Transcript of OSEP Webinar on Dear Colleague Letter on Discipline

September 21, 2016

***Editor’s note*** | The audio/video recording of the webinar can be found at the Center for Parent Information and Resources, along with the presentation slides and 2 handouts designed to connect users with more information on behavior and discipline at school. Visit the webinar’s archive page at: <http://www.parentcenterhub.org/repository/webinar16-dcl-behavior/>

Please stand by for realtime captions.

**Debra Jennings** | Welcome everyone. We will start momentarily. Some reminders, before we start all participants will be muted. We will use the chat box for questions. We have a link that is also in the chat space for captioning should you need it. Please follow that link and captioning will start. They are already on the call. Those of you who have not had a chance to read the Dear Colleague Letter brief for stakeholders, we have the link for that as well.

This webinar is on the Dear Colleague Letter on behavior. We are going to be hearing from quite a few people. We are slated to be on for approximately 75 minutes. Welcome again to this webinar discussion of the Dear Colleague later on behavior. It was issued on August 1, 2016. I am Carmen Sanchez. Before we begin I want to remind you that this webinar will be recorded and archived on the IDEAs that work website. All participants will remain muted during the webinar to ensure the highest possible sound quality.

If you have a question, please use the chat space to type in your question, and we will get to as many as time allows. There are two different kinds of chat spaces. You can put in a chat and address that to everyone which means everyone will see it, or you can can have it for the presenters only if you wish to remain relatively anonymous. If you need captioning, I have already said you will see how you can get to that. Now I will turn it over to Nancy Reder from NASDSE.

**Nancy Reder** | Thank you everybody for joining this afternoon and taking this time out of your busy schedule. This webinar is an opportunity for state directors, protection advocacy systems, parent training and information centers and community parent resource centers to learn more about the Dear Colleague letter that was issued on August 1. It is also an opportunity to discuss how the letter may affect your work with students and families, particularly around issues with suspensions and expulsions and more informal removals from the classroom. We have with us today Dr. Renee Bradley from OSEP who is well-known for her work with students with disabilities. She has been the project officer for the positive behavioral supports an intervention national TA center since its inception almost 20 years ago. She is not really that old, but she started when she was a little kid. After she provides an overview of the letter and answers some questions, Diane Smith Howard from the National Disability rights network and Kris Keranen from the Michigan protection and advocacy system will discuss informal removals of students with disabilities. Todd Loftin is the director of special education for the Oklahoma Department of Education and Sharon Coppedge-Long is the executive director of the Oklahoma PTI. They will talk about their state’s experience in changing how they address behavior. We hope to address any questions or comments that were not discussed between presentations at the end of the presentations. Debra Jennings from the Center for Parent Information and Resources will discuss additional resources you may find helpful with your work. Without further ado, I am turning this over to Dr. Renee Bradley.

**Renee Bradley** | Thank you Nancy. Thanks to everybody for asking me to join you today. I have been given 15 minutes, which was five minutes longer than last time I did this for another webinar last week. So if you are hearing me again, I apologize. I want to begin by saying I am not a lawyer, never wanted to be or studied at all to be a lawyer. I am a behaviorist, which is probably worse. I have been working with kids with emotional and behavior disorders for almost 30 years now. Nancy, I am getting up there in age. I was just going to put this in context before we start. One day my favorite story to tell about my daughter is her jumping up and down on a chair in the living room, and I peeked out from around the kitchen and she said to me, look mom I making really bad decisions. Another time my son came home from third grade having had a teacher who ended up being a phenomenal blessing. He is still an incredible teacher. My son comes home from the first week of school and says mom he needs your help really badly. There are so many kids that need behavior plans. With that as a background, I just want you to know that I have had kids that tend to display inappropriate behaviors in my heart for many years. I fortunately have the opportunity to work on this letter. It took at least a year and a half to get through the department and maybe longer going back and forth. It is one of the things I am most proud of in my time here. I hope that you see the positives in it as well. With that, we are going to launch in.

In brief, the Dear Colleague letter clarifies the responsibility of IEP teams to include behavioral interventions and supports on IEP's for students whose behavior impedes their own learning or the learning of others to prevent the unnecessary removal of a student. It also talks about the failure to consider, which is the language that is in the IEP section of IDEA, the failure to consider a positive behavior intervention plan and to provide it appropriately may lead to a denial of a free and appropriate public education. I am going to insert a couple of other things. Secretary King as well as Secretary Duncan have been champions of behavior related issues in the department. Secretary King emphasizes that our priority is to have kids in school and ready to learn, and he is very passionate about decreasing the time the kids are excluded from instruction. He has said on numerous occasions that it is unfortunate that some of our most needy children seem to be the ones that are excluded the most often from instruction. We have come to think about this, how we're supporting behaviors. If you remember in October we released a letter on states that was more academically oriented. This letter clarifies our intent that, just as we would provide support for academics, we would also be providing the behavioral support. If we look at supporting early reading for example, we teach the basic concept, we use context, phonetics, and we work on fluency to increase comprehension. When they fall behind, we give them more practice. Extra time or differentiated instruction. We need to be doing the same thing for behavior. We need to teach appropriate skills, to have basic school behavior very clear, to practice responses to behavior, reinforce them when appropriate, and offer more support when they fall behind, not exclude them from the instructional environment. For the basis of this, then we can go to the next slide.

