

SPECIAL EDUCATION DISCIPLINE WEBINAR

HOST: NANCY THOMAS

WEDNESDAY, AUGUST 29, 2012

MS. AARON: WELCOME TO OUR WEBINAR TODAY ON DISCIPLINE FOR STUDENTS WITH DISABILITIES. THIS IS NANCY THOMAS, ASSISTANT DIRECTOR OF SPECIAL EDUCATION COMPLIANCE AND I'M GOING TO GET US STARTED. TODAY'S WEBINAR WILL BE IN LISTEN ONLY MODE WITH TEXT CHAT. WE WELCOME AND ENCOURAGE YOUR QUESTIONS RELATED TO TODAY'S TOPIC. WE MAY ASK -- YOU MAY ASK YOUR QUESTIONS BY TYPING IN THE CHAT WINDOW. PLEASE ASK QUESTIONS THROUGHOUT THE WEBINAR AS THEY ARISE. WE WILL TRY TO ANSWER ALL THE QUESTIONS AT THE END OF THE WEBINAR IF WE'RE ABLE TO. IF NOT, QUESTIONS NOT ANSWERED WILL BE POSTED ALONG WITH THE SLIDES AND THE RECORDING OF THE -- AT THE DESE WEBINAR SITE. QUESTIONS NOT SPECIFICALLY RELATED TO THE WEBINAR TOPIC ARE GOING TO BE REFERRED TO THE SPECIAL EDUCATION COMPLIANCE SUPERVISORS FOR INDIVIDUAL RESPONSES. 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. WITH THAT THOUGHT IN MIND, WE NEED TO MAKE YOU AWARE OF TWO RECENT UPDATES. SINCE THE TRAINING VIDEO WAS DEVELOPED, VETTED AND RECORDED THERE HAVE BEEN THERE HAS BEEN NEW OSEP GUIDANCE ISSUED THAT AFFECTS BUS DISCIPLINE. THIS IS THE LETTER TO SARZYNSKI DATED JUNE 21ST, 2012. STAFF HERE AT THE DEPARTMENT WILL BE REVIEWING THIS NEW GUIDANCE IN THE COMING WEEKS AND LOOKING FOR THE IMPLICATIONS IN THE STATE PLAN IN THE SPECIAL EDUCATION COMPLIANCE STANDARDS AND INDICATORS MANUAL. PLEASE BE WATCHING YOUR SELS MESSAGES FOR UPDATES. IN ADDITION, WE'VE 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 IN THE ANNUAL DISCIPLINING 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 WE START OUR QUESTION AND ANSWER SECTION. WE HAVE A LOT TO COVER IN A SHORT AMOUNT OF TIME, SO LET'S GET STARTED. WE'LL DO OUR WEBINAR ABOUT THE DISCIPLINE PROCESS FOR STUDENTS WITH DISABILITIES. WE WILL DESCRIBING, DISCUSSING BOTH THE PROCESS AND THE COMPLIANCE REQUIREMENTS TO ENSURE THAT STUDENTS WITH DISABILITIES WHO ARE DISCIPLINED WILL RECEIVE APPROPRIATE DUE PROCESS WITH THE IDEA. DURING THE WEBINAR WE'LL BE REVIEWING THE LEGAL REQUIREMENTS FOR DISCIPLINE PROCESS AS WELL AS SHOWING MODEL FORMS AND FLOW CHARTS TO HELP YOU UNDERSTAND THE PROCESS. IN ADDITION WE'LL BE USING REAL LIVE 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 NONCOMPLIANCE, JULIE BOWER, SUPERVISOR OF SPECIAL ED AND JENNIFER MORELAND, SUPERVISOR, SPECIAL ED COMPLIANCE. MS. THOMAS: EACH OF YOU WILL BE ABLE TO UNDERSTAND NOW 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 STANDARDS AND INDICATORS MANUAL TO FOLLOW THE DISCIPLINARY PROCESS. 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 AND KNOW WHERE TO GET ADDITIONAL ASSISTANCE AND RESOURCES. 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 DISCIPLINE PROCESS SHOULD BE DIRECTED TO THE SPECIAL EDUCATION COMPLIANCE SUPERVISORS BY CALLING 573-751-0699. (SHOWING OF VIDEO.) LET'S BEGIN WITH THE SPECIFICATIONS AND WHY IT IS IMPORTANT TO THE INDIVIDUAL AND THE SCHOOL DISTRICT. COMPLIANCE WITH IDEA AND THE MISSOURI STATE PLAN FOR SPECIAL EDUCATION IS THE BASIS OR FOUNDATION OF YOUR DISTRICT SPECIAL EDUCATION PROGRAM. COMPLIANCE INCLUDES BOTH PROCESS AND CONTENT. PROCESS INCLUDE FOLLOWING ALL OF THE REQUIRED STEPS IN THE DIRECT 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. AN EASY WAY TO REMEMBER THE COMPONENTS OF SPECIAL EDUCATION COMPLIANCE IS THE IEP. IMPLEMENTATION, EVIDENCE, PROCESS. IF THESE THREE ELEMENTS ARE IN PLACE YOU SHOULD BE COMPLIANT WITH THE IDEA. NOW LET'S TALK SPECIFICALLY ABOUT DISCIPLINING STUDENTS WITH DISABILITIES. SOME PEOPLE BELIEVE THAT STUDENTS WITH DISABILITIES CANNOT BE DISCIPLINED AND 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 STUDENTS' RIGHTS UNDER IDEA WERE NOT LOST 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 SUSPENSE OR OSS AND IN SCHOOL SUSPENSE OR ISS. THIS DATA MUST BE REPORTED BY RACE AND ETHNICITY AS WELL. THE DATA THAT EACH SCHOOL REPORTS IS THEN ANALYZED TO DETERMINE IF THERE IS A 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 TO THOSE POLICIES, PRACTICES AND/OR PROCEDURES. EACH YEAR ALL OF THIS DATA ON DISPROPORTIONALITY MUST BE REPORTED TO THE STATE TO OSEP FOR OUR STATE PERFORMANCE PLAN INDICATORS 4 A AND 4 B. THE SPEAKER: LET'S TAKE SOME TIME TO LOOK AT THE LAWS THAT DIRECTLY AFFECT DISCIPLINING STUDENTS WITH DISABILITIES. ANYONE INVOLVED WITH DISCIPLINING STUDENTS WITH DISABILITIES MUST BE FAMILIAR WITH THE PROVISIONS OF IDEA. THIS IS THE FEDERAL LAW THAT GOVERNS SPECIAL EDUCATION. 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 AND 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 THE CIVIL RIGHTS AND NONDISCRIMINATION. 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 LEGAL COUNSEL IF IN DOUBT IN REGARDS TO A SPECIFIC SITUATION. THE SAFE SCHOOLS ACTS CONTAINED IN SECTIONS 160.261 THROUGH 160.272 OF THE REVISED STATUTES OF MISSOURI WAS ORIGINALLY PASSED IN THE LETTING SURE AND SIGNED INTO LAW BY THE GOVERNOR IN 1996. THE MAIN PROVISIONS OF THE SAFE SCHOOLS ACT FALL INTO TWO CATEGORIES, WRITTEN POLICY AND 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 THE STUDENT WHO BRINGS A WEAPON TO SCHOOL IN VIOLATION OF THE 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. THE FIRST KEY TERM IS 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 IS CONSIDERED VIOLENT BEHAVIOR. NOW NO STUDENT SHOULD 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 AND DISTRIBUTION OF DRUGS TO A MINOR. THE SECOND KEY TERM IN THE SAFE SCHOOLS ACT IS SERIOUS BODILY INJURY, WHICH MEANS A SERIOUS BODILY INJURY THAT INVOLVES A SUBSTANTIAL RISK OF DEATH, EXTREME PHYSICAL PAIN, PROTRACTED AND OBVIOUS DISFIGUREMENT, PROTRACTED LOSS OF IMPAIRMENT OF THE FUNCTION OF A BODILY MEMBER, ORGAN OR MENTAL FACULTY. NOW, IDEA USES THE TERMS 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. NOW THE FINAL KEY IS WEAPON. A WEAPON IS DEFINED AS A FIREARM, BLACK JACK, 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 INFLECTING SERIOUS PHYSICAL INJURY OR DEATH BY STABBING A PERSON. FOR DISCIPLINE PURPOSES KNIFE DOES NOT INCLUDE ORDINARY POCKET KNIVES WITH BLADES LESS THAN FOUR INCHES IN LENGTH. AS YOU CAN SEE, IT IS IMPORTANT TO KNOW THE LEGAL DEFINITIONS WHEN MAKING DISCIPLINE DECISIONS FOR STUDENTS. IT IS ALSO VERY IMPORTANT TO UNDERSTAND THE TERMS USED IN TERMS WITH DISCIPLINING STUDENTS WITH DISABILITIES AS WELL AS SEVERAL KEY CONCEPTS IN THE IDEA. FIRST, THE ONLY FORM OF DISCIPLINE FOR STUDENTS WITH DISABILITIES THAT'S RELEVANT TO THIS DISCUSSION IS A REMOVAL

