

# **IDEA**

## **Individuals with Disabilities Education Act (1997)**

### **Background**

- In 1975, Congress passed PL94-142, The Education of All Handicapped Children Act, which guaranteed “a free and appropriate public education” (referred to as FAPE) for all children.
- Periodically, this legislation must be reassessed or “reauthorized”. This was done in 1997. The new legislation is the Individuals with Disabilities Act, or IDEA.
- IDEA emphasizes parental involvement in the special education process.

### **Parental Involvement**

Changes in this area include:

- changing the term “consent” to “informed consent”
- better explanation of and involvement in the IEP process
- student updates will be done at least as often as those for general education students (usually every time grade cards come out)

### **FAPE** (Free Appropriate Public Education)

- All special education students are by federal and state law guaranteed an education that meets their specific needs at no charge to the parents regardless of the setting in which the student needs to be served.
- Private schools
  - State law requires the LEA (local education agency i.e. school district or cooperative) to provide special education services to students in private schools at the request of the parents/guardians.
  - State law prohibits public school employees from providing special education services in connection with religious courses, devotional exercises, religious training or other religious activities.
  - Students are to be provided with assistive devices at home if the IEP team determines that such devices are necessary to allow the student to progress in the general education curriculum.

### **LRE** (Least Restrictive Environment)

- Students are to be involved in the general education curriculum and classes as much as possible. The IEP team determines the appropriate amount of placement for each individual student.
- Students may be provided functional, adapted or modified curriculums. (see Terms hand-out)
- Students can be provided services on a continuum ranging from self-contained placement to full inclusion depending on their individual needs.

### **Discipline**

- Suspension/expulsion rules (see hand-out of state law)
- Behavior Intervention Plans must be developed to help deal with behaviors which may or have resulted in suspension/expulsion

### **Due Process/Mediation**

Local Education Agency must make decisions based on what they feel is best for student because they have the responsibility to provide FAPE. If parents disagree, go to due process or mediation.

- Due process procedure
  - LEA or parent may go to Due Process for issues relating to informed consent, identification, evaluation or educational placement
  - LEA lets parents know about the availability of mediation
  - Whoever initiates must inform the other party. Basically what the problem is and how want it resolved. Get information from LEA on specifics.
  - Impartial hearing officer (there will be a list)
  - Both sides can
    1. Have representation and be accompanied by anyone with special knowledge or training relevant to situation.
    2. Present evidence, confront witnesses, cross-examine, and compel attendance.
    3. Prohibit introduction of evidence that hasn't been disclosed 5 business days before hearing.
    4. Obtain record(s) of the hearing and decision.
  - Hearing officer will render a decision. It can be appealed to an impartial review who's decision can be appealed in civil court.
  - With few exceptions, student remains in current placement during this process
  - See LEA for specific timelines, forms and procedures
  
- Mediation procedures
  - Alternative to due process
  - Is voluntary
  - Conducted by qualified mediator trained in effective mediation techniques
  - Times and locations convenient to both parties
  - Agreement in writing
  - Discussions must be confidential and cannot be used as evidence in any subsequent due process hearing or civil action. May be required to sign a statement to that effect

# An Overview of Functional Assessment for Families

A **FUNCTIONAL ASSESSMENT** is simply a way to gather information about **WHEN**, **WHERE**, and **HOW** problematic behavior occurs and does not occur. This, in turn, leads to an understanding of **WHY** behavior occurs.

## ASSUMPTIONS

- Problematic behaviors are not just related to the student
- Behaviors have a purpose and are maintained in environments that support them
- The function of behaviors must be determined in order to teach students new behaviors

The seven **KEY ELEMENTS** of a functional assessment:

1. Information is gathered from the home, school, and community regarding the student.
2. Problems and concerns are identified.
3. Ideas are developed about the problematic behavior.
4. Events, times, and situations are identified that predict when the problematic behavior will/will not occur.
5. Things that maintain the behavior are identified.
6. Ideas about possible programs and interventions are developed.
7. Long-range plans are developed and implemented.

**BEST PRACTICE** functional assessment includes. . .

- Interviews of school staff
- Interviews of family
- Interviews of community
- Student record reviews
- Observation of student in school and at home
- Testing hypotheses
- Curriculum analysis
- Implementing interventions
- Evaluating effectiveness of behavior plans and programs

## WHEN is a functional assessment needed?

A functional assessment is required, by law, when a student has reached their maximum 10 days of suspension or expulsion. However, a functional assessment can be useful in creating Individualized Education Plan (IEP) goals and behavior plans for students who do not respond to traditional interventions, as well.

**What INFORMATION might a family be asked during a functional assessment process?**

- Information about the health, educational, and emotional history of the child
- When the behavior does/does not occur in the home and community
- Why the parents think the behavior occurs
- The strengths and abilities of the child
- The family's current and historical involvement with the school
- Skills and problems that the child has at home and in the community
- Ideas that the family has about the short and long-term future of their child

Families should offer their **IDEAS AND SUGGESTIONS** about these topics when developing a new behavior plan following a functional assessment:

- Home-school communication programs
- Reward systems/point sheets
- Other interventions
- Curriculum
- Use of time-out/suspensions
- Vocational opportunities for the child

**HOW can a functional assessment help students, schools, and families?**

- Helps strengthen team development and collaboration
- Allows for a better understanding of a student's needs
- Helps develop more appropriate IEP's and behavior plans
- Strengthens relations between schools and families
- Creates a better match between a student's needs and the curriculum

**RESOURCES FOR FAMILIES**

For additional information please contact the following agencies:

Families Together: (316) 945-7747

Kansas State Department of Education: (785) 296-7454

Keys for Networking: (785) 233-8732

The Beach Center for Families: (785) 864-7600

Project STAY: (785) 235-1836

Autism Resource Center: (913) 588-5988

Project STAY is currently funded through the efforts of eleven school districts in Northeast Kansas, The State Department of Special Education, and the Southeast Kansas Education Service Center. All of the aforementioned statements regarding the process of functional assessment apply to the model that has been developed and used by Project STAY. There are many other models and methods for functional assessment that can be utilized, as well.

## **FUNCTIONAL ASSESSMENT FACTORS**

1. Establish the team with family, community, and school involvement.
2. During initial stages, keep a broad view of possible influencing factors and wait to form hypotheses.
3. Follow the steps to the functional assessment process.
4. Gather information to verify hypothesis and to justify intervention.
5. Make sure that intervention is tied to function of behavior and is justified by the data.

## **HOW TO DEVELOP RELATIONSHIPS WITH SCHOOLS:**

1. Allow members of the school team to visit with you in your home, or in another neutral place, in order to allow you to discuss issues outside of the school environment. Establish yourself as an active member of the school team.
2. Provide the school, perhaps specific personnel, with any documentation, written or verbal, which will increase their sensitivity towards and understanding of your family and to your child.
3. Gather additional information regarding your child to give to the school, such as previous school records, psychological and medical assessments, community agency records, and pertinent behavioral information from the home environment. This information will be extremely helpful to the school in order to problem-solve, to see behavioral trends/patterns, and to develop appropriate programs.
4. Offer a list of individuals that the school may contact, who might have additional information regarding your child to share with the school, such as ministers, youth counselors, therapists, coaches, employers, neighbors, etc...
5. Participate in the construction of point sheet programs, note-home communication systems, other communication systems, reinforcement programs, IEP and behavior plan goals and objectives, data collection methods, curriculums, etc. Your input is extremely valuable, and should be routinely offered to the school.
6. Determine, with the school, a routine schedule of communication and interaction with your family.
7. Offer to volunteer in the classroom with programs and/or data collection, in order to support the school staff, and to gain more information regarding the classroom environment and your child's functioning.
8. Make sure to ask questions of the school staff if you have questions and/or concerns, as soon as possible.
9. Find a school team member, or outside agency person, who can help you accomplish these tasks, and who can be your advocate in developing plans and interventions for your child.

## **HOW TO ASSESS AND IMPROVE TEAM-BUILDING OPPORTUNITIES**

Ensure that all team members, who might possess information regarding the student, are included in the teaming process, including individuals who may not typically be involved in team meetings (janitors, nurses, probation officers, social workers, community members, paraprofessionals, etc...).

