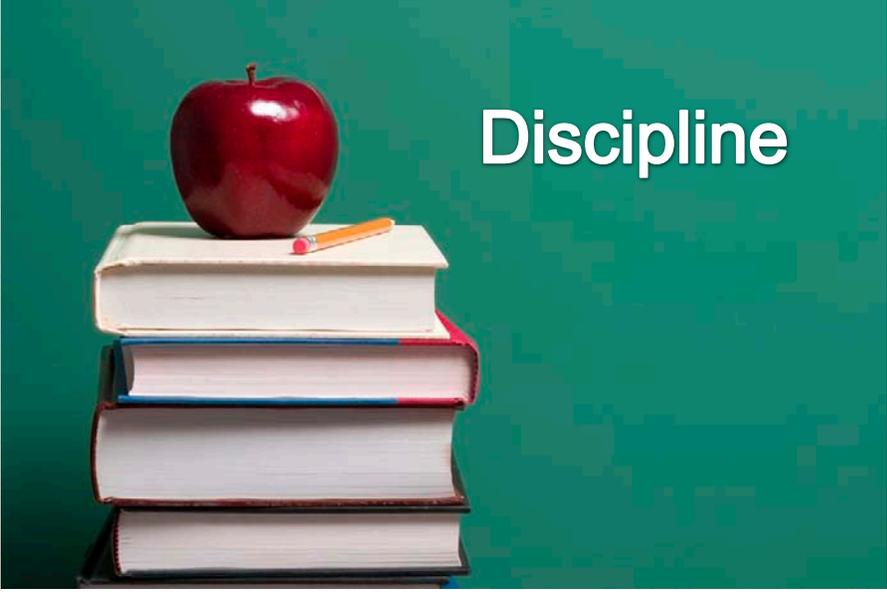
Due to the nature of Lori’s aggressive behaviors, it would be a best practice and in the District’s and student’s best interest if the District conducted a Functional Behavior Assessment and, if deemed necessary, implemented a Behavior Intervention Plan. The IEP team could also determine that a reevaluation of Lori is necessary to determine if her current SLD identification continues to be appropriate.

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Avoiding Common Mistakes



Now that you have a good understanding of the discipline process and the multiple options available for outcomes, let's take a few minutes to talk about how to avoid common mistakes. We like to talk about these mistakes in terms of . . .

	 <p data-bbox="948 401 1256 474">Discipline</p>
46	
	<p data-bbox="436 1024 1052 1171">TOP 5 TEACHABLE MOMENTS</p>

The top 5 teachable moments for school staff when dealing with discipline!

1. Provide Services When Needed

**>10 days Consecutively
or
>10 days Cumulatively
(with pattern)**

- MUST provide services beginning on Day 11
- The IEP team determines the services and location



**≤ 10 days Consecutively
or
>10 days Cumulatively
(without pattern)**

- School personnel along with at least one of the student's teachers determines the extent to which services are required on the 11th day and thereafter . . .
- Factors to consider include
 - length of the removal
 - extent to which the student has been removed previously
 - student's needs and educational goals.



Number 1: Provide services when needed.

This was the most common problem noted in the 2011-12 discipline reviews. Data showed that 59% of all discipline files reviewed found that school districts do not understand what to do after the manifestation determination meeting concluded that the conduct is not related to the student's disability.

Remember that IF the disciplinary action lasts for more than 10 consecutive days OR more than 10 cumulative days in a school year WITH a pattern, the student MUST be provided services beginning on day 11 even if the behavior is determined to NOT be related to the student's disability. This is because student's with disabilities are entitled to FAPE. Even though the school can impose the same disciplinary action for the same duration as given to nondisabled peers, it is up to the IEP team to decide what services are required for the student to continue to participate in the general education curriculum and progress towards meeting goals in their IEP and the location of those services.