FROM THE CURRENT EDUCATIONAL PLACEMENT TO ANOTHER SETTING WHERE THE STUDENT DOES NOT RECEIVE THE SPECIAL EDUCATION RELATED SERVICES DESCRIBED IN THE STUDENT'S IEP. TIMEOUT IN THE STUDENT'S CLASSROOM, DETENTION, COMMUNITY SERVICES, SATURDAY SCHOOL OR OTHER RESTRICTIONS OF PRIVILEGES ARE NOT SUBJECT TO THE REQUIREMENTS RELATED TO THE DISCIPLINE UNDER IDEA UNLESS THE STUDENT'S IEP SPECIFICALLY PRECLUDES THESE OR ADDRESSES THESE. IN THAT SITUATION, THE IEP PROVISIONS MUST STILL BE IMPLEMENTED. REMOVAL FROM THE EDUCATIONAL PLACEMENT IS NOT CONSIDERED A CHANGE OF PLACEMENT UNLESS IT LASTS LONGER THAN TEN SCHOOL DAYS. THIS CAN BE MORE THAN TEN 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 TEN 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 EIGHT DAYS OUT OF SCHOOL SUSPENSION FOR BULLYING A CLASSMATE AND THEN BEING PREVIOUSLY OUT OF SCHOOL SUSPENSION FOR BULLYING A DIFFERENT CLASSMATE A MONTH BEFORE. 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 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, 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 SCHOOL STAFF, NOT THE PARENTS, MUST DETERMINE IF A PATTERN OF SUSPENSION EXISTS. HOWEVER, IF THE PARENT DISAGREES WITH THE SCHOOL STAFF DETERMINATION, THAT DETERMINATION IS SUBJECT TO REVIEW THROUGH DUE PROCESS AND JUDICIAL PROCEEDINGS. 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 SUSPENSION 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 STUDENTS IN SCHOOL AND PROVIDES SUPERVISED TIME TO MAKE UP CURRENT SCHOOL WORK AND KEEP CURRENT ON ASSIGNMENTS WHILE THE STUDENT IS ASSIGNED TO ISS. ISS DOES NOT COUNT TOWARDS CHANGE OF PLACEMENT SO LONG AS THE STUDENT WITH DISABILITIES RECEIVES SPECIAL EDUCATION 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 DATES ALWAYS COUNT TOWARD A CHANGE OF PLACEMENT SINCE BY DEFINITION THE STUDENT IS NOT IN SCHOOL AND CANNOT RECEIVE THEIR SPECIAL EDUCATION-RELATED SERVICES AS DESCRIBED IN THEIR IEP. THE KEY FOR OSS IS THAT THE SUSPENSION RESULTS WITH THE STUDENT WITH DISABILITIES 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 THAT STUDENT AND THE PARENTS DO NOT SEND A STUDENT TO SCHOOL WHEN THEIR STUDENT IS SUSPENDED FROM THE BUS. 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 TOWARD A CHANGE IN PLACEMENT. REMEMBER, THE KEY IS THAT IF THE

DISCIPLINARY ACTION RESULTS IN THE STUDENT WITH A DISABILITY NOT RECEIVING SPECIAL EDUCATION AND RELATED SERVICES THAT IS REQUIRED BY THEIR IEP, THEN NO MATTER WHAT YOU CALL IT, IT IS OSS. THAT DAY COUNTS TOWARDS A CHANGE OF PLACEMENT. 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 TEN SCHOOL DAYS DURING A SCHOOL YEAR 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 TEN DAYS IN A SCHOOL YEAR THE LEA IS NOT REQUIRED TO PROVIDE SERVICES UNLESS SERVICES WOULD HAVE BEEN 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 A TEN DAYS IN A SCHOOL YEAR CUMULATIVELY THEN THE LEA MUST MAKE A DETERMINATION OF WHETHER THE SUSPENSION CONSTITUTES A PATTERN OF BEHAVIOR. IF NO PATTERN IS FOUND THE GREATER TEN 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 THE SCHOOL PERSONNEL IN CONSULTATION WITH AT LEAST ONE OF THE STUDENT'S TEACHERS, NOT THE PARENTS OR THE IEP TEAM. NOW LET'S FOCUS ON LONG TERM SUSPENSION. SO WHAT CONSTITUTES A LONG-TERM SUSPENSION. ANY SUSPENSION FOR DISCIPLINARY REASONS THAT EXCEEDS TEN CONSECUTIVE SCHOOL DAYS IN A SCHOOL YEAR OR ANY EXCEEDS TEN CUMULATIVE SCHOOL DAYS IN A SCHOOL YEAR WHERE A PATTERN OF BEHAVIOR IS ESTABLISHED, THAT 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? CONTINUE TEN SCHOOL DAYS OF MAKING A CHANGE OF PLACEMENT THE DISTRICT EXAMINE THE RELEVANT MEMBERS OF THE IEP TEAM ALONG WITH THE PARENTS OF THE STUDENT MUST MEET TO DETERMINE IF THE CONDUCT 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 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 PARENTS OF THAT DECISION AND PROVIDE THEM WITH A COPY OF THE PROCEDURAL SAFEGUARD. 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 TEN. 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 TEN DAYS AND IS A 45-DAY SUSPENSION FOR DRUGS, WEAPONS OR SERIOUSLY BODILY INJURY. 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. 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. BECAUSE A MANIFESTATION DETERMINATION MUST BE COMPLETED AS PART OF THIS PROCESS, 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, THEN YOU CAN REFER TO SECTION C OF THE STATE DISCIPLINE DOCUMENTATION FORM. IF THE TEAM DETERMINES THAT THE CONDUCT IN QUESTION IS RELATED TO THE DISABILITY, THEN YOU CAN 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 THE PROCESS THUS FAR. 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 PARENTS OR GUARDIAN. RELEVANT MEMBERS OF THE IEP TEAM MUST MEET WITHIN TEN DAYS AFTER THE DATE OF THE STATE DISCIPLINARY ACTION. SECTION B CAN BE USED TO DOCUMENT THE MEETING FOR AND TEAM FINDINGS OF THE MANIFESTATION DETERMINES. INFORMATION TO BE REVIEWED DURING THIS MEETING SHOULD INCLUDE ALL RELEVANT INFORMATION IN THE STUDENT'S CHILD, STUDENTS IEP, TEACHER OBSERVATIONS AND RELEVANT INFORMATION PROVIDED BY THE PARENT. THE TEAM MUST USE ALL RELEVANT INFORMATION TO DETERMINE IF, A, THE CONDUCT IN QUESTION WAS CAUSED BY OR HAD A DIRECT AND SUBSTANTIAL RELATIONSHIP TO THE CHILD'S DISABILITY, OR B, THE CONDUCT IN QUESTION WAS THE DIRECT RESULT OF THE LEA'S FAILURE TO IMPLEMENT THE IEP OR C, THE CONDUCT IN QUESTION IS UNRELATED TO THE CHILD'S DISABILITY. 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, A, CONTINUE TO RECEIVE EDUCATIONAL SERVICES, TO CONTINUE TO PARTICIPATE IN THE GENERAL HE HAD CURRICULUM. B, PROGRESS TOWARD MEETING IEP GOALS; AND C, RECEIVE AS APPROPRIATE A FUNCTIONAL ASSESSMENT, FBA AND BEHAVIOR INTERVENTION SERVICES AND MODIFICATIONS THAT ARE DESIGNED TO ADDRESS BEHAVIOR VIOLATION SO THAT IT DOES NOT RECUR. IT ALSO DETERMINES PLACEMENT AND LOCATION OF SERVICES. AT THIS TIME THE PARENT NEEDS TO BE PROVIDED WITH PRIOR WRITTEN NOTICE FOR CHANGE OF PLACEMENT AND OR SERVICES AND A COPY OF THE PROCEDURAL SAFEGUARDS. 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 OR SHOW DOCUMENTATION THAT AN FBA WAS CONDUCTED PRIOR TO THIS BEHAVIORAL INCIDENT. ONCE AN FBA IS COMPLETED, THE IEP TEAM MUST EITHER, A, DEVELOP A BEHAVIOR INTERVENTION PLAN, OR B, REVIEW AN EXISTING BIP OR MODIFY AN EXISTING BIF AS NECESSARY TO ADDRESS THE BEHAVIOR RELATED TO THIS INCIDENT. DOCUMENTATION MUST ALSO BE PRESENT WHICH DOCUMENTS THAT, A, THE STUDENT WAS RETURNED TO THE PLACEMENT FROM WHICH THE CHILD WAS REMOVED, OR B, PARENT AND LEA AGREED TO A CHANGE OF PLACEMENT AS PART OF THE MODIFICATIONS OF THE BIP, OR C, 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 GENERAL ED CURRICULUM ALTHOUGH IN ANOTHER SETTING, PROGRESS TOWARD MEETING IEP GOALS AND RECEIVE AS APPROPRIATE A FUNCTIONAL BEHAVIOR ASSESSMENT AND BEHAVIOR SERVICES AND MODIFICATIONS THAT ARE DESIGNED TO ADDRESS SO THAT IT DOES NOT RECUR. THE PARENT MUST BE PROVIDED WITH A NOTICE FOR ACTION OF CHANGE OF PLACEMENT WHEN REQUIRED. LET'S LOOK AT TWO SCENARIOS THAT WE CAN USE TO WALK THROUGH THE PROCESS FOR THIS PARTICULAR PROCESS. EDWARD IS A TENTH GRADER WITH AN EDUCATIONAL IDENTIFICATION OF EMOTIONAL DISTURBANCE. HE ALSO HAS A MEDICAL DIAGNOSIS OF MOD DISORDER. EDWARD TENDS TO ACT OUT AND OS OR BECOME SEVERELY WITHDRAWN AND ANGRY WITH PEERS, AND HE IS FAILING MOST OF HIS ACADEMIC SUBJECTS. EDWARD'S FILE CONTAINS A FUNCTIONAL BEHAVIOR ASSESSMENT AND A BEHAVIOR INTERVENTION PLAN IN ADDITION TO HIS IEP. SO HE HAD A 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. SO WHAT HAPPENS NOW? 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 RELATIONSHIP WITH PEERS. DUE TO THIS HISTORY, THE IEP TEAM DETERMINES THAT IT WAS A MANIFESTATION OF HIS DISABILITY. THE DISTRICT MUST THEN RETURN EDWARD TO HIS ORIGINAL PLACEMENT OR WITH THE PARENTS' AGREEMENT MUST DETERMINE AN INTERIM ALTERNATE EDUCATIONAL SETTING. REGARDLESS OF THE PLACEMENT, THE TEAM MUST ALSO DETERMINE WHAT SERVICES EDWARD NEEDS, WHICH MAY ALSO INCLUDE ANOTHER FUNCTIONAL BEHAVIOR ASSESSMENT OR A MODIFICATION TO THE CURRENT BEHAVIOR INTERVENTION PLAN. ALLEN IS AN 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. HE RECEIVED A 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. 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 ENABLE HIM TO CONTINUE TO PARTICIPATE IN THE GENERAL EDUCATION CURRICULUM, ALTHOUGH IN ANOTHER EXPECT TO PROGRESS TOWARD MEETING 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 FOR MORE THAN TEN DAYS, BUT IT 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 TEN 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 NO. 1 SHOWN EARLIER. YOU MAY ALSO REFER TO SECTION 300.30 IN THE STANDARDS AND INDICATORS GUIDANCE. LET'S LOOK AT A SCENARIO TO PRACTICE WHAT WE'VE CONDUCTED TO DETERMINE