Analyze team functioning and develop action plans in terms of the following areas:

- expectations
- values
- personal issues
- roles and responsibilities
- team philosophies

Structure opportunities for the team to improve upon those identified areas of concern through:

- additional meetings, with adequate staff support provided
- retreats
- mediation
- consultation
- training/in-services
- restructuring of team
- support of school administration

## Elements of an IEP

Although IEP forms vary in format and vocabulary from district to district, each contain certain required elements.

### Present Levels of Performance

The IEP should contain information describing the students current functioning in the following areas:

- general intelligence* - usually given as IQ scores
- social/emotional* - includes info on relationships with peers and adults, interpersonal issues and behavior
- academics* - includes info on strengths and weaknesses in various academic subjects as well as info on any processing problems and/or preferred learning styles/instructional methods
- health* - includes info from the school's vision and hearing screenings as well as concerns about fine and gross motor skills and any physical conditions or medications
- communication* - includes strengths and/or weaknesses in areas such as articulation, syntax, volume and fluency
- other* - could contain prevocational or vocational info or info on any other area of strength or weakness not addressed elsewhere

### Goals and Objectives/Benchmarks

After the IEP team has examined the student's present levels of performance, they choose several (usually around 5) specific issues on which to concentrate. A goal will be set for each area chosen and then objectives (or benchmarks) will be developed to describe how those goals will be met. The objective should address:

- a **measurable and observable behavior** such as completing assignments, reading a specific number of new word, following staff directions
- the **condition** in which the behavior will be assessed such as "in the classroom", "given a passage written at a \_\_\_\_\_ reading level", "at recess"
- a **criterion** for measuring success such as "with a maximum of \_\_\_ errors", "with \_\_\_% accuracy". The criterion should include both an accuracy level and the number of assessments expected for determining success (how many times should Johnny read the word list with 90% accuracy before you count this objective as mastered?) \*\*\*

### Examples:

- Given the first 25 words of the Dolch Word list, Jane will pronounce 90% of the words correctly on 3 consecutive trials.
- In the classroom setting, John will refrain from throwing objects with a maximum of 3 errors per week for 4 of 5 weeks.

**\*\*\*Please note that, in order to set an appropriate criterion for a behavior, the team must know at what frequency or duration the behavior is presently occurring. If the behavior to be improved is reading Dolch Words, the team needs to know how many words the student can currently read. This is called a baseline. Without an accurate baseline, a team can't determine whether the student has actually made any improvement or not.**

## **Related Services**

If a student requires services such as counseling with the school psychologist, speech/language services, transportation, occupational or physical therapy or social work services in order to meet his/her goals and objectives, this information must be included in the IEP. The same is true if the student requires assistive devices such as a computer or language board though this is usually written in a different section of the IEP.

## **Behavior Intervention Plan (BIP)**

Some students with serious behavior problems may have a Behavior Intervention Plan in their IEP. If the IEP team believes, based on the student's past performance, that the student is at risk for being suspended or is being suspended for a specific behavior, a Behavior Intervention Plan (BIP) must be developed to address the problem.

To write a BIP, the team should first perform a **functional assessment** of the behavior to discover what need the inappropriate behavior is fulfilling for the student. It is also important to determine under what conditions the behavior occurs so that the problem can eventually be avoided.

The BIP should include:

- a measurable and observable description of the targeted behavior
- a description of information discovered during the functional assessment
- a description of the new behavior the team wants to replace the targeted behavior with (replacement behavior)
- a description of the types of positive reinforcement and instructional interventions that will be used to encourage the student to use the replacement behavior and/or reward the student can earn for not engaging in the targeted behavior
- a description of the consequences that will be used if the inappropriate behavior is displayed by the student (particularly if the interventions are restrictive in nature)
- a description of how and when progress will be reviewed and evaluated
- a description of how the family will be involved

## **The Transition Plan**

All students 14 years of age and older are required to have a transition plan in their IEP. This plan is developed by the student and the IEP team. The purpose of the plan is to determine what the student (and his/her parents) wants to achieve through his/her educational process. Does he/she want to go to college or be an electrician or open a small business? Does he/she want to live independently or in a group home setting? Does he/she want to be able to handle his/her finances, sign up for community recreational activities or use public transportation?

Once it has been developed, the Transition Plan becomes the document which will guide the IEP. If a student wants to go to college or be an auto mechanic or work in a sheltered workshop, then the IEP should target behaviors and skills that will allow the student to meet that goal.

## **The Signature Page**

When signing the IEP, an individual is not affirming agreement with the contents of the document. Each person is merely acknowledging his/her participation on the process. If an individual does not agree with the IEP, he/she has the right to formally dissent. For more information on this, see your Special Education Director.

## **Updates**

Although the IEP is written to cover 1 calendar year, it should be reviewed and the parents informed of the student's progress at least as often as the performance of general education students is reviewed (usually whenever grade cards are done). If the student is not making the expected progress towards completion of his/her goals and objectives, a new IEP meeting should be called so that revisions can be made.

## **BEHAVIOR PLAN**

1. Integrate behavior plan into IEP.
2. Make behavioral plan readable to all members of the team, using simple language. Avoid using technical jargon.
3. Incorporate legal requirements into behavior plan.
  - (R) List strengths of student
  - (R) List important information to know about student
  - (L) Describe previous interventions attempted
  - (L) Define behavior
  - (R) List function of behavior
  - (R) Define replacement behavior
  - (L) List intervention including personnel, data collection, and procedures
  - (L) List of measurable behavior changes expected and method(s) of evaluation
  - (L) Schedule for review of intervention effectiveness
  - (L) List provision for coordinating with home
  - (L) List descriptive plan for crisis events and restrictive procedures
- (L) Legally required
- (R) Recommended
4. Keep written behavior plan under two - three pages.

## Sample Behavior Intervention Plan (Sample #1)

**Name:** Jake Campfield

**Grade:** 4th

**Age:** 10 years 2 months

**School:** Greenbush Elementary

**Strengths of Student:** Jake has excellent productive verbal skills. He has many animals at home and likes to share stories about them. He is very caring towards his animals. He likes to draw and has stated he wants to be an architect when he grows up. His mother is very involved in his school.

**Individualized Information About Student:** Jake has difficulty reading the same content level as his peers. He is very willing to be read to by his paras, and is receptive to taking tests and completing worksheets orally. At times Jake may not understand academic instructions, especially if working without adult help. Be careful to not interpret these behaviors (typically non-responsiveness or socially inappropriate behaviors) as defiance, as they often result from frustration or confusion. Additionally, it is currently under medical evaluation as to whether Jake suffers from seizures. He is currently taking medication for ADHD, which, if not administered at the same time each day, can result in an increase in problematic behaviors.

**Previously Implemented Intervention\*:** (1) Jake's teacher has reported using a point system with Jake. Jake earned points for desired behaviors which he was able to turn in for a variety of reinforcers. His teacher reported that initially the point system was effective, however after approximately 2 weeks, Jake was no longer responding to the point system and it was discontinued. (2) Time Out was used, with little success. (3) When Jake had problematic behaviors, he was sent to the principal's office. This typically led to a reduction in inappropriate behaviors for between 1-2 hours. (4) Curriculum materials have been adapted to his current level of functioning. This has been met with some success.

**\*Try to include as much information about previously attempted interventions. However, if you have only limited information to include, be certain to include it to provide as comprehensive a plan as possible.**

### **Problematic Behavior: Hitting**

**Definition(s):** Hitting - Forceful application of hands. Jake usually hits peers with an open hand. If Jake hits with a closed hand or fist, or pushes, this is also recorded as a 'hit'.

**Function of Hitting:** Jake appears to hit others when he has to work on his own, without adult supervision. Oftentimes after hitting a peer, Jake will look up at the teacher or a para. If Jake is not attended to by an adult, he will continue to hit. Once he has been attended to by an adult, his hitting will stop. It is determined the function of Jake's hitting is to get adult attention. Jake gets very frustrated while reading and might demonstrate hitting to avoid frustrating reading situations.

**Replacement Behavior:** Jake will raise his hand when he wants adult attention. If, after counting to 10, an adult has not responded to Jake, Jake will go up to the teacher or para and ask for help. These replacement behaviors are to occur at the same rate as his peers.