Now let's look at the opposite situation. For any disciplinary action less than 10 consecutive days OR greater than 10 cumulative days in a school year without a pattern, the district determines the extent to which services are required beginning on day 11. The LEA must consider on a case-by-case basis the length of removal, the extent to which the student has been previously suspended as well as the student's needs and educational goals. Some students will require services; others will not. This is not a one-size-fits-all decision. It is recommended that the rationale for the decision that a pattern does not exist be documented since the parent has the right to file due process if they disagree with the conclusion of the LEA.

2. Provide the Right Type of Services

48

Must decide . . .

- What services to provide
- Where to provide the services
- When to provide the services
 - How to handle a delay in starting to provide services



Number 2: Providing the right type of services.

Special education services means specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education. Specially designed instruction refers to adapting, as appropriate, to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability, and to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

Homework allows the student to apply the information learned through the services provided. When the definition of special education services is compared to the purpose of homework, it is clear that homework, by itself, is NOT a service; rather it is a support provided after the certificated teacher has provided the instruction.

It is the responsibility of the designated people to determine the location of the services that will be provided to a student with a disability who has been consecutively suspended greater than 10 days in a school year or cumulatively suspended greater than 10 days in a school year with a pattern. Services do not have to be provided in the home. For example, school districts can provide services at the local library, on campus before or after school, if appropriate, or at the local jail, if allowable. The site selected depends on the unique needs of the child.

If for some reason there is a delay in the provision of services it is the responsibility of the IEP team to determine if any compensatory services are owed to the child with a disability. The team has to determine if the delay in providing services negatively impacted the provision of FAPE.

3. Have the Right People Making the Discipline Decisions

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- ALWAYS document the name and role of persons involved in making decisions related to discipline for students with disabilities
- Discipline decisions related to students with disabilities ALWAYS require a team approach
 - Different discipline options have different **required** team members



Number 3: Make sure to have the right people involved in making the discipline decisions.

Always document the name and role of persons involved in making decisions related to implementing discipline for students with disabilities and be sure that the right group of people are involved in the decision making – different discipline situations have different required team members. When it comes to students with disabilities, it is never wise to have just one person making the decision. It is extremely important that administrator's become familiar with the discipline process under IDEA and understand its implications when assigning discipline. It becomes an especially difficult situation when a superintendent is wanting to assign a 180 day suspension and the team determines that the behavior resulting in the disciplinary action IS a manifestation of the child's disability and the student must be returned to the original educational placement.

Type of discipline procedure occurring	Who is involved in making the discipline decisions
Cumulative short term suspensions >10 days in a school year	School personnel in consultation with at least one of the child's teachers
Conducting a manifestation determination	The local education agency (LEA), the parent and relevant members of the IEP team
Long term suspension – conduct was not a manifestation of the disability	School personnel and relevant IEP team members
Long term suspension – conduct is manifestation of the disability	School personnel and relevant IEP team members
45 day IAEP – weapons/drugs/serious bodily injury	School personnel
45 day removal – violent/dangerous student	Designated school personnel file for an expedited due process hearing

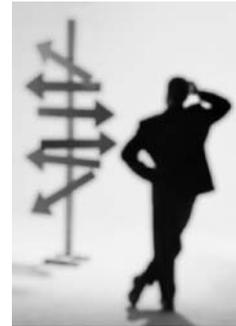
As you can see from this chart making decisions about how to implement the discipline ALWAYS involves more than one person. Who is involved in the decision making process will depend up on the type of discipline procedure that is occurring.

Read chart

4. Know When and How to Conduct a Manifestation Determination

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- When must one must be conducted
 - Student removed for > 10 days consecutively
 - Student removed for > 10 days cumulatively with a pattern
- What documentation to look at
 - To determine if a pattern
 - To determine if a manifestation
- Timeline for conducting meeting
 - School days NOT calendar days



Number 4: Know when and how to conduct a manifestation determination.

First, when is a manifestation determination required? We found that most districts seemed to understand that every disciplinary action of more than 10 days consecutively MUST have a manifestation determination meeting. However, when the greater than 10 days was cumulative in a school year, districts had much more difficulty. Also as a result of the discipline review, we found that school districts are unclear for how to ascertain if the removals for cumulative days constitute a pattern of suspension. Documentation showed, more often than not, that many districts automatically conducted a manifestation determination regardless of whether it was a short-term or long-term suspension.