IF CONDUCT IS RELATED TO THE DISABILITY. CHARLIE IS A SIXTH GRADER WHO RECEIVES SPECIAL EDUCATION SERVICES FOR A LEARNING DISABILITY IN READING. HE HAS NO HISTORY OF BEHAVIOR PROBLEMS. ON FEBRUARY 10TH HE WAS CAUGHT STEALING SOFTWARE FROM A COMPUTER LAB, GIVEN THREE DAYS OSS. HE RETURNED TO THE CLASSROOM TO GATHER HIS BELONGINGS AND CONFRONTED THE TEACHER CALLING HER NAMES, THREAT TINGE TO CUT HER AND PRETENDING TO SWING HIS FIST TOWARD HER. HE WAS GIVEN AN ADDITIONAL TEN DAYS OSS BRINGING HIS TOTAL TO 13 DAYS. SO IS CHARLIE'S CONDUCT RELATED TO HIS DISABILITY? THE IEP TEAM REVIEWED ALL RELEVANT INFORMATION IN CHARLIE'S FILE, HIS IEP, TEACHER OBSERVATIONS AND RELEVANT INFORMATION PROVIDED BY PARENTS. HE HAD NO PRIOR HISTORY OF BEHAVIOR PROBLEMS OR INCIDENTS. THE CONDUCT DID NOT OCCUR DURING READING SO THERE WAS LITTLE PROBABILITY THAT HE 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 THE BEHAVIOR FROM RECURRING. THE NEXT SITUATION WE WILL TALK ABOUT DEALS WITH A SINGLE INFRACTION IN WHICH OSS OF LESS THAN TEN DAYS IS IMPOSED. IN THIS CASE THE STUDENT RECEIVED FIVE CONSECUTIVE DAYS OF OSS FOR THIS INFRACTION, WHICH IS LESS THAN TEN DAYS. PRIOR TO THIS INS FRACTION, THE STUDENT HAD ALSO EARNED THREE ADDITIONAL DAYS OF OSS FOR OTHER INFRACTIONS. THIS TAKES THE TOTAL CUMULATIVE NUMBER OF OSS DAYS DURING THIS SCHOOL YEAR FOR THIS STUDENT TO EIGHT. BECAUSE THE TOTAL NUMBER OF OSS DAYS IS LESS THAN TEN, 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 MAKEUP WORK DURING THE TIME OF OSS. SUPPORT FOR THIS PROCESS CAN BE FOUND IN SECTION 300.10 OF THE STUDENTS AND INDICATORS. ONE TIP FOR RECORDKEEPING. IN THE EVENT OF FUTURE DISCIPLINARY INCIDENTS IT IS GOOD PRACTICE TO KEEP DOCUMENTATION OF THE STEPS YOU HAVE ALREADY COMPLETED, EVEN IF THE CUMULATIVE DAYS HAVE NOT REACHED TEN. ONE DAY TO DO THIS IS TO COMPLETE THE FIRST FIVE 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 LATER USE, IF NECESSARY. GENERAL THAT IS AN EIGHTH GRADE STUDENT WITH AN EDUCATIONAL IDENTIFICATION OF OTHER HEALTH IMPAIRMENT DUE TO A MEDICAL DIAGNOSIS OF ADHD. SHE HAS HAD THE FOLLOWING BEHAVIOR INFRACTIONS AND SUSPENSIONS THIS SCHOOL YEAR. NOVEMBER 7 SHE GOT FIVE DAYS FOR FIGHTING. FEBRUARY 21ST SHE RECEIVED THREE DAYS OF OSS FOR VANDALISM AND APRIL 1ST ONE DAY OSS FOR PURPOSELY OVERFLOWING SINKS AND TOILETS IN THE RESTROOMS. WHAT HAPPENS NEXT? BECAUSE THEY DID NOT RESULT IN MORE THAN TEN DAYS THIS SCHOOL YEAR, THEY HAVE 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 THE STUDENT INCLUDING LEVEL OF CREDIT FOR MAKEUP WORK DURING OSS. THIS IS A SECTION IN WHICH A SINGLE INFRACTION OF OSS OF LESS THAN TEN DAYS. IN THIS CASE THE STUDENT RECEIVED FIVE CONSECUTIVE DAYS OF OSS FOR THIS INFRACTION, WHICH IS LESS THAN TEN DAYS. PRIOR TO THIS INFRACTION THE STUDENT HAD ALSO EARNED SEVEN 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 TEN, THE LEA MUST DETERMINE BY DAY 11 OF THE CUMULATIVE SUSPENSION DAYS IF THE INFRACTIONS CONSTITUTE A PATTERN OF BEHAVIOR. ACCORDING TO THE STUDENTS AND INDICATORS MANUAL 300.20, NOTE TWO, TO DETERMINE WHETHER A PATTERN IS CREATED, THE DISTRICT MUST CONSIDER NO. 1, IF THE SERIES OF REMOVALS TOTAL MORE THAN TEN DAYS