**Intervention:** For one week Jake will have a full-time para. She will step away from him (across the room) 2 times per hour, for 5 minutes each time. Jake will be told that if he has a question, he will need to raise his hand and wait for the para to come over. The para will continuously watch Jake during the 5-minute periods and will respond to him immediately when he raises his hand. During this week, Jake will not have any peers directly next to him or in front or behind him. In subsequent weeks, the para will have more frequent periods away from him and for longer duration of time. The goal is to fade Jake's need for 1:1 para support to a

minimum, while still addressing his academic needs. The time the para responds to his raising hand will gradually be increased. During this fading process Jake will be required to work independently even if the work is difficult. Students proximity will be gradually increased. The para will socially reinforce him for trying problems even when they are not completed accurately if he tries them independently. When Jake does the replacement behaviors he should be praised for using the replacement behavior. Jake's curriculum will be modified (by the special education teacher) to meet his academic abilities. The mother will not be consequenceing academic problems. Jake will be pulled out once a day with a para where he will choose something to read and the para will give him their full attention throughout this period. This period of time will be gradually shift from being directed by Jake to teacher directed. Small group activities under the context of enjoyable activities will be employed twice a week to help strengthen peer relations. If Jake does hit, peers will be moved to a safe distance, during which time they will continue to work. Jake will be given alternate, yet academically comparable, work to complete. If Jake's hitting escalates, see Crisis Plan, below.

**Method of Recording:** An hour-by-hour (see sample, attached) data sheet will be used to record the frequency of hits. Each hit will be recorded by the para on the data sheet as it occurs.

**List of Measurable Changes:** Hitting should be reduced by half of it's current level within two weeks from initial intervention. It is expected that the behavior be reduced to once a month within two months.

**Schedule for Review:** The effectiveness of this intervention will be reviewed by the para, general education and special education teachers two weeks from the initial date of implementation. The effectiveness of the intervention will be reviewed monthly, with summaries of each review being sent home to the parents.

**Provisions for Home Coordination:** Parents can have access to any of Jake's data, at any time. They will be given summaries of each review, as stated in Schedule for Review, above. The behavior management team will reconvene in two months to discuss current status of hitting behaviors, and make any changes to the behavior plan, if necessary.

**Crisis Management Plan:** If Jake's safety, or the safety of others, is in question, Jake will be asked to leave the area and go to the counselor's room to calm down. If Jake will not leave when given three consecutive verbal requests by an adult, he will be escorted to the counselor's room. If the Crisis Management Plan has to be used more than once a month, the behavior management team will meet to address the problematic behaviors and discuss possible solutions.

## Sample Behavior Intervention Plan (Sample #2)

**Name:** John Smith

**Grade:** 6

**School:** ABC Middle School

**Age:** 12

**Date Written:** 11-18-99

### Strengths of Student:

- Wants to be in the general ed. classes and usually wants to do the same work as his peers
- Likes science and hands-on activities
- Works hard and participates most days
- Usually responds well to teachers
- Enjoys praise and positive, social reinforcement

### Individualized Information About the Student:

- Some behaviors associated with Obsessive/Compulsive Disorder and Tourettes are apparent. These include tapping, noises/verbalizations, some scratching/ rubbing hands and face, and some repetitive movements. These behaviors are exacerbated by anxiety.
- Often works and moves more slowly than peers
- Has difficulty with tasks necessitating writing
- Biological factors, medication interactions and anxiety can cause him to react to situations/directions differently on some days. He'll have productive days and not so productive days.

### Previously Implemented Interventions:

- Time-out, negative reinforcement (provide examples), positive reinforcement with tangibles (provide examples) - These interventions were not effective. Some success with a token economy using concrete reinforcers.

### Problematic Behaviors:

#### **Behavior 1:** *Incomplete assignments*

**Baseline:** averaging 5 incomplete assignments per week for last 5 weeks

**Function of the Behavior:**

Relieves anxiety by avoiding a task he dislikes or finds frustrating

Allows him to express/feel in control of a situation when he's uncomfortable with something

**Replacement Behavior:**

Ask for help. This could include asking for assistance, modifications or breaks.

Complete assignments in study period or at home.

**Interventions:**

- A. He will have a scheduled study period each day. If he has all assignments completed, he can participate in other activities.
- B. Modify assignments by reducing the number/length of responses required for each concept. Where possible, reduce the amount of writing required.
- C. Grading: Teacher establishes a minimum for each assignment. If he does more than the minimum number of responses required, he gets credit/extra credit for each extra response that is correct (no penalty for incorrect responses). If he doesn't complete the minimum, he is counted off for the missing responses.

**Documentation:**

Assignment grades

Number of incomplete/missing assignments in each class

**Amount of Improvement Expected:**

No more than 2 incomplete assignments per week for 3 consecutive weeks.

**Behavior 2:** *Unable/unwilling to work in class*

Baseline: 20% of assignments completed and 35% completed in class.

**Function of the Behavior:**

- Relieves anxiety by avoiding a task he dislikes or finds frustrating
- Allows him to express/feel in control of a situation when he's uncomfortable with something

**Replacement Behavior:**

- Verbalize frustration and/or need for modification
- At least attempt each assignment

**Intervention:**

- Student receives 2 points for every assignment he attempts (i.e. does at least 1/4th of the assigned task) and 5 points for every completed assignment. Points can be spent before lunch and before he goes home on items/activities on his reinforcement menu (He must have input on what's on the menu).
- Student is given 1 prompt to start assignment. After that, refusal is ignored (any behavior disturbing others will be dealt with according to classroom rules and consequences and student earns a 0 on that assignment).
- Student will be given the option of completing an assignment in the resource room for full credit.
- Student will receive instruction/guidance in how to express needs from the counselor. He will earn 5 points for appropriately (according to the guidelines taught by the counselor) expressing frustration and/or need for help/modifications.

**Documentation:**

- Record frequency and duration of time in the resource room for this behavior
- Record % of assignments attempted and % of assignments completed

**Amount of Improvement Expected:**

At least 60% completed and 75% attempted in class for at least 3 of 4 weeks.

**Behavior 3:** *Using profanity around younger students*

Baseline: average of 8 incidents per week for last 5 weeks

**Function of the Behavior:**

- Attention-getting
- Relieving feeling of anxiety due to Tourettes or Obsessive/Compulsive Disorder
- Vent anger/frustration in a situation less threatening than with staff/peers

**Replacement Behavior:**

- Get attention by interacting appropriately with peers
- Recognize anxiety or anger/frustration and get help to vent appropriately (cool down time, removing self from situation, talking with staff/peer)

**Intervention:**

- Provide opportunities for him to practice interacting appropriately with younger students (i.e. reading to them, tutoring.)
- Praise for appropriate verbal interaction
- When he is verbally inappropriate, he is directed to remove himself to a different location and is not allowed to participate in the activity (i.e. recess.) for 5 minutes.

**Documentation:**

- Record number of times he's verbally inappropriate with younger students
- Record number of times he asks for help with anxiety or anger/frustration

**Amount of Improvement Expected:**

No more than an average of 4 incidents of profanity around younger students per week for 3 consecutive weeks.

**Schedule for Review:**

Documentation review at least each nine weeks when grade cards are distributed

### **Provisions for Home Coordination:**

Assignment notebook sent home daily. Assignments will be marked as attempted, completed or not attempted. On Fridays a note will be sent home with weekly grade for each class number of inappropriate verbalizations toward younger students and number of times student requested resource room and/or cool down.

### **Crisis Management Plan, Sample #1:** (For behaviors that may lead to suspension or expulsion) (*Let's say, for example, Johnny had a history of throwing chairs when he gets frustrated.*)

1. Johnny will be given a cue that he can use with staff to indicate that he is getting upset and needs to cool down. Once he gives the cue, he can choose from the following options:
  - Walking in the hall or outside (a staff member will accompany him but not talk to him)
  - Go to resource room
  - Ask to see a support staff member
2. If staff sees that Johnny is becoming upset and he is not using the cue for help, staff will say, "I see you're getting upset. I need you to choose (list the options in number 1). If Johnny is unable to make a choice, he will be directed to go to time-out where he will remain until he can demonstrate compliance with a simple request.
3. If Johnny is not able to demonstrate compliance within 30 minutes or if he has had more than 3 time-outs, he will be seen by a support staff member as soon as possible.
4. If Johnny throws furniture or otherwise endangers himself or others, he will be isolated from his peers and Mom (or her designee) will be called. Johnny will remain in isolation until it is determined that he is no longer in imminent danger of hurting himself or others. He will finish his school day in the resource room.
5. If Johnny endangers himself or others while in isolation, physical restraint will be used by staff members trained in Mandt procedures.
6. If an injury or property damage occurs as a result of Johnny's behavior, a police report will be made and he will be suspended according to district policy (You might need to spell that out here). The IEP team will meet as soon as possible within 10 days to review the Behavior Intervention Plan and make modifications where necessary.