The key is that manifestation determinations are required ONLY when the disciplinary action results in a change of placement. And a change of placement occurs when a student is removed from their educational placement for more than 10 days. And for cumulative days, there must be a pattern for the greater than 10 days to be considered a change of placement. Remember that the LEA is who determines if there is a pattern and that decision must consider:

- Are the behaviors that led to each suspension substantially similar?
- What is the total amount of time suspended?
- What is the proximity of the suspensions/infractions to each other?

So, to determine if a pattern exists, the LEA should be looking at the current and prior discipline reports for the student.

What documentation do you look at during a manifestation determination? At this point, the team is determining whether the student's disability had a direct and substantial relationship to the violation of school conduct, or if the conduct in question was a direct result of the LEAs failure to implement the IEP. It would be important to look at:

Missouri Department of Elementary and Secondary Education

The child's IEP

Teacher observations

Relevant information provided by the parents

The most recent evaluation report

The results of any functional behavior assessments and/or behavior intervention plan

Discipline history

Based on this information the team determines if the conduct is or is not a manifestation of the disability.

Finally, districts often forget that the timeline for conducting a manifestation determination meeting is 10 school days from the date of the decision to long-term suspend the student – NOT calendar days. Since building administration can only assign 10 days of OSS, the potential change of placement occurs only for cumulative 10 day situations with a pattern. The other potential time this decision would occur is when the superintendent recommends an extension to the 10 days of OSS assigned by the principal. In both situations, the IEP team must decide what services are required and where those services will take place.

5. Follow ALL of the Steps in the Discipline Process

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Don't skip steps

Don't stop before you're done with all the steps

Document decisions!

Count OSS days accurately



And finally, Number 5: Follow ALL the steps in the discipline process.

One of the easiest ways to follow the discipline process is to use the state discipline documentation form or a district made discipline form. This ensures that you don't skip steps and complete all of the required steps. Remember to document, document, document! All decisions must be documented. Finally be sure to count OSS days accurately. As was said previously if a student is given ISS and does not receive any services that is considered OSS.

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Know Your Resources



There are a number of resources available to you if you have questions related to the special education discipline process. Let's take a few minutes to review where and how you can get help in regards to disciplining students with disabilities.

Department Contact Information

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- Call Special Education Compliance

PHONE: 573-751-0699

FAX: 573-526-5946



- Email Special Education Compliance

secompliance@dese.mo.gov

- Access the Special Education Compliance website

<http://dese.mo.gov/divspeced/Compliance/>



Listed here are multiple ways to contact the Department. There is a direct phone line to the special education compliance section as well as our direct fax number. You can also contact us via email. Compliance Supervisors personally answer phone calls and reply in writing to web questions. At the bottom of the slide is the Compliance webreply address and web address.

The screenshot shows the homepage of the Missouri Department of Elementary and Secondary Education. At the top left is the logo with the text "Missouri DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION". To the right of the logo is a group photo of diverse children. Further right, it says "Chris L. Nicastro, Commissioner" and "A-Z Index | Site Map" with a search box. A yellow arrow points to the search box. Below the header is a blue navigation ribbon with categories: Adult Learning & Rehab. Services, College & Career Readiness, Communications & Media, Data System Management, Early & Extended Learning, Educator Quality, Financial & Adm. Services, Governmental Affairs, Quality Schools, and Special Education. The main content area is divided into several sections: "Features" with a "Check Out The Department's Upcoming Webinars" banner and a numbered list (1-10); "News & Updates" with a green background and a list of news items; "Quick Links" with a red background and a list of links; "Memos" with a blue background and a list of recent memos; and a central row of service icons including Electronic Mailbag, Web Applications, MOSIS, GLE/CLE, MSIP, GFD, and School Finance. On the right side, there are additional links for "TOP 10 by 20", "MCDS Portal", "Educator Certification", "MAP", and "Webinars".