CUMULATIVELY IN A SCHOOL YEAR. NO. 2, IF THE CHILD'S BEHAVIOR IS SUBSTANTIALLY SIMILAR TO THE CHILD'S BEHAVIOR IN PREVIOUS INCIDENTS THAT RESULTED IN THE SERIES OF REMOVALS; AND NO. 3, 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 THREE, STATES THAT WHETHER A PATTERN OF REMOVAL 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 CAN BE USED TO DOCUMENT THE LEA'S DECISIONS REGARDING A REMOVAL OF A STUDENT OF OVER TEN DAYS CUMULATIVELY WHEN NO LONGER 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 DAY OF SCHOOL DAY OF SUSPENSION AND A LOCATION OF THOSE SERVICES. SO CASE NO. 5 IS ROBERT. COULD THE LEA DETERMINE THAT THE FOLLOWING REMOVALS CONSTITUTE A PATTERN AND, THUS, A CHANGE OF PLACEMENT. ROBERT, ON SEPTEMBER 3RD, RECEIVED ONE DAY OF OSS FOR THROWING FOOD IN THE CAFETERIA, ON OCTOBER 15TH, ONE DAY OF OSS FOR THROWING FOOD IN THE CAFETERIA. NOVEMBER 20TH, FIVE DAYS OF OSS FOR PULLING A FIRE ALARM, FEBRUARY 1ST TWO DAYS OF OSS FOR FIGHTING IN CLASS AND APRIL 10 TH, TWO DAYS OF OSS FOR SETTING OFF SPRINKLER SYSTEM WITH A LIGHTER. IN ORDER TO DETERMINE IF A PATTERN OF BEHAVIOR HAS BEEN CREATED, THE LEA SHOULD CONSIDER THREE ELEMENTS. ONE, ARE THE BEHAVIORS THAT LED TO EACH SUSPENSION SUBSTANTIALLY SIMILAR? TWO, WHAT IS THE TOTAL AMOUNT OF TIME SUSPENDED; AND THREE, WHAT IS THE PROXIMITY OF THE SUSPENSIONS OR INFRACTIONS TO ONE ANOTHER? 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 LEAVE 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 DAY OF SUSPENSION AND THE LOCATION OF THOSE SERVICES. THE FINAL SITUATION IS FOR A SINGLE INFRACTION IN WHICH FEWER THAN TEN DAYS OF OSS IS IMPOSED. IN THIS CASE THE STUDENT RECEIVES FIVE DAYS OSS FOR THIS INFRACTION, WHICH IS LESS THAN TEN DAYS. PRIOR TO THIS INFRACTION, THE STUDENT HAD ALSO EARNED SEVEN ADDITIONAL DAYS 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 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 FOLLOWING 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. HERE IS ANOTHER SCENARIO THAT IS A LITTLE DIFFERENT. LORI IS AN 11 YEAR OLD IN THE FIFTH GRADE. SHE WAS IDENTIFIED WITH A SPECIFIC LEARNING DISABILITY IN MATH CALCULATION IN THIRD GRADE. SHE RECEIVES SPECIAL EDUCATION SERVICES IN THE REGULAR CLASSROOM FOR MATH. SHE HAS A HISTORY OF BEHAVIOR DIFFICULTIES DATING BACK TO FIRST GRADE. ON SEPTEMBER 1ST SHE RECEIVED TWO DAYS OSS FOR REFUSING TO WORK IN SCIENCE CLASS AND DIRECTED PROFANITY AT THE TEACHER. ON OCTOBER 5TH SHE RECEIVED THREE DAYS OSS FOR MAKING THREATENING REMARKS TOWARD A PEER. ON OCTOBER 11 BUILDING SHE RECEIVED THREE DAYS OSS FOR TELLING A SEXUAL JOKE DIRECTED AT THE PE TEACHER. AND ON NOVEMBER 1ST SHE RECEIVED THREE DAYS OSS FOR KNOCKING BOOKS OUT OF ANOTHER STUDENT'S HANDS AND PUSHING THE PEER TO THE GROUND. 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 THE THREE ELEMENTS. ONE, ARE THE BEHAVIORS THAT LED TO EACH SUSPENSION SUBSTANTIALLY SIMILAR? TWO, WHAT IS THE TOTAL AMOUNT OF TIME SUSPENDED; AND THREE, WHAT IS THE PROXIMITY OF THE SUSPENSIONS OR INFRACTIONS TO ONE ANOTHER. IN THIS CASE ALL OF LORI'S BEHAVIORS ARE THREATENING AND OSS, ARE 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 TWO 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 GEP ED CURRICULUM ALTHOUGH IN ANOTHER SETTING, PROGRESS TOWARD MEETING IEP GOALS. DUE TO THE NATURE OF LORI'S AGGRESSIVE BEHAVIORS, IT WOULD BE THE BEST PRACTICE AND IN THE DISTRICT'S AND THE STUDENT'S BEST INTEREST IN 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. 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 THE TOP FIVE TEACHABLE MOMENTS FOR SCHOOL STAFF WHEN DEALING WITH DISCIPLINE. THE NO. 1 TEACHABLE OPPORTUNITY IS PROVIDE SERVICES WHEN NEEDED. THIS WAS THE MOST COMMON PROBLEM NOTED IN THE 2011-2012 DISCIPLINE REVIEWS. DATA SHOWING OF ALL REVIEWED 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. NOW REMEMBER THAT IF THE DISCIPLINARY ACTION LASTS FOR MORE THAN TEN CONSECUTIVE DAYS OR MORE THAN TEN CUMULATIVE DAYS IN A SCHOOL YEAR WITH A PATTERN THE STUDENT MUST BE PROVIDED SERVICES BEGINNING ON THE 11TH DAY, EVEN IF THE BEHAVIOR IS DETERMINED TO NOT BE RELATED TO THE STUDENT'S DISABILITY. AND THIS IS BECAUSE STUDENTS WITH DISABILITIES ARE ENTITLED TO FAPE. EVEN THOUGH THE SCHOOL CAN IMPOSE THE SAME DISCIPLINARY ACTION FOR THE SAME DURATION AS GIVEN TO NON-DISABLED PEERS, IT IS UP TO THE IEP TEAM TO DETERMINE WHAT SERVICES ARE REQUIRED FOR THE STUDENT TO CONTINUE TO PARTICIPATE IN THE GENERAL ED CURRICULUM AND PROGRESS TOWARDS MEETING IEP GOALS IN THEIR IEP AND THE LOCATION OF THOSE SERVICES. NOW, LET'S LOOK AT THE OPPOSITE SITUATION. FOR ANY DISCIPLINARY ACTION LESS THAN TEN CONSECUTIVE DAYS OR GREATER THAN TEN CUMULATIVE DAYS IN A SCHOOL YEAR WITHOUT A PATTERN THE DISTRICT DETERMINES THE EXTENT TO WHICH SERVICES ARE REQUIRED BEGINNING ON THE 11TH DAY. THE LEA MUST CONSIDER ON A CASE-BY-CASE BASIS THE LENGTH OF THE REMOVAL, THE EXTENT TO WHICH THE STUDENT HAS BEEN PREVIOUSLY SUSPENDED AS WELL AS THE STUDENT'S NEEDS AND EDUCATIONAL GOAL. 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. ANOTHER TEACHABLE MOMENT IS 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 THE ELIGIBLE CHILD, 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 ED CURRICULUM SO THAT HE OR SHE CAN MEET THE EDUCATIONAL STANDARDS 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 TEN DAYS IN A SCHOOL YEAR OR CUMULATIVELY SUSPENDED GREATER THAN TEN 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 PROVIDED SERVICES NEGATIVELY IMPACTED THE PROVISION OF FAPE. NOW, MAKE SURE TO HAVE THE RIGHT PEOPLE INVOLVED IN MAKING THE DISCIPLINE DECISIONS. ALWAYS DOCUMENT THE NAME AND ROLE OF THE PERSON 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 ADMINISTRATORS 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 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. SO 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 UPON THE TYPE OF DISCIPLINE PROCEDURE THAT IS OCCURRING. SO IF WE LOOK AT THE CHART, YOU CAN SEE IF THE TYPE OF DISCIPLINE PROCEDURE OCCURRING IS A CUMULATIVE SHORT-TERM SUSPENSION OF GREATER THAN TEN DAYS IN A SCHOOL YEAR, THEN THE PEOPLE INVOLVED WOULD BE SCHOOL PERSONNEL IN CONSULTATION WITH AT LEAST ONE OF THE CHILD'S TEACHERS. WHEN YOU ARE CONDUCTING A MANIFESTATION DETERMINATION MEETING, IT IS THE LOCAL EDUCATION AGENCY, THE PARENT AND RELEVANT MEMBERS OF THE IEP TEAM. THIS IS ALSO THE SAME THING FOR LONG-TERM SUSPENSIONS FOR THE CONDUCT WAS NOT A MANIFESTATION OF THE DISABILITY OR WAS A MANIFESTATION OF THE DISABILITY, SCHOOL PERSONNEL AND RELEVANT IEP TEAM MEMBERS ARE INVOLVED. HOWEVER, IF YOU ARE WORKING WITH A 45-DAY INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT FOR WEAPONS, DRUGS OR SERIOUS BODILY INJURY, IT IS SIMPLY SCHOOL PERSONNEL. WHEREAS IF IT'S A 45-DAY REMOVAL FOR VIOLENT AND DANGEROUS, IT WOULD BE SCHOOL PERSONNEL FILING FOR AN EXPEDITED HEARING. KNOW WHEN AND HOW TO CONDUCT A MANIFESTATION DETERMINATION. WHEN IS IT REQUIRED. EVERY DISCIPLINARY ACTION OF MORE THAN TEN DAYS CONSECUTIVE MUST HAVE A MANIFESTATION DETERMINATION MEETING. HOWEVER, WHEN THE GREATER THAN TEN DAYS WAS CUMULATIVE IN A SCHOOL YEAR, DISTRICTS HAD MORE DIFFICULTY. AS A RESULT OF THE DISCIPLINE REVIEW, WE FOUND THAT SCHOOL DISTRICTS ARE UNCLEAR OF HOW TO ASCERTAIN IF THE REMOVAL FOR