### **Crisis Management Plan, Sample #2:** (For behaviors that may lead to suspension or expulsion)

1. If tantruming behavior (i.e., aggressive behavior, destruction of property, or excessive disruptive noise making) is exhibited to the extent that it interferes with the safety of Johnny or his peers, Johnny will be asked to leave the classroom. Johnny will be escorted to the resource room by a staff member.
2. If Johnny does not comply with this request, then the staff member present will call for Resource Room Teacher for assistance.
3. Resource Room Teacher will proceed to the location and will assess the situation and determine action to be taken (removal of classroom or de-escalation of Johnny in the classroom) based on the behavior occurring.
4. When appropriate, Johnny will be removed from the classroom and will be taken to the timeout area and the following timeout procedures will be followed.
5. Each timeout will have a quiet time requirement (3 minutes) during which no kicking, screaming, or loud noise making could occur. If loud noise or screaming occurs during this time, the timer will be reset and started again. A staff member will be present to monitor timeout at all times and will record the date, time and incident on a timeout log.
6. When the timer goes off, staff will ask Johnny if he is ready to return to class. If Johnny says "No", staff will ask Johnny to tell them when he is ready. If Johnny says "Yes", staff will ask Johnny what he needs to work on in the classroom when he returns. Staff will also ask Johnny what behaviors he can use next time he is in a similar situation, so that he does not need to be taken to the time-out room.
7. Staff will escort Johnny back to class and will remain with him until Johnny appears to have transitioned successfully.
8. The above procedures will be followed if Johnny's behavior warrants the subsequent use of timeout. However, if more than one timeout is required in a day, Johnny will work in the resource room for the remainder of the day and will not return to class until the following day.

**NOTE:** If a Crisis Management Plan needs to be utilized more than 3 times each semester, team members will re-convene to discuss what modifications need to be made, if any, to the student's Behavior Intervention Plan.

## Learning Styles Summary Sheet

Learning Styles is a program that was developed by the National Reading Styles Institute in Roslyn Heights, New York. Essentially, the program is designed to assess which style(s) optimize the learning process for an individual student. Once a student's preferred style(s) is known, primary instruction can be presented via that style(s). The program also encourages remedial work in styles with which a student has difficulty.

The assessment instrument contains questions which will elicit how the student learns best.

Environmental Style - Does the student learn best when he/she:

- works in silence or with music/background noise...
- is cool or warm
- works in bright light or dim light
- is in a formal or informal setting

Emotional Style - Does the student learn best when he/she:

- is internally or externally motivated
- is a leader or a follower
- is in a structured or unstructured environment

Sociological Style - Does the student learn best when he/she works:

- with peers
- by him/herself
- in a pair
- in a team
- with an adult
- in a varied setting

Physical Style - Does the student learn best when information is presented in:

- an auditory modality (hearing)
- a visual modality (sight)
- a tactile modality (needing to touch objects)
- a kinesthetic modality (needing to move)
- a combination of modalities

Psychological Style - Does the student learn best when information is presented:

- analytically (parts to the whole) or globally (whole to the individual parts)
- to the right hemisphere of the brain or the left
- in a way that allows him/her to process impulsively or reflectively

Once a profile is developed, instructional strategies can be chosen. For example, phonics is a good way to teach reading to students who are auditory-analytical learners but it is not so effective with visual- or tactile/kinesthetic-global learners. That doesn't mean that we don't use phonics at all with these students (the auditory modality can be strengthened to varying degrees depending on the individual). It simply means that these students will benefit most from a more language-experience (whole language) or sight word program.

## Seven Kinds of Learning Styles for Multiple Intelligences

| <b>Children who are strongly:</b> | <b>Think</b>                          | <b>Love</b>                                                               | <b>Need</b>                                                                                             |
|-----------------------------------|---------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Linguistic</b>                 | in words                              | reading, writing, telling stories, playing word game, etc.                | books, tapes, writing tools, diaries, dialogue, discussion, debate, stories, etc.                       |
| <b>Logical-Mathematical</b>       | by reasoning                          | experimenting, questioning, figuring out logic puzzles, calculating, etc. | things to explore, science materials, manipulatives, science and nature trips, etc.                     |
| <b>Spatial</b>                    | in images and pictures                | designing, drawing, visualizing, doodling, etc.                           | art, LEGOs, videos, imagination games, mazes, puzzles, trips to the art museum, illustrated books, etc. |
| <b>Bodily-Kinesthetic</b>         | through somatic sensations            | dancing, running, jumping, building, touching, gesturing, etc.            | role play, drama, movement, things to build, sports, tactile experiences, hands-on learning, etc.       |
| <b>Musical</b>                    | via rhythms and melodies              | singing, whistling, humming, tapping hand and feet, listening, etc.       | sing-along time, concerts, music playing at home and school, musical instruments, etc.                  |
| <b>Inter-personal</b>             | by bouncing ideas off of other people | leading, organizing, relating, manipulating, meditating, partying, etc.   | friends, group games, social gatherings, community events, clubs, mentor/apprenticeships, etc.          |
| <b>Intra-personal</b>             | deeply inside of themselves           | setting goals, meditating, dreaming, being quiet, planning                | secret places, time alone, self-paced projects, choices, etc.                                           |

## Summary of the “Seven Ways of Teaching”

| <b>Intelligence</b>              | Teaching Activity<br>(examples)                                                                                                  | Teaching Materials<br>(examples)                                                                             | Instructional<br>Strategies                                                  |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Linguistic</b>                | lectures,<br>discussions, word<br>games, storytelling,<br>choral reading,<br>journal writing, etc.                               | books, tape<br>recorders, word<br>processor, stamp<br>sets, books on tape,<br>etc.                           | read about it, write<br>about it, talk about it<br>listen to it              |
| <b>Logical-<br/>Mathematical</b> | brain teasers,<br>problem solving,<br>science<br>experiments, mental<br>calculation, number<br>games, critical<br>thinking, etc. | calculators, math<br>manipulatives,<br>science equipment,<br>math games, etc.                                | quantify it, think<br>critically about it,<br>conceptualize it               |
| <b>Spatial</b>                   | visual presentations,<br>art activities,<br>imagination games,<br>mind-mapping,<br>metaphor,<br>visualization, etc.              | graphs, maps, video,<br>LEGO sets, art<br>materials, optical<br>illusions, cameras,<br>picture library, etc. | see it, draw it,<br>visualize it, color it,<br>mind-map it                   |
| <b>Bodily-<br/>Kinesthetic</b>   | hands-on learning,<br>drama, dance, sports<br>that teach, tactile<br>activities, relaxation<br>exercises, etc.                   | building tools, clay,<br>sports equipment,<br>manipulatives,<br>tactile learning<br>resources, etc.          | build it, act it out,<br>touch it, get a “gut<br>feeling” of it, dance<br>it |
| <b>Musical</b>                   | superlearning,<br>rapping, songs that<br>teach                                                                                   | tape recorder, tape<br>collection (or CDs),<br>musical instruments,<br>etc.                                  | sing it, rap it, listen<br>to it                                             |
| <b>Inter-<br/>personal</b>       | cooperative<br>learning, peer<br>tutoring, community<br>involvement, social<br>gatherings,<br>simulations, etc.                  | board games, party<br>supplies, props for<br>role plays, etc.                                                | teach it, collaborate<br>on it, interact with<br>respect to it               |
| <b>Intra-<br/>personal</b>       | individualized<br>instruction,<br>independent study,<br>options in course of<br>study, self-esteem<br>building, etc.             | self-checking<br>materials, journals,<br>materials for<br>projects, etc.                                     | connect it to your<br>personal life, make<br>choices with regard<br>to it    |

## Multiple Intelligences Self Profile

**Directions:** Read each statement. Use the scale below and give each statement a number that best represents your response.