Going to that web address will bring you to the Department's website on the internet. This is a screen shot of the Department's homepage. Note that special education can be located in the ribbon at the top right hand side of the page. You can also search under the A-Z topic or by typing a query in the search box located just above the blue special education button. The yellow arrow is pointing to where to find these.

Compliance Web Page

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- Private and Home School
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Special Education Compliance

New Updates

IMACS
Frequently Asked Questions

Transition from First Steps to Early Childhood Special Education
As a joint effort First Steps (Part C) and Special Education Compliance (Part B) personnel, the Office of Special Education is offering a webinar on Transition from First Steps to Early Childhood Special Education. The webinar will be presented January 25 from 10:30 a.m. to 12:00 p.m. and will focus on the transition procedures and timelines for children moving from First Steps to ECSE. This webinar will include a live Q&A about issues discussed in the presentation.
▶ More information

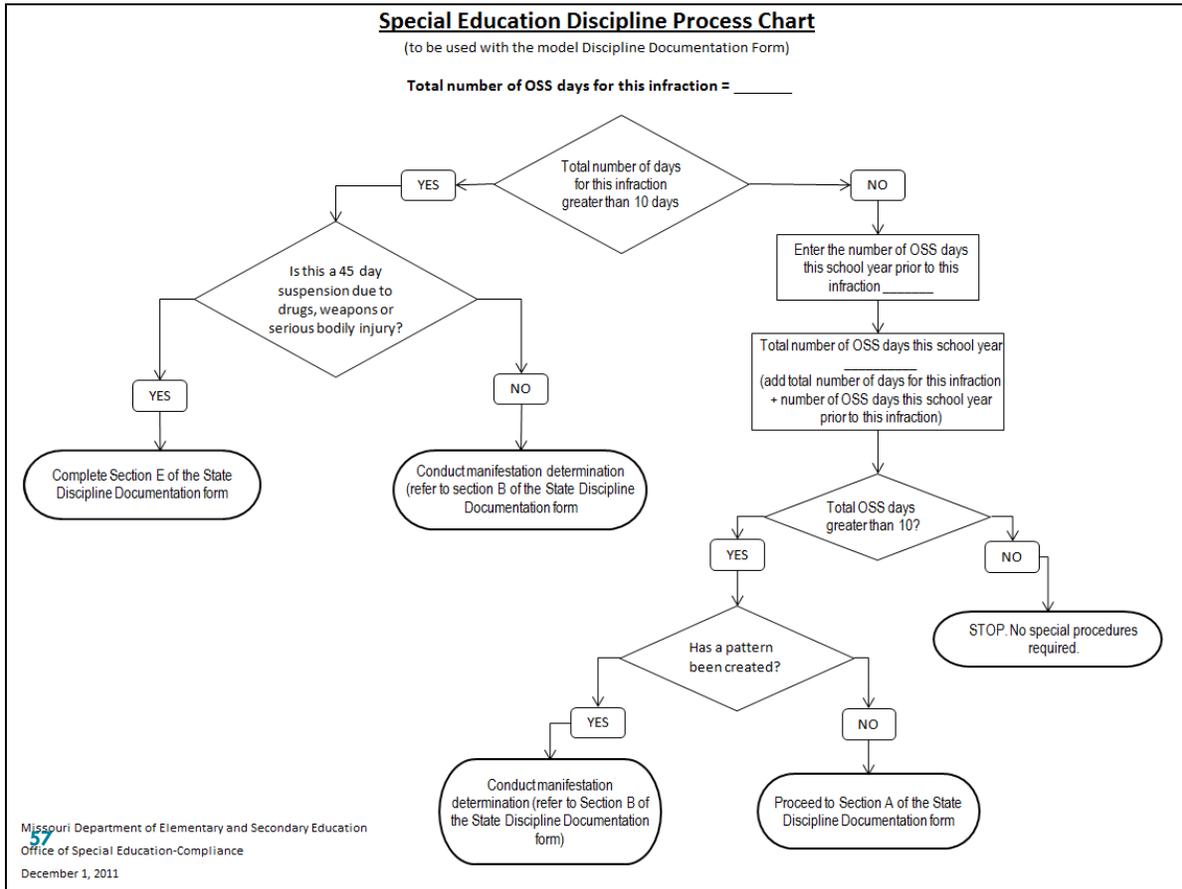
Update to the Revisions of the Standards and Indicators
We regret that there was an error made in the recent revisions of the Standards and Indicators.