CUMULATIVE DAYS CONSTITUTE A PATTERN OF SUSPENSION. DOCUMENTATION SHOWED FOR 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 PLACEMENTS. A CHANGE OF PLACEMENT OCCURS WHEN A STUDENT IS REMOVED FROM THEIR EDUCATIONAL PLACEMENT FOR MORE THAN TEN DAYS AND FOR CUMULATIVE DAYS, THERE MUST BE A PATTERN FOR THE GREATER TEN 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 AND 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 THE SCHOOL CONDUCT OR IF THE CONDUCT IN QUESTION WAS A DIRECT RESULT OF THE LEA'S FAILURE TO IMPLEMENT THE IEP. IT WOULD BE IMPORTANT TO LOOK AT THE CHILD'S IEP, TEACHER OBSERVATIONS, RELEVANT INFORMATION PROVIDED BY THE PARENTS, THE MOST RECENT EVALUATION REPORT, THE RESULTS OF ANY FUNCTIONAL BEHAVIORAL ASSESSMENTS AND/OR BEHAVIOR INTERVENTION PLAN AND 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 TEN SCHOOL DAYS FROM THE DATE OF THE DAYS FOR LONG TERM SUSPEND THE STUDENT, NOT CALENDAR DAYS. SINCE BUILDING ADMINISTRATORS CAN ONLY ASSIGN TEN DAYS OUT OF SCHOOL SUSPENSION, THE POTENTIAL OCCURS ONLY FOR TEN DAYS CUMULATIVE WITH A PATTERN. THE OTHER POTENTIAL TIME THIS DECISION WOULD OCCUR IS WHEN THE SUPERINTENDENT RECOMMENDS EXTENSION TO THE TEN 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. FINALLY, FOLLOWING 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 WON'T SKIP STEPS AND YOU WILL COMPLETE ALL OF THE REQUIRED STEPS. REMEMBER, TO DOCUMENT, DOCUMENT, DOCUMENT. THIS IS VITAL. ALL DECISIONS MUST BE DOCUMENTED. FINALLY BE SURE TO COUNT OSS DAYS ACCURATELY. AS WE SAID PREVIOUSLY, IF A STUDENT IS GIVEN ISS AND DOES NOT RECEIVE SERVICES, THIS IS CONSIDERED OSS. 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. 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 E-MAIL. COMPLIANCE SUPERVISORS PERSONALLY ANSWER PHONE CALLS AND REQUIRE IN WRITING TO WEB QUESTIONS. AT THE BOTTOM OF THE SCREEN IS THE WEB PAGE ADDRESS. GOING TO THE WEB ADDRESS WILL BRING YOU TO THE DEPARTMENT'S WEBSITE ON THE INTERNET. THIS IS THE SCREEN SHOT OF THE DEPARTMENT'S HOME PAGE. NOTE THAT SPECIAL EDUCATION CAN BE LOCATED IN THE RIBBON AT THE TOP RIGHT-HAND CORNER OF THE PAGE. YOU CAN ALSO SEARCH UNDER THE A TO Z TOPIC OR BY TYPING A QUERY IN THE SEARCH BLOCK LOCATED JUST ABOVE THE BLUE SPECIAL EDUCATION BUTTON. THE YELLOW ARROW IS POINTING TO WHERE TO FIND THESE. HERE IS A SNAPSHOT OF THE SPECIAL EDUCATION COMPLIANCE WEB PAGE. NOTE THE BLUE BUTTONS THAT CORRESPOND TO TOPICS OF INTEREST. GREEN ARROW IS POINTING TO GENERAL GUIDANCE. IF YOU CLICK ON THIS BUTTON, YOU WILL BE TAKEN TO THE GENERAL GUIDANCE THAT CONTAINS SPECIAL TOPICS AND DISCIPLINE IS ONE OF THOSE CHOICES. BY

CLICKING ON THE DISCIPLINE TOPIC YOU WILL FIND LINKS TO THE MULTIPLE RESOURCES INCLUDING FAQs, A DISCIPLINE CHECKLIST AS WELL AS OTHER RESOURCES. RED ARROW IS POINTING TO THE FORMS BUTTON. CLICK 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 HAVE SEEN THE MODEL DISCIPLINE DOCUMENTATION FORM DURING THIS WEBINAR. THIS IS A SCREEN SHOT OF THE SPECIAL EDUCATION DISCIPLINE PROCESS FLOW CHART THAT CAN 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 IN THE PROCESS. THERE'S ALSO WRITTEN GUIDANCE AVAILABLE TO LEAS THROUGH THE SPECIAL EDUCATION 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. THIS SLIDE SHOWS THE SPECIAL EDUCATION COMPLIANCE WEB PAGE FROM THE DEPARTMENT'S WEBSITE. THE TOP BLUE ARROW IS POINTING TO THE HOW DO I FIND LIST? THIS IS A QUICK WAY TO LINK TO THE COMMONLY USED RESOURCES THAT ARE LISTED ALPHABETICALLY. BY SCROLLING DOWN THE PAGE, YOU WILL COME TO THE BOTTOM OF THE LIST WHERE THE SES ARE FOUND. NOTE YELLOW AND RED ARROWS ARE POINTING TO THE LINKS THAT WILL TAKE YOU DIRECTLY TO STANDARDS AND INDICATORS MANUAL AND THE STATE PLAN FOR SPECIAL EDUCATION. 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 CALLS AND E-MAIL. THIS SLIDE SHOWS OUR CURRENT COMPLIANCE STAFF. PLEASE CONTACT US THROUGH THE WEB REPLY FEATURE ON OUR WEB PAGE OR BY CALLING AT 573-751-0699. ANOTHER RESOURCE IS YOUR REGIONAL COMPLIANCE CONSULTANT. THESE STAFF ARE LOCATED REGIONALLY THROUGHOUT THE STATE AND THEIR OFFICES ARE IN THEIR REGIONAL PROFESSIONAL DEVELOPMENT CENTERS. 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. WE'RE HOPEFUL THAT YOU FOUND THE INFORMATION CONTAINED IN THIS WEBINAR CLEAR, CONCISE AND USEFUL AS YOU GO ABOUT THE BUSINESS OF EDUCATING STUDENTS THAT HAVE TO DEAL WITH DISCIPLINE OF STUDENTS WITH DISABILITIES. FEEL FREE TO VISIT WITH ANY OF THE PERSONS WITH THE CONTACT INFORMATION THAT IS PROVIDED ON THE SCREEN. MS. THOMAS: SO LET'S LOOK AT THOSE UPDATES TO THE MODEL DISCIPLINE DOCUMENTATION FORM. IF YOU LOOK AT THE FIRST PAGE -- SORRY. IF YOU LOOK AT THE FIRST PAGE OF THE DISCIPLINE DOCUMENTATION FORM, YOU WILL FIND THAT NO. 6 HAS AN ADDED PROMPTS FOR FACTORS THAT MUST BE CONSIDERED WHEN DETERMINING IF A PATTERN HAS BEEN CREATED OR NOT. IN ADDITION, IF YOU MOVE ON TO THE SECOND PAGE OF THE FORM, SECTION A, YOU WILL SEE THAT IT 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 AND THE PLAN, THE DATE AND THOSE INVOLVED IN MAKING THE DECISION AND PLAN. NOW, REMEMBER THAT ANY QUESTIONS 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 YOUR PERSONALLY IDENTIFIABLE INFORMATION. ALL OTHER QUESTIONS SHOULD BE DIRECTED TO THE SPECIAL EDUCATION COMPLIANCE SUPERVISORS AT 573-751-0699. NOW, SEVERAL PEOPLE HAVE ASKED ABOUT GETTING COPIES OF THE POWERPOINT AND NOTES. THIS WILL BE POSTED ON THE DEPARTMENT'S WEBSITE FOLLOWING TODAY'S WEBINAR. ONE OF THE QUESTIONS THAT WE RECEIVED PRIOR TO THE WEBINAR IS DO AN ISS DAYS COUNT AS OSS DAYS IF A CHILD DOES NOT RECEIVE THEIR MINUTES FROM THEIR IEP? WHAT IF THEY ARE SITTING IN THE PRINCIPAL'S OFFICE IN AN EXTENDED TIMEOUT? IF THE CHILD IS IN ISS AND DOES NOT RECEIVE THOSE MINUTES, AS STATED IN THE IEP, THAT WOULD COUNT AS OUT OF SCHOOL