1= Not at all like me   2= A little like me   3= Somewhat like me   4= A lot like me   5= Definitely me

### Section 1

|                                                                                  |  |
|----------------------------------------------------------------------------------|--|
| a. I have a deep sense of awareness of inner feelings, strengths and weaknesses. |  |
| b. I have a strong sense of independence, strong will and am self-directed.      |  |
| c. I prefer my own private world/time to large group functions.                  |  |
| d. I like to be alone to pursue personal hobbies, interests or projects.         |  |
| e. I have a deep sense of self confidence.                                       |  |
| Total                                                                            |  |

### Section 2

|                                                                                   |  |
|-----------------------------------------------------------------------------------|--|
| a. I like being with people more than being alone.                                |  |
| b. I have many friends.                                                           |  |
| c. I enjoy socializing in a variety of environments.                              |  |
| d. I learn best through cooperative activities.                                   |  |
| e. I am good at communication, organizing and sometimes even manipulating people. |  |
| Total                                                                             |  |

### Section 3

|                                                                    |  |
|--------------------------------------------------------------------|--|
| a. I learn best by moving, touching and/or acting out information. |  |
| b. I process most of my knowledge through sensations.              |  |
| c. I have well defined ability in fine and gross motor skills.     |  |
| d. I enjoy taking things apart and putting them back together.     |  |
| e. I can mimic other people's mannerisms well.                     |  |
| Total                                                              |  |

### Section 4

|                                                                   |  |
|-------------------------------------------------------------------|--|
| a. I enjoy reading, writing and listening.                        |  |
| b. I enjoy jokes, tall tales and stories.                         |  |
| c. I easily remember names, places, dates and other trivia.       |  |
| d. I can spell accurately and have a highly developed vocabulary. |  |
| e. I like crossword puzzles or playing word games.                |  |
| Total                                                             |  |

### Section 5

|                                                                             |  |
|-----------------------------------------------------------------------------|--|
| a. I like to explore patterns, categories and relationships of information. |  |
| b. I can compute math problems easily and quickly.                          |  |
| c. I can group, order, analyze, interpret and predict data.                 |  |
| d. I enjoy strategy games (e.g. chess) and like to win.                     |  |
| e. I ask a lot of questions about how things work.                          |  |
| Total                                                                       |  |

### Section 6

|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| a. I think in images and pictures.                                                    |  |
| b. I like to draw, paint, sculpt and engage in other art activities.                  |  |
| c. I use clear visual images when thinking about concepts and explaining information. |  |
| d. I can draw accurate representations of people or things.                           |  |
| e. I tend to daydream when learning new information.                                  |  |
| Total                                                                                 |  |

### Section 7

|                                                        |  |
|--------------------------------------------------------|--|
| a. I am highly aware of sounds within the environment. |  |
| b. I typically play music when working or relaxing.    |  |
| c. I can easily remember melodies of songs.            |  |
| d. I generally know when music or a note is off key.   |  |
| e. I like to sing, hum and keep rhythm.                |  |
| Total                                                  |  |

**To determine your most prevalent intelligence, complete the following steps:**

1. Add the scores for each section and place the number on the “total” line for that section.
2. Take the total score from each section and mark the score on the graph. Color in the area below the score to develop a picture of which intelligence(s) appears to be your area of strength or preference.

### Intelligence Scoring Graph

| Total | Section 1      | Section 2      | Section 3          | Section 4  | Section 5            | Section 6      | Section 7 |
|-------|----------------|----------------|--------------------|------------|----------------------|----------------|-----------|
| 25    |                |                |                    |            |                      |                |           |
| 23    |                |                |                    |            |                      |                |           |
| 21    |                |                |                    |            |                      |                |           |
| 19    |                |                |                    |            |                      |                |           |
| 17    |                |                |                    |            |                      |                |           |
| 15    |                |                |                    |            |                      |                |           |
| 13    |                |                |                    |            |                      |                |           |
| 11    |                |                |                    |            |                      |                |           |
| 9     |                |                |                    |            |                      |                |           |
| 7     |                |                |                    |            |                      |                |           |
| 5     |                |                |                    |            |                      |                |           |
| 3     |                |                |                    |            |                      |                |           |
| 1     |                |                |                    |            |                      |                |           |
|       | intra-personal | inter-personal | bodily kinesthetic | linguistic | mathematical/logical | Visual/spatial | musical   |

Developed by Anne Moll, KDE

## DATA COLLECTION - “HOW TO” WORKSHEET

1. When working with problematic behaviors, do not make assumptions that you already know the cause of the problematic behavior, or that you know the answer(s) already. This can bias the data collection. It is most important to go into the data collection process with an open mind and allow the data to show you the way through the “puzzle”. Consult with parent to help determine which data should be collected.
2. Identify problematic behaviors. Consult all team members (and other appropriate individuals) in determining possible problematic behaviors (including paraprofessionals, school support staff, itinerant staff, school administration, community members, student’s parents/family members, student’s peers, and the student). Have team prioritize behaviors on which to collect data, from most important/relevant to least important/relevant.
  - Make certain each behavior is definable and measurable
3. Write a behavioral definition for each behavior which will be subjected to data collection. Make certain that each member of the team has the opportunity to review each behavioral definition and that agreement is obtained on definitions prior to initiating data collection.
4. Identify data which already exists and might be relevant to problematic behavior.
  - Homework
  - Home/school notes
  - Discipline reports
  - Tardies/absentees
  - Anecdotal notes/records
5. Identify who will be responsible for collecting data. Optimally, data should be collected in a variety of settings (different classes, different times of the day, different days of the week, when the student is with different teachers), and by a single observer (to minimize unreliable data). If multiple observers will be used, interobserver reliability should be addressed and assessed (Consult training manual for information on interobserver reliability).
6. Decide which form of data collection will be most appropriate, practical and do-able under the given circumstances (Consult training manual for different forms of recording behavior).
7. Begin collecting baseline data. After collecting data, summarize for ease of presentation and understanding. Be certain to share results with all members of the team.
  - Graphs
  - Charts
  - Tables

## Discipline Procedures For Special Education Students

| Length of Removal                                                                                                                                                                                       | Services Required                                                                                                                                  | IEP Meeting Required?                                                                                                                                                                                                                                                                                                    | Services Determined by Whom?                                                                       | If Challenged, Stay Put?                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------|
| First 10 school days                                                                                                                                                                                    | None 300.121 (d)(1)                                                                                                                                | No                                                                                                                                                                                                                                                                                                                       | N/A                                                                                                | N/A                                          |
| Next removal which includes the 11th cumulative day (but does not constitute a change of placement)                                                                                                     | Those which enable the child to:<br>1. Progress in the general curriculum<br>2. Advance toward achieving the goals of the IEP<br>300.121 (d)(2)(i) | Yes, to:<br>1. Develop a FBA* plan and BIP**; or<br>2. Review (within 10 business days) the existing BIO and its implementation and make any changes needed to address behavior.<br>300.520 (b)(1)(i) & (ii)<br>No manifestation determination*** is required 300.523 (a)                                                | School personnel, in consultation with the child's special education teacher.<br>300.121 (d)(3)(i) | N/A                                          |
| Each subsequent short-term removal (but still not constituting a change of placement).                                                                                                                  | Same as above.<br>300.520 (a)(1)(ii) and (300.121 (d)(2)(i)                                                                                        | No. But members of the IEP team review the BIP and its implementation. If any member wants an IEP meeting, it must be held. 300.520 (c)(1)&(2)                                                                                                                                                                           | Same as above<br>300.121 (d)(3)(i)                                                                 | N/A                                          |
| A removal for:<br>1. more than 10 consecutive days, 300.524 (a) or<br>2. another removal that cumulates to more than 10 school days, and shows a pattern constituting a change of placement.<br>300.519 | Same as above<br>300.121 (d)(2)(i)                                                                                                                 | Yes, to:<br>1. Make a manifestation determination (notice of action and procedural safeguards immediately and meeting within 10 school days)<br>300.523 (a)(1)&(2)<br>2. Develop a FBA plan and BIP, or review existing BIP and its implementation and make any changes needed to address behavior.<br>300.520 (b)(1)(i) | IEP team determines services and place where the services will be provided.<br>300.121 (d)(3)(ii)  | Current educational placement<br>300.514 (a) |

|                                                           |                                                                                                                                                                                         |                                                                                                                                                                                    |                                                                                                                         |                                                                                                                                                                                  |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 45 day alternative educational setting (weapons or drugs) | Same as above, although in another setting, and include the services and modifications in the IEP and those needed to address the behavior.<br>300.522 (b)(1)&(2)<br>300.121 (d)(2)(ii) | Yes, to:<br>1. Make a manifestation determination* and develop or review FBA plan and BIP (same as above), and<br>2. Determine the alternative educational setting.<br>300.522 (a) | IEP team<br>300.522 (a)                                                                                                 | Alternate education setting pending hearing officer's decision or end of 45 days, or by agreement.<br>300.524 (c) and 300.526 (a).<br>Process may be repeated.<br>300.526 (c)(4) |
| 45 day alternative educational setting (dangerous child)  | Same as above<br>300.522 (b)(1)&(2)<br>300.121 (d)(2)(ii)                                                                                                                               | Yes, to make a manifestation determination* (Notice of action and procedural safeguards immediately, and meeting within 10 school days).<br>300.523 (a)(1)&(2)                     | Proposed by school personnel in consultation with special education teacher. Reviewed by Hearing Officer<br>300.521 (d) | Same as above                                                                                                                                                                    |