How Do I Find?

- ▶ Coordinated Early Intervening Services (CEIS)
- ▶ Discipline Monitoring
- ▶ Disproportionality Monitoring
- ▶ Educational Surrogate
- ▶ **Frequently Asked Questions**
- ▶ Juvenile Justice System
- ▶ MAP-A Eligibility Criteria
- ▶ Monthly Webstreams
- ▶ MoVIP and Special Education FAQ
- ▶ Notice of Action
- ▶ OT/PT Guidelines
- ▶ On-site Monitoring Manual
- ▶ **Parents' Bill of Rights**

Here is a snapshot of the special education compliance webpage. Note the blue buttons that correspond to topics of interest. The green arrow is pointing to the General Guidance button. If you click this button you will be taken to the General Guidance webpage which contains a list of common special education compliance topics and "Discipline" is one of the choices. By clicking on the Discipline topic you will find links to multiple resources including FAQ's, a Discipline Checklist, as well as other resources.

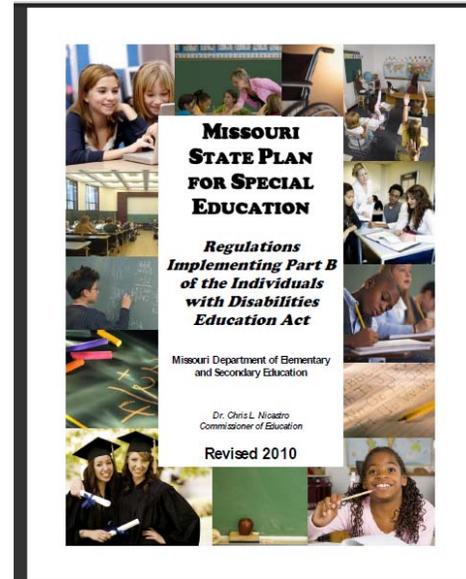
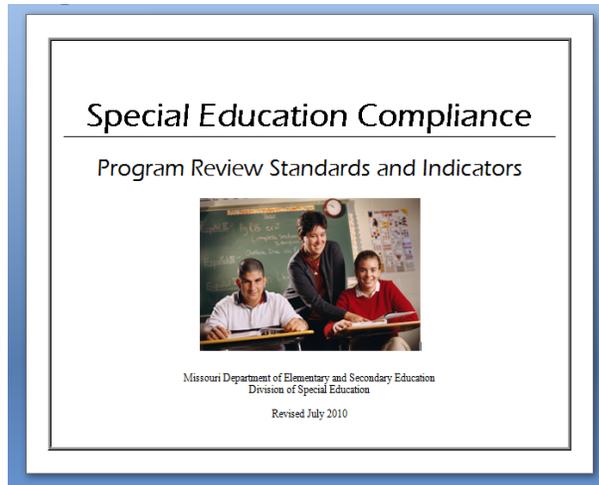
The red arrow is pointing to the Forms button. Clicking on this button will take you to the Model Forms page where you can find the Discipline Documentation form as well as the Discipline Flow Chart.



You've seen the model Discipline Documentation form during this webinar. This is a screenshot of the Special Education Discipline Process Flowchart that can also be used to guide you through the decision making process when disciplining students with disabilities. This is just one more resource to assist LEA staff.

Paper Resources . . .

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There is also written guidance available to LEAs through the SPED Compliance: Standards and Indicators Manual and the Missouri State Plan for Special Education . These are available both in paper copy formats as well as can be found on the Department's website. These two resources should be referred to frequently when questions related to special education are encountered. They focus on the "Evidence" and "Process" components of compliance.

Also available on the Web . . .

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Special Education Compliance

News and Updates

IMACS

How Do I Find?