SUSPENSION BECAUSE IT IS ANYTHING THAT IS A REMOVAL FROM THEIR LEARNING ENVIRONMENT IS CONSIDERED OSS. THAT WOULD INCLUDE EXTENDED TIMEOUT IN THE PRINCIPAL'S OFFICE. PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE REGARDING SERVICES TO STUDENTS IN SCHOOL SUSPENSION. IF THE STUDENT WAS PLACED IN ISS DURING AN INFRACTION -- I'M SORRY, DUE TO AN INFRACTION DURING THEIR SPED CLASS, IT DOESN'T SEEM FEASIBLE TO SEND THEM TO THAT TEACHER FOR SERVICES WHILE IN ISS. ALSO IT DEFEATS THE PURPOSE OF ISS IF THEY ARE PULLED OUT MOST OF THE DAY TO RECEIVE THEIR SPECIAL EDUCATION MINUTES. PLEASE OFFER SUGGESTIONS AND/OR EXAMPLES THAT ARE APPROVED BY DESE FOR PROVIDING SPECIAL EDUCATION MINUTES WHILE IN ISS. SERVICES CAN BE PROVIDED BY ANY CERTIFICATED SPECIAL EDUCATION TEACHER. THEREFORE, IF THE STUDENT RECEIVED ISS FROM ONE SPECIAL EDUCATION TEACHER THAT DOESN'T PREVENT ANY SPECIAL EDUCATION TEACHER FROM PROVIDING THAT SERVICE. ANOTHER QUESTION WE RECEIVED. AT WHAT POINT CAN A DECISION TO SUSPEND BE CHALLENGED UNDER MANIFESTATION DETERMINATION? IF THE IEP TEAM COMES TOGETHER IN A TEAM MEETING SETTING AFTER A MANIFESTATION DETERMINATION REQUEST BY THE PATIENTS BUT DOESN'T REALLY ADDRESS THE MANIFESTATION, WHAT SHOULD THE PARENTS DO NEXT? WHAT IS THE STEP-BY-STEP PROTOCOL FOR MANIFESTATION DETERMINATION, AND IS THERE AN EXPIRATION DATE ON THE MANIFESTATION DETERMINATION? IF A PARENT DISAGREES WITH THE MANIFESTATION DETERMINATION DECISION, THE PARENT WOULD HAVE THE OPTION TO FILE FOR MEDIATION OR DUE PROCESS WITH THE DEPARTMENT. MANIFESTATION DETERMINATION IS RELEVANT TO THE SPECIFIC BEHAVIORAL INFRACTION THAT OCCURRED AT THE TIME. IF THE STUDENT HAS TRANSPORTATION AS A RELATED SERVICE AND THEY DON'T COME TO SCHOOL DURING A BUS SUSPENSION, ARE WE IN VIOLATION OF FAPE OR FREE APPROPRIATE PUBLIC EDUCATION? THIS WOULD BE A VIOLATION OF FAPE BECAUSE THE CHILD CANNOT ACCESS THE SERVICES LISTED IN THEIR IEP. WITHOUT THE RELATED SERVICE OF TRANSPORTATION. DOES HOW THE SERVICES ARE DELIVERED IN ISS HAVE TO BE EXACTLY THE SAME TO COUNT AS ISS? CAN THEY BE DELIVERED IN THE ISS ROOM? SERVICES DELIVERED DURING ISS MAY OR MAY NOT LOOK EXACTLY ALIKE. AS LONG AS THE SERVICES PROVIDED MATCH WHAT IS WHEREIN IN THE STUDENT'S IEP. THE ISS ROOM IS CONSIDERED GENERAL EDUCATION, SO THAT'S SOMETHING IMPORTANT TO KEEP IN MIND. WHAT IF THE STUDENT'S FIRST OSS IS FOR TEN DAYS AND THEN THE PRINCIPAL IS RECOMMENDING LONG-TERM SUSPENSION? WOULD THE MANIFESTATION DETERMINATION REVIEW NEED TO TAKE PLACE BEFORE DAY TEN, SO THERE'S A DECISION BEFORE THE DISCIPLINARY HEARING? THE MANIFESTATION DETERMINATION SHOULD BE HELD WHEN THE SUPERINTENDENT'S DECISION TO LONG TERM SUSPEND IS MADE. THE MANIFESTATION DETERMINATION DOES NOT OCCUR PRIOR TO THAT. PAGE 1 OF THE NEW DISCIPLINE DOCUMENTATION FORM, NO. 6, DOES NOT INCLUDE THE STATEMENT IF THE SERVICES SERIES OF REMOVALS TOTAL MORE THAN TEN DAYS CUMULATIVELY IN A SCHOOL YEAR. WHAT IS THE REASON FOR THIS REMOVAL? THIS WAS REMOVED AS QUESTION NO. 5 IS THE QUESTION THAT DEALS WITH LENGTH OF REMOVAL. QUESTION FIVE DIRECTS THE TEAM TO PROCEED TO QUESTION SIX ONLY IF THE LENGTH OF REMOVAL IS GREATER THAN TEN DAYS. REGARDLESS, IF THE GREATER THAN TEN DAYS WAS CUMULATIVE OR CONSECUTIVE. IF THE GREATER THAN TEN DAYS WAS CONSECUTIVE DAYS, IT IS OBVIOUS THAT A PATTERN WOULD HAVE BEEN CREATED. HOW SHOULD TEAMS HANDLE MANIFESTATION DETERMINATION REVIEWS WHEN PARENTS DO NOT ATTEND? OFTENTIMES THE MANIFESTATION DETERMINATION REVIEW HAS BEEN SCHEDULED WITHOUT GIVING REASONABLE NOTICE, ESPECIALLY WHEN A DISCIPLINARY HEARING IS SCHEDULED. THE MANIFESTATION DETERMINATION REVIEW MUST BE HELD WITHIN TEN SCHOOL DAYS FROM THE DATE OF THE DECISION TO LONG TERM SUSPEND THE STUDENT. THIS SHOULD GIVE DISTRICTS TIME TO INVITE THE PARENTS. HOWEVER, IT IS NOT A REQUIREMENT THAT PARENTS ATTEND THE MANIFESTATION DETERMINATION MEETING. CAN YOU DISCUSS HOW THE REMOVAL OF STUDENTS IS CONSIDERED A CHANGE OF PLACEMENT? WHAT STEPS NEED TO BE TAKEN BECAUSE OF THIS? IT IS ALWAYS A POINT OF CONFUSION. A CHANGE OF PLACEMENT IS A REMOVAL OF MORE THAN TEN CONSECUTIVE DAYS OR A SERIES OF REMOVALS THAT EXCEED TEN

CUMULATIVE DAYS WHEN A PATTERN HAS BEEN CREATED. IN THIS CASE A MANIFESTATION DETERMINATION MEETING WOULD BE HELD TO DETERMINE IF THE CONDUCT IN QUESTION IS RELATED TO THE DISABILITY. WE STILL HAVE A FEW MORE QUESTIONS COMING IN. AND I'M GOING TO -- LAST QUESTION THAT WE HAVE FOR RIGHT NOW IS THE LEA DETERMINES WHETHER OR NOT THE OFFENSE CONSTITUTE A PATTERN. THIS MEANS THE QUESTION ABOUT PATTERN OF BEHAVIOR WON'T BE ADDRESSED IN THE MEETING BECAUSE THERE IS NOT A PATTERN. THERE WON'T BE A MANIFESTATION DETERMINATION MEETING, CORRECT? IT WOULD BE A GOOD PRACTICE TO DISCUSS IN THE MANIFESTATION DETERMINATION MEETING HOW THE LEA DETERMINED THAT A PATTERN OF BEHAVIORS OCCURRED. THE ACTUAL DECISION OF WHETHER OR NOT A PATTERN OF BEHAVIOR IS PRESENT NEED NOT BE REVISITED. LOOKING UP THE QUESTIONS THAT ARE COMING IN TO SEE IF THERE'S ANY MORE THAT NEED TO BE ANSWERED. SO GIVE US JUST ONE MOMENT. THIS IS NANCY. JULIE DID OUR QUESTIONS THAT WE WERE ABLE TO ANSWER DURING THE TRAINING VIDEO. THANK YOU ALL FOR SENDING THOSE QUESTIONS IN. THERE HAVE BEEN SOME QUESTIONS THAT WE HAVE PUT ON THE BACK BURNER BECAUSE WE WANT TO DOUBLE-CHECK OUR ANSWERS BEFORE WE SHARE THEM WITH YOU TO MAKE SURE THAT THEY ARE CORRECT. LIKE WE SAID BEFORE, THOSE QUESTIONS, EVERY QUESTION THAT YOU SENT IN WILL BE INCLUDED IN THE QUESTION AND ANSWER SUMMARY AND WILL BE POSTED. SO LET ME LOOK HERE AND SEE. WE HAVE A QUESTION HERE. WE TALKED ABOUT THE POWERPOINT. A LOT OF THESE ARE DUPLICATE TYPES OF QUESTIONS. THERE ARE SEVERAL QUESTIONS THAT RELATE TO EARLY CHILDHOOD. SO THE LEA DETERMINES WHETHER OR NOT THE OFFENSES CONSTITUTE A PATTERN. THIS MEANS THE QUESTION ABOUT PATTERN OF BEHAVIOR WON'T BE ADDRESSED IN A MEETING BECAUSE IF THERE'S NOT A PATTERN, THERE WON'T BE A MANIFESTATION MEETING. AND THE PERSON SAYS CORRECT, AND THAT IS ABSOLUTELY RIGHT. ALL RIGHT. DO THESE RULES APPLY FOR TUITION BASED EARLY CHILDHOOD PROGRAMS? AND HOW DO YOU MAKE A MANIFESTATION DETERMINATION FOR A STUDENT WITH A YOUNG CHILD WITH A DEVELOPMENTAL DISABILITY? WELL, LET'S ANSWER THE SECOND ONE FIRST. HOW DO YOU MAKE A MANIFESTATION DETERMINATION FOR A STUDENT WITH A YOUNG CHILD WITH A DEVELOPMENTAL DISABILITY. YOU WOULD MAKE IT EXACTLY THE SAME. YOU FOLLOW THE SAME PROCESS AS YOU WOULD FOR ANY -- FOR A STUDENT WHO HAS A K-12 DIAGNOSIS -- WHO HAS A K-12 ELIGIBILITY DETERMINATION. I'M LEARNING ALONG WITH EVERYONE TO MAKE SURE MY TERMS ARE CORRECT. AND DO THESE RULES APPLY TO A TUITION BASED EARLY CHILDHOOD PROGRAM? MY FIRST RESPONSE TO THAT WOULD BE IF THE TUITION BASED EARLY CHILDHOOD SPECIAL EDUCATION PROGRAM THAT IS PAID -- IS THE LOCATION WHERE THE STUDENT IS SUPPOSED TO RECEIVE THEIR FREE AND APPROPRIATE PUBLIC EDUCATION, THEN YES, THAT WOULD APPLY. SO I THINK THERE ARE SOME ISSUES THAT DEAL WITH THE FUNDING OF THAT. SO WHEN WE GET THOSE POSTED, WE WILL PROBABLY ADD SOME ADDITIONAL INFORMATION ABOUT FUNDING IN THERE AS WELL. ARE YOU GOING TO DISCUSS THE LETTER TO SARZYNSKI? YOU SAID YOU DID A WEB SEARCH AND FOUND NO 2012 LETTER. AND I WILL SHARE WITH YOU THAT I DID THE EXACT SAME THING WHEN I DID MY WEB SEARCH, IT IS NEARLY IMPOSSIBLE TO FIND THE LETTER TO SARZYNSKI. IF YOU WILL E-MAIL ME, I WILL SEND YOU A COPY OF THE LETTER THAT I FOUND. IT IS TOO HARD TO DESCRIBE WHERE WE FOUND IT. AND NO, I AM NOT GOING TO DISCUSS IT IN DEPTH BECAUSE WE'RE STILL IN THE PROCESS OF REVIEWING IT AND LOOKING AT WHAT THE IMPLICATIONS WILL BE. WHEN A STUDENT IS ON OSS AT THEIR HOME, WILL THE STUDENT RECEIVE SPECIAL EDUCATION SERVICES? I BELIEVE THE QUESTION HERE IS GOING TO GO BACK TO WHETHER OR NOT THE STUDENT IS LONG TERM SUSPENDED AND SERVICES ARE REQUIRED AND IN THAT CASE SERVICES WILL HAVE TO BE PROVIDED FOR THE STUDENT, BUT THE IEP TEAM WILL HAVE TO DETERMINE HOW THOSE SERVICES WILL BE PROVIDED AND WHAT THOSE SERVICES ARE. IF THE STUDENT IS SHORT TERM SUSPENDED, WHERE YOU ARE GOING TO BE FILLING OUT SECTION A AND THE TEAM DETERMINES THAT SERVICES ARE REQUIRED FOR THE STUDENT TO CONTINUE TO RECEIVE FAPE, EVEN THOUGH IT IS A SHORT-TERM SUSPENSION, AGAIN THE TEAM DECIDES -- YES, THE TEAM DECIDES WHAT SERVICES ARE PROVIDED AND HOW THOSE SERVICES ARE GOING TO BE PROVIDED. AND IF YOU NOTICE ON THE NEW OR THE UPDATED,