\*FBA = Functional Behavior Assessment: A procedure used to determine why and under what conditions the behavior is occurring.

\*\*BIP = Behavior Intervention Plan: A document which is based on information derived from the Functional Behavior Assessment and which outlines specifically how the problem behavior(s) will be addressed.

\*\*If a long term suspension or expulsion of a student is proposed AND the IEP team finds the behavior is not a manifestation of the disability, the child's special education and disciplinary records are to be transmitted to the disciplinary decision maker. 300.524 (b)

**If you have any questions, call the Kansas Special Services hotline at 1-800-203-9462.**

Source: Kansas Department of Education

## **Behavior and Discipline, Sections 613 and 615**

School personnel are required to be knowledgeable of statutory regulations relating to suspensions and expulsions of students with disabilities. Although IDEA, Section 504, and their implementing regulations are reasonably detailed, specific guidelines are often lacking for the suspension or expulsion of students with disabilities. As a result, school personnel work to balance the special education needs and rights of students with disabilities with the school's need to provide a safe learning environment. Readers are cautioned to read this complete section in order to avoid taking information out of context. In addition, readers are encouraged to consult current Department of Education regulations and any recent court decisions affecting this aspect of the law.

### **Q: When must a Local Education Agency (LEA) afford protections under IDEA to a child who is currently not identified as a child with a disability?**

A: A school must consider the legal rights of a child:

- When the child's parent has expressed to the school, in writing, that the child needs special education and related services;
- When the behavior or performance of the child demonstrates the need for such services;
- When the parent has requested an evaluation to determine if the child has a disability;
- When a staff member of the educational agency has expressed concern about the behavior or performance of the child to another staff member; or
- When the child's parent is unable to communicate to the school in writing, but has expressed concern that the child may need special education and related services through some other means.

### **Q: What is the definition of a suspension?**

A: A suspension is generally defined as a short- or long-term cessation of educational services. Statutes regulate the allowable length of the suspension, the reasons for which a suspension can be ordered, and the procedure school personnel must follow in implementing a suspension.

### **Q: What basic due process rights are school personnel required to avail to a student with disabilities as per all students prior to suspension?**

A.:

- The student must be advised of the reasons for the proposed suspension and given an opportunity to explain their version of the incident prompting suspension.
- The parent or guardian of a suspended student should be given prompt notice of the suspension and the reason for it.
- The suspended student, parent, or guardian may appeal the suspension to another school official.

**Q. Is a temporary suspension of students with disabilities considered a change of placement?**

A: Under normal circumstances, school personnel may temporarily (short term) suspend a student with a disability using the same procedures in place for non-disabled students as long as such suspension does not result in a change of placement. Courts have determined that the school's need to remove a disruptive student from the school environment temporarily outweighs the entitlement to a free appropriate public education for the student with a disability. Since the duration of the suspension is limited, it is normally not of a significant length to be considered a change of placement.

**Q: What action should be taken when a student with a disability receives cumulative suspensions?**

A: The circumstances of a series of suspensions for students with disabilities which cumulatively approach 10 days in a single school year should be reviewed to determine whether or not a consideration for a change in placement is warranted. The IEP and accommodations should be reviewed as appropriate. The Office of Civil Rights (OCR) outlines the following factors to be considered in determining whether or not a series of suspensions constitute a change in placement under Section 504 or IDEA, including the:

- Length of each suspension;
- Proximity of the suspensions to one another; and
- Total amount of time the student was excluded from the classroom.

The 1997 Amendments to IDEA suggest that the total amount of time cannot exceed 10 days in a given school year. Readers are cautioned that they should consult current Department of Education regulations and any recent court decisions affecting this aspect of the law.

**Q: What is the definition of a long-term suspension for students with disabilities?**

A: Long-term suspension is generally defined as the termination of educational services for more than 10 school days or for the remainder of the school semester or year. The complete termination or cessation of educational services is not an option for students with disabilities under the 1997 Amendments to IDEA. There are provisions for a change in placement but under no circumstances is cessation of services (i.e., FAPE), including transportation or other related services, permitted for students with disabilities.

**Q: How is expulsion for students with disabilities defined?**

A. An expulsion is generally defined as a complete termination of educational services for more than 10 days per school year. The complete termination or cessation of educational services is not an option for students with disabilities under the 1997 Amendments to IDEA. There are provisions for a change in placement but under no circumstances is cessation of services (i.e., FAPE), including transportation or other related services, permitted for students with disabilities.

**Q: Under what circumstances may a school unilaterally change the placement of a student with a disability?**

A. The 1997 Amendments to IDEA, effective upon enactment (June 4, 1997), do not allow for the cessation of special education services, even to dangerous and chronically disruptive students who violate district codes of conduct for more than 10 days. It does give school

personnel more authority to discipline such students by expanding the provision that allows maximum 45-day alternative placements for students who bring firearms or other weapons and illegal drugs to school.

School personnel may unilaterally order a change in placement:

- To an appropriate Interim Alternative Educational Setting (IAES), another setting, or suspension for not more than 10 school days; and
- To an appropriate IAES for not more than 45 days if the:
  - student brings a weapon to school or school function; or
  - student possesses/uses/sells illegal drugs

As previously noted, school personnel will still be able to suspend a special education student who violates a discipline policy as long as such suspension does not result in a change of placement.

**Q: What must be provided in any IAES?**

A: Provisions include:

- Participation in the general education curriculum, including physical education;
- Services enabling the student to achieve IEP goals; and
- Services to address the behavior.

**Q: Are there any limitations on the duration of a student's placement in an IAES?**

A: A student may be placed in an IAES for no more than 45 school days without parental consent only in the event of weapons and/or illegal drugs violations. During that period, the IEP team, including the parents, may opt to change the student's "permanent" placement. If no such change is made, the student returns to the prior setting after the IAES period is completed.

**Q: Must parents be notified when a child is placed in an IAES?**

A: Yes. Parents must be provided a copy of their procedural safeguards, information about their right to challenge the change in placement, and their right to challenge any manifestation determination.

**Q: Who must participate in the IEP team meeting following a behavior resulting in a recommendation of a change in placement?**

A: Participants must include:

- The regular members of the IEP team (see section on IEPs);
- A parent; and
- Other personnel qualified to determine the relationship between the child's disability and the behavior subject to the discipline.

**Q: What must be determined by the IEP team at this meeting?**

Before or not later than 10 days after the disciplinary action, if the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan prior to behavior resulting in the suspension, the LEA shall conduct an IEP meeting to develop an assessment plan or if the plan already exists, the IEP team shall review and revise as necessary.

However, before a special education student can be excluded from school for more than 10 days, an IEP team meeting **MUST** take place. There are two major decisions the team must make:

- Whether the student's existing program was appropriate to his or her unique needs, and implemented as designed; and
- Whether the student's behavior is a manifestation of his or her disability.

If the IEP team concludes that the misbehavior is a manifestation of the student's disability and/or that the student's special education program is not appropriate, then long-term suspension or expulsion must not occur. Instead, the student's individualized education program must be revised and the student provided with an appropriate special education program and placement.