- ▶ Coordinated Early Intervening Services (CEIS)
- ▶ Discipline Monitoring
- ▶ Disproportionality

may easily indicate on your copy of the standards.

▶ [More information](#)

New Assistant Director of Compliance
Nancy Thomas has accepted the position of Assistant Director of Compliance, Part B, in the Office of Special Education replacing Ginger Henry.

▶ [More information](#)

Compliance/Range of Minutes
the U. S. Department of Education, Office of Special Education Programs (OSEP) takes a dim view of using a range of minutes for specific special education services listed in the IEP.

▶ [More information](#)

▶ [Referral Process](#)

▶ [Section 504: Rehabilitation Act of 1973](#)

▶ [Speech Implementer](#)

▶ [Standards & Indicators Manual](#)

▶ [State Plan for Special Education](#)

▶ [Status of Statewide Electronic IEP System](#)

▶ [Technical Assistance Bulletins](#)

This slide shows the Special Education Compliance webpage from the Department's website. The top blue arrow is pointing out the "How Do I Find?" list. This is a quick way to link to commonly used resources that are listed alphabetically. By scrolling down the page . . . you will come to the bottom of the list where the /s/ is found. Note the yellow and red arrows are pointing to the links that will take you directly to the Standards and Indicators Manual and the State Plan for Special Education.

Compliance Staff

Bonnie Aaron, Director, Special Education Compliance Parts B & C

Phone: 573-751-0699, **Fax:** 573-526-5946 **Web Inquiries:** webreplyspeco@dese.mo.gov

Part B - Ages 3-21

- ❑ **Nancy Thomas**, Assistant Director
- ❑ Julie Bower, Supervisor
- ❑ Samantha Boucher, Supervisor
- ❑ Rick Lewis, Supervisor
- ❑ Bev Luetkemeyer, Supervisor
- ❑ Donna Raines, Supervisor
- ❑ Margaret Wimer, Program Analyst

Educational Surrogate Program IMACS, Web, and Data Technical Assistance

- ❑ Dana Desmond, Program Analyst
- ❑ Margaret Wimer, Program Analyst

Part C - Ages Birth to 3

- ❑ **Pam Schroeder**, Assistant Director
- ❑ Sara Massman, Supervisor
- ❑ Margaret Wimer, Program Analyst

Complaint System

● Child Complaints

- ❑ Pam Schroeder, Assistant Director
- ❑ Nancy Thomas, Assistant Director
- ❑ Jennifer Moreland, Supervisor
- ❑ Wanda Allen, Legal Assistant

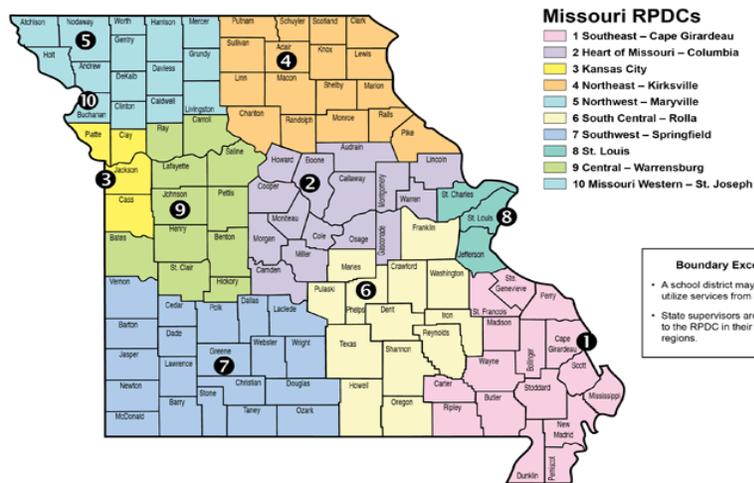
● Due Process

- ❑ Bonnie Aaron, Director
- ❑ Wanda Allen, Legal Assistant



Besides the web-based resources, the Department has “live” assistance available as well. The Compliance Staff are generally available Monday through Friday beginning at 7:30 a.m. until 4:30 p.m. to answer phone calls and emails. This slide shows our current Compliance Staff. Please contact us through the web reply feature on our webpage or by phone at 573-751-0699.