REVISED VERSION OF THE DISCIPLINE DOCUMENTATION FORM, WE HAVE ADDED A SECTION IN THERE THAT TALKS ABOUT WHAT THE DECISION SERVICES ARE REQUIRED AND HERE IS OUR PLAN OR SERVICES ARE NOT REQUIRED AND HERE IS THE PLAN. SO THE ANSWER WOULD BE IF THE PLAN IS FOR THE STUDENT TO RECEIVE SERVICES IN THEIR HOME, THEN YES, THEY WOULD BE PROVIDED THERE. IF THE PLAN IS FOR THE SERVICES TO BE PROVIDED IN ANOTHER LOCATION, THE SERVICES WILL BE PROVIDED IN THAT LOCATION. THEN WE HAVE A QUESTION. THIS IS A LONG QUESTION AND I AM GOING TO SKIP THAT IN THE INTEREST OF TIME. WE MAY COME BACK TO IT IN A MINUTE. THEN LET'S SEE, WHERE WOULD A PARENT FIND A LOCAL COMPLIANCE PLAN AND ASSURANCE STATEMENT OF THEIR SCHOOL DISTRICT? THAT WOULD BE, YOU WOULD JUST CONTACT THE DIRECTOR OF SPECIAL EDUCATION IN YOUR SCHOOL DISTRICT OR SOMEONE IN THE CENTRAL OFFICE, AND THEY SHOULD BE ABLE TO PROVIDE YOU WITH EITHER A COPY OF THE DISTRICT'S LOCAL COMPLIANCE PLAN AND ASSURANCE STATEMENT OR WOULD BE ABLE TO GIVE YOU A LINK IN WHERE YOU WOULD BE ABLE TO FIND THAT INFORMATION. IF THE STUDENT DOESN'T HAVE TRANSPORTATION AS A RELATED SERVICE, ARE WE IN VIOLATION OF FAPE IF THEY DO NOT ATTEND SCHOOL? THE ANSWER TO THAT WOULD BE YES BECAUSE IF THE STUDENT DOES NOT ATTEND SCHOOL, THEY ARE NOT GETTING THE SERVICES THAT YOU HAVE LISTED ON THE IEP. IT DOESN'T HAVE ANYTHING TO DO WITH TRANSPORTATION AS A RELATED SERVICE. WHAT ARE THE LAWS ABOUT USING RESTRAINT AND/OR A SAFE ROOM? THAT'S A VERY GOOD QUESTION. IN MISSOURI THERE IS A LAW THAT REQUIRES EVERY LOCAL SCHOOL DISTRICT TO HAVE A POLICY FOR THE USE OF SECLUSION AND RESTRAINT. AND YOU WOULD NEED TO FOLLOW-UP WITH YOUR LOCAL SCHOOL DISTRICT TO SEE WHAT POLICY THAT YOUR LOCAL SCHOOL DISTRICT ADOPTED RELATED TO RESTRAINT AND SECLUSION. AND THE EXPECTATION WOULD BE THAT THE LOCAL SCHOOL DISTRICT IS FOLLOWING THE PLAN THAT THEY HAVE ADOPTED. YOU STATED THAT PARENTS CAN APPEAL THE MANIFESTATION DETERMINATION, CAN THEY REQUEST MEDIATION? OF COURSE. MEDIATION IS ALWAYS AN OPTION. DOESN'T THE REQUEST HAVE TO BE AN EXPEDITED DUE PROCESS HEARING? AND I DON'T BELIEVE SO, BUT I AM GOING TO DOUBLE-CHECK THAT ONE. READ THE ANSWERS AND WE WILL DOUBLE-CHECK ON THAT ONE. I THINK IT IS ONLY FOR THE 45-DAY SUSPENSION THAT IT HAS TO BE AN EXPEDITED DUE PROCESS HEARING, BUT LIKE I SAID, DOUBLE-CHECK AND SEE. LET'S SEE, HERE IS ANOTHER REALLY, REALLY LONG ONE. OKAY. OCCASIONALLY A STUDENT WILL HAVE A RESTRAINT, ISOLATION OR SECLUSION FORM DOCUMENTED PRIOR TO THE GREATER THAN TEN DAYS OF OSS. WHERE IS THE CORRECT PLACE TO FILE THESE FORMS? I THINK THAT GOES BACK TO YOUR LOCAL SCHOOL DISTRICT POLICY ON SECLUSION AND RESTRAINT, AND I BELIEVE THAT MOST OF THOSE MODEL POLICIES ACTUALLY HAD A RECORDKEEPING ISSUES WITH THAT. LET ME KEEP GOING. WE STILL HAVE A FEW MINUTES BEFORE WE HAVE TO BE DONE. OH, MY GOODNESS, YOU ALL HAVE LOTS OF QUESTIONS. PLEASE REVIEW THE PROCESS REGARDING WHEN THE MANIFESTATION SHOULD BE CONDUCTED WHEN THE DISTRICT IS RECOMMENDING LONG-TERM SUSPENSION. ONCE THE DECISION HAS BEEN MADE THAT THE RECOMMENDATION IS THAT THE STUDENT IS GOING TO BE LONG-TERM SUSPENDED, AT THAT POINT YOU NEED TO PROVIDE THE PARENT WITH A COPY OF THE PROCEDURAL SAFEGUARDS, AND YOU NEED TO PLAN TO HOLD THE MANIFESTATION DETERMINATION MEETING. IT DOES NOT HAVE TO BE THE SAME DAY AS THE DISCIPLINARY HEARING. SO I'M LOOKING HERE. REMEMBER, THE MANIFESTATION HAS TO BE HELD WITHIN TEN SCHOOL DAYS, NOT TEN CALENDAR DAYS. AND I WILL BEEF THAT ANSWER UP WHEN WE GET TO THE POSTED ONES. CAN YOU JUST POST THE LETTER ON THE DESE WEBSITE OR SEND IT OUT IN A SELS MESSAGE? I WILL SEE IF THAT IS POSSIBLE. THAT IS CERTAINLY A WONDERFUL IDEA. WHEN THE TEAM DECIDES SERVICES FOR OSS IS IN THE HOME, DOES THIS CONSTITUTE HOMEBOUND AND REQUIRE A NOTICE OF ACTION FOR A CHANGE OF PLACEMENT FOR HOME BOUND? AND I AM GETTING DISTRACTED HERE. SOMEONE IS WRITING ME A NOTE. I'M SO SORRY. YES, THOSE SERVICES WOULD BE CONSIDERED HOMEBOUND SERVICES IF THEY ARE PROVIDED IN THE HOME. AND I BELIEVE IT IS GOING TO DEPEND ON THE AMOUNT OF TIME. BUT I'M GOING TO DOUBLE-CHECK THAT ANSWER JUST TO MAKE SURE. I DON'T WANT TO TELL YOU ONE THING AND THEN IT BE SOMETHING ELSE. THOSE OF YOU WHO CALL IN AND