If the IEP team concludes that the student's disability did not in any way relate to the student's misbehavior nor was the student's IEP inadequate in any way, the long-term exclusion process may go forward using regular school district procedures and practices. However, special education services must continue to be provided in whatever IAES is deemed appropriate by the IEP team.

**Q: What sources of information must be considered when conducting a manifestation determination?**

A: Considerations include:

- Evaluation and diagnostic results (including relevant information supplied by parents);
- Observations of the child;
- The current IEP and placement; and
- All other relevant sources of information.

**Q: What criteria must be met to determine that a behavior is a manifestation of a child's disability?**

A: The following criteria must be met:

- FAPE was provided by the existing IEP and placement; and
- The child's disability impaired the child's ability to understand the impact and consequences of the behavior; or
- The child's disability impaired the child's ability to control the behavior.

**Q: What if the manifestation determination finds that the behavior is not a result of the child's disability and a parent disagrees?**

A: The parent may request a due process hearing, which must be provided by the SEA or LEA on an expedited schedule. The student remains in the current setting during the pendency of the appeal, except in the event of violation of weapons or illegal drugs.

**Q: What if the behavior was determined to be a manifestation of the student's disability?**

A: The student may be placed in an IAES setting for no more than 45 days, given parental consent.

**Q: May LEAs remove students from their current setting without parental permission?**

A: Yes. A hearing officer may order a change in placement to an IAES for not more than 45 days for very dangerous behavior, as well as weapons or drugs as defined above, if the hearing

officer determines that the LEA has demonstrated by substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or others; considers the appropriateness of the current placement; considers whether the LEA has made reasonable efforts to minimize risk of harm in current placements; and determines that the IAES meets requirements delineated in law. In addition, the school may unilaterally place a student in an IAES for weapons or illegal drugs violation.

**NOTE:** A judge or the courts continue to have authority to remove a student from educational settings and services in accordance with state and federal laws.

**Q: In the case of a disagreement between parent and school, how is it demonstrated that maintaining the current placement would be likely to result in injury to the child or to others?**

- A: An impartial hearing officer is permitted to make such a determination if the school district:
- Provides substantial evidence that continued current placement would be substantially likely to result in injury to the child or others; and
  - Demonstrates that the proposed IAES meets the requirements of such programs

The hearing officer must consider:

- Whether or not the child's current placement is appropriate, and
- Whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services

If the hearing officer agrees with the school, the child may be placed in the proposed IAES. If the hearing officer agrees with the parents, the child is returned to the previous setting.

**Q: May a school district appeal the hearing officer's decision?**

- A: Yes. The school may seek a temporary restraining order that would result in the child being placed in the IAES.

**Q: May the parent appeal the hearing officer's decision?**

- A: Yes. The parents may file for a due process hearing. The student would be placed in the IAES during the first 45 days of this appeal, after which the student would be returned to the original setting.

**Q: What if parental consent is not given for an IAES?**

- A: The SEA or LEA must schedule a due process hearing.

**Q: What placement options are available after the completion of a 45-day IAES?**

- A: Placement options include the following:
- The child may return to the previous placement.
  - During the interim period, the IEP team may change the child's placement with the parent's consent.
  - During the interim period, the IEP team may recommend a change in the child's placement even though the parent opposes.

**Q: If parents disagree with a proposed placement change after an IAES placement, where is the student placed, pending due process action?**

A: The child shall remain in the current placement (the child's placement prior to the IAES) unless school personnel maintain that it is dangerous for the child to be in the current placement during the pendency of the due process hearings at which time the LEA may request an expedited hearing.

**Q: Should law enforcement officials be notified of criminal activity committed by a student with a disability?**

A: Nothing in the 1997 Amendments to IDEA prohibits an agency from reporting criminal acts that are committed by a student with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability. An agency reporting a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by appropriate authorities to whom it reports the crime.

**Q. What happens when disciplining students not yet eligible for special education?**

A: A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated the code of conduct of the LEA, is protected by all of the procedural safeguards under Part B of IDEA, if the LEA had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. An LEA shall be deemed to have had knowledge that a student has a disability if the parents of the student have expressed concern in writing (unless the parents are illiterate or have a disability that prevents compliance with the requirements of the clause) to personnel of the appropriate educational agency that the student needs special education and related services; the behavior or performance of the student demonstrates the need for such services; the parent of the student has requested an evaluation of the student under section 614, or the student's teacher, or other LEA personnel, has expressed concern about the behavior or performance of the student to the director of special education or to other agency personnel.

If the LEA does not have knowledge, or could not reasonably have known, that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors, unless it is otherwise determined that the student is a student with disabilities.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services except that the student shall remain in the educational placement determined by school authorities.

## **Special Education Terminology**

### **IDEA - The Individuals with Disabilities Education Act**

This is the federal legislation which mandates that all students, regardless of abilities or disabilities, are to receive a free and appropriate public education. It spells out specific requirements under which all states must function.

### **IEP - Individualized Education Program**

The IEP is an annual plan which must, by law, be written for each student receiving special education services. It describes the unique needs of the student and the manner in which those needs will be met. The IEP is a legal document so adherence to regulations for its development and its content is critical.

### **IEP Team - Individualized Education Program Team**

This is the group of people who meet to write the Individual Education Program. Members generally include the student's special education teacher(s), at least one regular education teacher who has contact with the student during the day (now required by law), an administrative representative, support personnel and the parent(s), guardian and/or whoever has educational rights (Who has the legal right to sign educational paperwork?). Anyone else having special expertise or specialized knowledge of the child may also be invited.

### **LEA - Local Education Agency**

This refers to the school district, special education cooperative or interlocal that is responsible for providing the education for the special education student.

### **Extended School Term**

This is a state-approved special education program that extends beyond the regular school year and which is designed for disabled students who are anticipated to require at least 45 days to regain their year-end competency levels if they do not receive the services outlined in their IEPs over the summer. This is not a typical summer school program.

### **Due Process**

This is the process through which parents, guardians and/or LEA's (Local Education Agencies) can move to resolve differences related to the students need for or services in special education. Disputes are brought to a hearing officer or mediator (following a specified procedure) who will make a decision after evaluating the evidence provided by both sides. If either side disagrees with the hearing officer, the case can then be moved to district court.

### **FAPE - Free and Appropriate Public Education**

All special education students are by federal and state law guaranteed an education that meets their specific needs at no charge to the parents regardless of the setting in which the student needs to be served.

## **LEA - Least Restrictive Environment**

State and federal law specifies that each special education student has the right spend as much of his/her day in the general education environment with regular education students as possible. IEP teams must determine how the student's disability can best be accommodated in the regular education classrooms using assistive devices, special education staff support and/or curriculum adjustments. Removing a student from the general education environment for any period of time is to be considered only after all other in-class interventions have been documented as unsuccessful.

## **Functional Curriculum**

This curriculum is designed for students who, because of their disability, need to work on basic daily living skills and/or simple employment skills. Students in this category are usually those who are significantly mentally retarded or severely multiply disabled.

## **Adapted Curriculum**

This curriculum is designed for students who, because of their disability, are performing several years below grade level in a particular subject. They are still working on general education objectives and outcomes but not on those at their chronological grade level. A student may be in an adapted curriculum in one or several academic subjects.

## **Modified Curriculum**

This curriculum is designed for students who are working at the same level and on the same general education objectives and outcomes as their regular education peers but who, because of their disability, require some accommodations in order to succeed. Examples of such accommodations could include books on tape or reading tests aloud for a visually impaired student or a student with a reading disability, word processing equipment for a student with a writing disability or a physical handicap, or helping a student with a learning disability to organize information and study for tests or even creating alternative assignments to assess their knowledge/skills.

## **General Education Curriculum**

This is the curriculum for a given subject or grade that has been established by the local school district (or cooperative or interlocal) and adopted by the school board.

## Resources

### Social Skills

Hot Stuff to Help Kids Chill-Out: The Anger Management Book, Dr. Jerry Wilde, LGR Publishing (3083 Main Street, East Troy, WI 53120), 1997.

This is a 58 page, large print booklet written for students (upper elementary through high school.) It's funny and nonthreatening. It's a good introduction to the topic.

Skillstreaming the Adolescent: New Strategies and Perspectives for Teaching Prosocial Skills, Arnold Goldstein, Research Press (2612 N. Mattis Ave, Champaign, Ill. 61821), 1997.