Regional Professional Development Centers



Another resource is your regional compliance consultant. These staff are located regionally throughout the state and their offices are in the Regional Professional Development Centers.

RPDC Compliance Consultants

Region 1

Denis Moore

dmmoore@semo.edu

573-651-2894

Region 2

Jennifer McKenzie

mckenziej@missouri.edu

573-882-7553

Region 3

Susan Borgmeyer

borgmeyersk@umkc.edu

816-235-5957

Region 4

Joetta Walter

jwalter@truman.edu

660-785-6080

Region 7

Lois Jones

loisjones@missouristate.edu

417-836-4083

Region 8

Rodney Cook

rcook@csd.org

314-692-1239



This slide shows the contact information for each of the special education compliance consultants. They are available to answer questions and provide on-site technical assistance.

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Contact the Presenters

Nancy Thomas, Assistant Director, SPED
Compliance

Nancy.thomas@dese.mo.gov

Julie Bower, Supervisor, SPED Compliance

Julie.bower@dese.mo.gov

Jennifer McKenzie, Consultant, SPED Compliance

mckenziej@missouri.edu

We are hopeful that you've found the information contained in this webinar clear, concise and useful as you go about the business of educating students and have to deal with discipline for students with disabilities. Feel free to visit with any of the presenters at our contact information provided on the screen.

May you live in interesting times. . .

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**NEW OSEP Guidance issued
affecting bus discipline**

June 21, 2012 Letter to Sarzynski

Revised Model Discipline Documentation Form

based on child complaint and annual discipline monitoring data review

- Includes prompts for determining a “pattern of suspensions”
- Includes prompts and place to document determination of decision regarding services beginning on day 11 in Section A



So let's look at those updates to the model discipline documentation form. . .

5. Total OSS days (Line 4) is greater than 10?
 Yes, proceed to next question.
 No—STOP. No special procedures required.

6. Has a pattern been created?
In determining if a pattern has been created, school staff must consider the following:

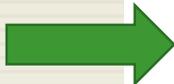
- *If the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and,*
- *Additional factors such as length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.*

No. Proceed to Section A.
 Yes. Go to Section B. (Manifestation Determination)

Question 6

 Includes prompts for factors that must be considered when determining if a pattern has been created

Question #6 now includes prompts for factors that must be considered when determining if a pattern has been created.



SECTION A
Removal of a student over ten school days when no long-term suspension is involved
(no pattern created)

School personnel, in consultation with at least one of the child's teachers, determines the extent to what services are required on the 11th school day and thereafter in which the child is in OSS for this infraction and the location of those services.

Factors considered in making this decision include:

- length of the removal: _____
- extent to which the student has been removed previously: _____
- student's needs and educational goals: _____

Decision: Services are NOT required on the 11th day of school and thereafter
Plan: _____

Services ARE required on the 11th day of school and thereafter
Plan: _____

Date of Decision: ____/____/____

Name(s) and role(s) of individual(s) making the decision:

NAME	ROLE
_____	_____

Section A



Includes prompts for factors to be considered when determining if services are required beginning on the 11th day as well as a place to document the decision/plan, the date and those involved in making the decision/plan

Section A now includes prompts for factors to be considered when determining if services are required beginning on the 11th day as well as a place to document the decision/plan, the date and those involved in making the decision/plan

QUESTIONS?

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Remember that any question related to the discipline process will be answered either during the webinar or in the Question/Answer document that will be posted on the website. Remember that everyone can see the questions so please do not share any personally identifiable information. All other questions should be directed to the Special Education Compliance Supervisors at 573-751-0699.

THE DISCIPLINE PROCESS FOR STUDENTS WITH DISABILITIES

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Thank you for participating in our webinar today. We hope that you've learned about the discipline process for students with disabilities as well as how to access resources and where to obtain additional information if you still have questions. Please be sure to complete the short survey located at the link at the bottom of the screen to help us in developing future webinars. Again, thank you and best wishes as we all work together to help MO be top 10 by 20!