ASK US QUESTIONS, WE REFER TO OUR STANDARDS AND INDICATORS MANUAL. WE REFER TO THE STATE PLAN. OFTENTIMES WE'LL GO BACK AND DIG THROUGH THE FEDERAL REGS TO FIND OUT WHAT WAS SAID BECAUSE THERE ARE NUANCES TO THESE QUESTIONS, AND WE WANT TO MAKE SURE THAT THE INFORMATION THAT WE'RE PROVIDING YOU IS THE CORRECT INFORMATION AND THAT YOU CAN COUNT ON THAT TO BE THE RIGHT ANSWER. I'M GOING TO WAIT ON THAT ONE TOO. YOU ALL ARE ASKING HARD QUESTIONS TODAY. THAT'S NOT A DISCIPLINE QUESTION. OH, MY GOODNESS. DOES HOW THE SERVICES ARE DELIVERED IN ISS HAVE TO BE EXACTLY THE SAME TO COUNT AS ISS? CAN THEY BE DELIVERED IN THE ISS ROOM? I THOUGHT WE ANSWERED THAT ONE BEFORE. SO I THINK WE DID THAT ONE. WHEN WOULD SERVICES NOT BE PROVIDED FOR A SHORT-TERM SUSPENSION? FOR THAT YOU WOULD GO BACK TO THOSE QUESTIONS -- LET ME SEE THAT FORM. SOMEWHERE HERE I NEED TO SEE THE FORM, GUYS, THE NEW DOCUMENTATION FORM. WHEN WE ARE LOOKING HERE, YOU WOULD WANT TO LOOK AT WHAT ARE THOSE FACTORS THAT YOU HAVE TO CONSIDER WHEN DETERMINING WHETHER OR NOT TO PROVIDE SERVICES DURING A SHORT-TERM SUSPENSION? THOSE ARE AGAIN, THE LENGTH OF THE REMOVAL, THE EXTENT TO WHICH THE STUDENT HAS BEEN PREVIOUSLY REMOVED AND THE STUDENT'S NEEDS AND EDUCATIONAL GOALS. SO IF YOU HAVE A STUDENT WHO IS, YOU KNOW, BEING REMOVED AND THE CUMULATIVELY IT HAS BEEN 15 DAYS IN A SCHOOL YEAR, BUT THOSE HAVE BEEN FOR A VARIETY OF REASONS, SO THERE'S NOT BEEN A PATTERN, THEY HAVE BEEN SPREAD OUT IN ONE OR TWO-DAY INCREMENTS OVER THE ENTIRE COURSE OF THE SCHOOL YEAR, SO THEY ARE NOT CLOSE TOGETHER. AGAIN, THERE IS NO PATTERN. AND LOOKING AT THE STUDENT, THE STUDENT, THE AREA OF DISABILITY IS LEARNING DISABLED AND THE AREA OF WRITTEN EXPRESSION, CHANCES ARE THAT SERVICES -- THE TEAM MAY DECIDE THAT SERVICES ARE NOT REQUIRED FOR THAT STUDENT IN THAT SITUATION, THE TEAM -- THE PLAN MAY BE TO PROVIDE HOMEWORK FOR THE STUDENT AND ALLOW THE STUDENT TO GET CREDIT. AGAIN, IN THAT SITUATION THE DECISION WOULD BE SERVICES ARE NOT REQUIRED ON THE 11TH DAY AND THEREAFTER, AND THE PLAN WOULD BE TO PROVIDE HOMEWORK FOR CREDIT FOR THE TWO DAYS THE STUDENT IS ON OSS. IF THE TEAM DECIDES SERVICES WILL BE PROVIDED AT SCHOOL AFTER HOURS, DOES THE SCHOOL HAVE TO PROVIDE TRANSPORTATION? I WAS GOING TO SAY I BELIEVE THAT WOULD BE IF YOU BELIEVE THAT THE STUDENT REQUIRES THOSE SERVICES IN ORDER TO RECEIVE FAPE, THEN YOU ARE ALSO SAYING THAT THE STUDENT -- THAT THE SCHOOL NEEDS TO BE ABLE TO PROVIDE SERVICES FOR THE STUDENT TO ACCESS, TRANSPORTATION TO ACCESS THOSE SERVICES. ALL RIGHT. ANOTHER LONG ONE. IF THE SCHOOL IS IN VIOLATION OF FAPE WHEN STUDENT DOES NOT COME TO SCHOOL DURING BUS SUSPENSION, DOES THIS MEAN WE SHOULD NOT GIVE BUS SUSPENSIONS FOR STUDENTS WITH DISABILITIES? I THOUGHT I HEARD AT THE BEGINNING OF THE WEBINAR THAT THESE WOULD COUNT AS OSS DAYS, NOT DENIAL OF FAPE. I THINK WE'RE GETTING THINGS MIXED UP HERE. SO LET'S GO OVER THIS AGAIN. IF THE STUDENT IS RIDING THE BUS TO SCHOOL, AND IT DOESN'T MATTER WHETHER IT IS TRANSPORTATION AS A RELATED SERVICE OR WHETHER OR NOT THE STUDENT -- OR IT IS NOT A RELATED SERVICE, THE STUDENT MESSES UP ON THE BUS, HE GETS KICKED OFF THE BUS FOR 15 DAYS, THE STUDENT IS NOT -- DOES NOT COME TO SCHOOL DURING THOSE 15 DAYS BECAUSE THE PARENT CAN'T PROVIDE TRANSPORTATION TO THE STUDENT TO GET HIM THERE. AT THAT POINT THE STUDENT HAS MISSED FOR THOSE 15 DAYS ALL OF THE WONDERFUL SPECIALIZED INSTRUCTION THAT IS LISTED ON HIS IEP. IN THAT SITUATION, THOSE COUNT AS OSS DAYS BECAUSE THE STUDENT HAS BEEN DENIED THE SERVICES LISTED ON HIS IEP. IN THAT SITUATION THOSE WOULD BE COUNTED AS OSS DAYS. AND ONCE YOU GET BEYOND THE MAGIC NUMBER TEN, THEN YOU ARE DEALING WITH A DENIAL OF FAPE. I HOPE THAT HELPS. IS THERE A DIFFERENCE BETWEEN IDEA DEFINITION OF WEAPON, IN OTHER WORDS, A KNIFE? IF SO, WHAT IS THE RAMIFICATION FOR DISTRICTS? AND I'M GOING TO CHECK ON THAT ONE BECAUSE THAT'S ANOTHER ONE THAT YOU HAVE TO BE SO CAREFUL AND MAKE SURE THAT YOU ARE FOLLOWING THE LETTER OF THE LAW AS WELL AS THE SPIRIT OF THE LAW. SO I'M GOING TO DOUBLE-CHECK ON THAT. ALL RIGHT. AND THE REST OF THESE QUESTIONS ARE SITUATIONAL TYPE QUESTIONS AND WE'RE QUICKLY RUNNING OUT OF TIME. WHAT WE

WILL DO, I GUESS, TO END EVERYTHING, I WILL SAY THANK YOU ALL SO MUCH FOR PARTICIPATING IN THE WEBINAR. TO REITERATE, THE QUESTION AND ANSWERS WE WILL COMPILE THEM, JENNIFER, JULIE AND I ARE GOING TO SIT HERE THIS AFTERNOON AND COME UP WITH RESEARCH AND HAVE THE ANSWERS AND WE WILL GET THOSE VETTED THROUGH THE CHAIN OF COMMAND AND POST THOSE AS SOON AS POSSIBLE. WE TRY AND HAVE THIS DONE WITHIN THREE TO FOUR WEEKS. THE POWERPOINT, THE ENTIRE POWERPOINT, INCLUDING THE TRAINING VIDEO WITH NOTES, WE WILL POST THIS AFTERNOON STILL. I WILL FOLLOW-UP TO SEE IF THERE WILL BE A WAY THAT WE CAN POST THE OSEP LETTER TO SARZYNSKI, AND I BELIEVE -- OH, AND THE DISCIPLINE DOCUMENTATION FORM WAS POSTED TO THE WEB TODAY. SO THAT FORM IS OUT THERE AND AVAILABLE FOR YOU ALL TO USE. AGAIN, WE APPRECIATE IT. PLEASE, PLEASE, PLEASE CALL US IF YOU HAVE QUESTIONS. WE ARE LOOKING FORWARD TO WEBINARS IN THE FUTURE, AND WE HOPE YOU HAVE A WONDERFUL SCHOOL YEAR, AND HOPEFULLY YOU WILL NOT NEED TO USE THIS INFORMATION ALL THAT OFTEN. BYE. * * * * *