This is a very teacher-friendly, social skills program. It contains lesson plans for 50 social behaviors. It is easy to follow and highly flexible.

Skillstreaming the Elementary School Child: A Guide for Teaching Prosocial Skills, Arnold Goldstein, Research Press (2612 N. Mattis Ave, Champaign, Ill. 61821).

This program has the same format as the Skillstreaming the Adolescent program above.

Anger Replacement Training: A Comprehensive Intervention for Aggressive Youth, Arnold Goldstein, Research Press (2612 N. Mattis Ave, Champaign, Ill. 61821), 1987.

This program is more involved than the Skillstreaming programs although it is based on the same behaviors. It has been used in some of the juvenile correction facilities around the state. It appears to work best as a school-wide intervention.

Teaching Children Self-Control: Preventing Emotional and Learning Problems in the Elementary School, Stanley Fagen, Charles E. Merrill Publishing Co., Columbus, Ohio, 1975.

This book was written to be used with regular education students. It contains a variety of fun activities designed to improve self-control. It's a good supplement to the Skillstreaming programs.

Got It! Seven Steps for Teaching Students to Get On Top of Their Problems, Laurie Hartwig, Sopris West (1140 Boston Ave., Longmont, Co. 80501, 303-651-2829), 1994

This is a basic social skills program designed for elementary students. It has a good section on dealing with emotions.

The Tough Kid Book: Practical Classroom Management Strategies, Dr. Ginger Rhodes, Sopris West (1140 Boston Ave., Longmont, Co. 80501, 303-651-2829), 1993.

This is an excellent resource containing information and strategies for working with problem behaviors. It covers topics such as assessment, prevention, reinforcement, effective staff attitudes, and structuring academics.

Raising Self-Reliant Children in a Self-Indulgent World: Seven Building Blocks for Developing Capable Young People, H. Stephen Glenn, Prima Publishing and Communication (PO Box 1260SR Rocklin, Ca., 95677, 916-624-5718), 1989.

While not an actual social skills program, this book discusses issues and ideas that can be incorporated by parents and school to try to prevent inappropriate behaviors and increase the level of responsibility students take over their own behavior.

## **Emotional and Behavioral Disorders**

Characteristics of Children's Behavior Disorders, James Kauffman, Charles E. Merrill Publishing Co., Columbus, Ohio, 1975.

This is a college textbook that provides basic information on what behavior disorders are, theories on how they develop and strategies for dealing with them.

Education Students With Behavior Disorders, Michael Rosenberg, Allyn and Bacon Publishing (internet site: www.abcon.com), 1997.

This is another college textbook that contains basic background information on emotional and behavioral disorders. It has a strong section on functional analysis and data collection.

Treating Mental Disorders: A Guide to What Works, Peter Nathan, Oxford University Press (198 Madison Ave, New York, New York, 10016), 1999.

This book is written in a question-answer format and give basic information on specific disorders and their treatment. The author compares the effectiveness of various treatments based on research rather than philosophical orientation.

## **Academic**

Multiple Intelligences: The Theory in Practice, Howard Gardner, BasicBooks (10 East 53rd Street, New York, NY, 10022-5299), 1993.

This is a good overview of the theory of Multiple Intelligences.

Developing Students' Multiple Intelligences, Kristen Nicholson-Nelson, Scholastic Inc. (555 Broadway, New York, NY 10012), 1998.

This book contains practical strategies and activities that can be used to incorporate the use of multiple intelligence theory into the classroom

Everyday Law for Young Citizens (grades 5+), Greta Barclay Lipson, Good Apple (Box 299, Carthage, Ill. 62321-0299), 1988.

The author uses vignettes of real, legal issues which effect teenagers (vandalism, motor vehicle responsibility, assault/battery, truancy...) to teach legal concepts. It contains lots of discussion ideas and activities. The book does an excellent job of showing students the difference between their interpretations of laws and what the laws actually are.

Writing Frames: Forty Activities for Learning the Writing Process, Jean Pottle, J. Weston Walch Publishing (Box 658, Portland, Maine, 04104-0658), 1988.

This is an excellent resource to use with students who are intimidated by written language. The book moves students from filling in informational blanks in paragraphs to writing complete paragraphs themselves.

Survival Vocabulary, Gertrude Wedler, J. Weston Walch Publishing, (Box 658, Portland, Maine, 04104-0658).

This program teaches 200 functional sight words. The words are divided into 10 units that revolve around topics such as Home Words, Family Words, Community Words and Restaurant Words. Each unit has the same format so that students can eventually do some of the practice pages independently.

Survival Vocabulary Stories: Learning Words in Context, Katherine Whitten, J. Weston Walch Publishing (Box 658, Portland, Maine, 04104-0658), 1990.

This book is a supplement to Survival Vocabulary. It takes the same units and words and give students practice in reading the words in stories. It also introduces concepts such as main idea, sequence, cause and effect, and drawing conclusions.

Daring Escapes, Unlikely Heroes, Amazing Rescues, Emma Hahn, J. Weston Walsh (Box 658, Portland, Maine, 04104-0658), 1997.

These three books each contain 11-12, multi-page (3-5), large print, high-interest stories written at about 4th-5th grade level. Very appropriate for secondary students. Each story is followed by recall and higher level thinking questions and some vocabulary. These are good for practice reading.

Spectrum Reading, McGraw-Hill, 1997.

This is a series of books (one per grade level) that contain multi-paragraph stories followed by questions in categories such as Knowing the Words, Reading and Thinking, Working With Words and Learning to Study. These are good for practice reading.

Tales with a Twist: Ethics, Dilemmas and Points of View, Greta Barclay Lipson, Good Apple (1204 Buchanan St., Box 299, Carthage, IL 62321-0299), 1991.

This book is a collection of 12 stories, each of which revolves around a moral or ethical dilemma. After each story, the author provides discussion questions, role-playing variations and writing activities designed to help students learn to think about problems from different vantage points. The author suggested grade level are 5-9 but it is often effective through grade 12.

## **Information on Learning Styles**

National Reading Styles Institute, PO Box 39, Rosin Heights, NY 11577, (800) 331-3117

Scholastic, PO Box 7502, Jefferson City, Mo 65102

Wright Group, 10949 Technology PL, San Diego, Ca 92127

## **Behavior and Discipline**

- Algozzine, B., Ruhl, K., & Ramsey, R. (1991). *Behaviorally disordered? Assessment for identification and instruction*. 37pp. #P339. Reston, VA: The Council for Exceptional Children.

Choose the best approach to assessment for students who have behavioral disorders.

- Breen, M. J. & Fiedler, C. R. *Behavioral approach to assessment of youth with emotional/behavioral disorders*. Austin: Pro-Ed, 1996

This book aids practitioners and assessment personnel in the assessment of students with emotional and/or behavioral disorders (EBD) for the purpose of making educational placement and programming decisions consistent with Federal and state diagnostic guidelines.

- Walker, H M ( 1997) *First step: An early intervention program for antisocial kindergartners*. #S5237. Available from The Council for Exceptional Children

A collaborative home and school kit designed to divert antisocial kindergartners from a path leading to problems in school and the community. Screens for children at risk, provides strategies for teaching adaptive behavior patterns, and shows parents how to work with their children.

- *Safe Schools—Safe Students: Guidelines for Implementing Discipline Procedures Under the New Individuals with Disabilities Education Act (IDEA)*. A Resource Guide for School Boards, Superintendents, Directors, Principals, Teachers, Support Staff, and Parents. 1997. Council of Administrators of Special Education, Inc., a Division of The Council of Exceptional Children. Available from The Council for Exceptional Children, #D5236.

- *TEACHING Exceptional Children*, 30(4) is a special focus issue on discipline. Articles address the following topics:

- Implementing a multilevel comprehensive school discipline program to enhance academic and social outcomes for all students.
- Managing disruptive classroom behaviors of students with disabilities in inclusive settings.
- Preventing violence in middle school.
- Coping effectively with noncompliant behavior.
- Preventing antisocial behavior among at-risk kindergartners.
- Preventing aggressive behavior in students with emotional disturbances.

- U.S. Department of Education, Office of Special Education and Rehabilitative Services, OSEP Memorandum 97-7 dated September 19, 1997. This memorandum provides initial guidance on the requirements of IDEA as they relate to the removal of children with disabilities from their current educational placement for 10 school days or less.

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