I am focusing on the stakeholder document that we issued along with the Dear Colleague letter. We have gotten several comments in the past with Dear Colleague letters that when they are released they might not be as clear as some folks would like them to be. So we worked hard to put the main points of this letter and the intent of the letter in some bullets in the letter in the stakeholder user-friendly guide. I am going to use that document because I like it much better. I will walk through the main parts of this. As I said earlier, this is focused on effectively supporting and responding to behavior. Focus on making sure that IEP's address supports and services. The letter expands on the responsibilities of teams to address the behavioral support, and to make sure that they are being appropriately implemented. Although we consider this to be significant guidance, it does not add any new legal requirements and does not change any of the existing discipline provisions of IDEA. I am not going to read each one of these for you, but I am going to do a little highlighting of them. Our focus here similar to the Dear Colleague letter focused on academic instruction in October, we are looking to make sure that children with behavioral needs receive a free appropriate public education, and that they receive that education in the least restrictive environment. As many of you know, many children with significant inappropriate behavior, school behaviors, are typically housed in some of our most restrictive settings. So that was addressed in the letter. The guidance is not intended to limit schools and agencies appropriate use of disciplinary removals that are necessary to protect children. But we have found that there are many children being excluded from school for very minor infractions. And that those infractions were not typically, the regular person would not look at the majority of those in say that the removal was because of protecting either the student or his peers. We also very aware from the data that many of the disciplinary removals are far too frequent, and that many of them have come under scrutiny for being of the more informal nature. So please keep Johnny home today instead of an official removal. We are looking at both of those addressed in the letter. This is where to folks who have had some prior questions. IDEA requires individualized education program teams to consider the use of behavioral supports for children's whose behavior interferes with their learning or the learning of others. This is where I would say in my totally nonlawyer voice that we are expanding what we expect IEP's teams to do. We want them to look at the history of the behavior of the child. We want them to address any parent concerns about behavior. We want this decision and inclusion of support services and interventions to not be category specific. A child with a learning disability, you don't get behavioral objectives on your IEP. This slide is focusing on, are the behavioral objectives on the IEP if the child is displaying inappropriate behavior, that results in their removal from an instructional environment, we want to see if this indicates that behavioral support should be included on the IEP. If they are not there, we should have them included as part of the IEP. It is especially true when the consequence is suspension or disciplinary removals from instruction. Regardless of their disability eligibility category, if they are displaying behaviors that either may result or do result in removing them from the instructional environment, behavior has to be a consideration of the IEP team. That slide is, are they there. The next slide addresses the fact that a child could display inappropriate behavior, and they already have an IEP that addresses the behavioral supports. So in this case, we're asking IEP teams to think about two questions. Are the behavioral supports that are included in the IEP appropriate? Are they be right ones, and secondly, are they being implemented the way they are designed to be implemented? Are they there, and then are they being implemented the way that they were designed to be? If they are not, if they are there but not working, the IEP team should meet and reconsider the behavioral objectives. If they are on there and the right once but not being implemented correctly, then we should look at the implementation strategies to ensure that they are being done with fidelity. This slide talks about the importance of making sure that they are evidence-based practices, and that they are individual -- individualized to fit the child's needs. Suspension is not in evidence-based practice. And one-size-fits-all mentality that is a child has the behavioral objective, every child with an objective in the school is going to get the specific intervention, is also not appropriate because it is not individualized.

This slide, I will not spend a lot of time on it, it goes over some of the examples of different kinds of support. The next slide talks about the importance of training personnel. If the IEP is not being implemented, is the supports and services are not being implemented appropriately, than that becomes a training issue. And needs to be addressed. Training could include teaching support teams how to write effective IEP's, what evidence-based practices and behavior exists and how they should be included in an IEP, for example, how to do a functional behavior assessment. Even though that does not appear until the disciplines -- guidelines, most of you know it is very difficult to come up with an appropriate behavior into venture -- intervention plan without first doing a behavioral assessment. This slide speaks to the evidence that we have that it's important to have evidence-based practices, but if they are delivered in a schoolwide framework, those practices will be more likely to have the impacts that we want. And it sets the school lot for what we do for all kids, what we do for some kids and what we do for the few kids that need the most intensive services. This slide talks about the least restrictive environment provisions. And it clarifies that, just because a child displays a certain behavior, that does not necessarily mean that they have to go to a more restrictive setting. So here we are looking at displaying certain types of inappropriate behaviors, should not dictate the placement in a continuum. If supports and services can be provided effectively in a less restrictive environment, than that needs to be part of the consideration. This slide reiterates again the continuum of placement. That needs to be available to all children, including children with a tendency to display more inappropriate behaviors. This is looking at a reminder to schools to use caution in using disciplinary measures that remove a child from his or her current placement, such as suspension. We know this is really not an evidence-based practice, nor is it really an intervention. One of the hallmarks of an intervention is that it may stop the behavior that we do not want to see, but an intervention will replace that behavior with a more appropriate behavior. This slide iterates the rights of parents that were reiterated in the letter. Two of those being that parents have the right to request an IEP team meeting at any time, and secondly, that parents may want to request an IEP team meeting following disciplinary removal or changes in the child's behavior that might impede the child's learning or that of others. Because this will probably indicate that, either the IEP objectives are not the appropriate ones, or they are not being implemented consistently. I have included here the press release, the Dear Colleague letter and the stakeholder brief links for your reading pleasure. And the following slide addresses the documents that we released along with this guidance. The zip also been included recently -- these have also been included recently in the OCR guidance. It looks at the blueprint to set up multitiered systems of supports within schools, and the second one is a matrix that we did on specific classroom practices. With that, my 15 minutes are up. I think we have time for a few questions.

There are quite a few questions. I want to make sure I heard this correctly, a student with a learning disability that displayed inappropriate behavior, the team should address behavior on the IEP?

They should consider. What we were trying to say is, oftentimes we have heard that districts and schools will say, we cannot include behavioral objectives on a child IEP who has a learning disability. That is not accurate. It is not disability specific. Is a child with a learning disability is being excluded from the instructional environment-- because of the inappropriate behaviors -- then the IEP team should meet to consider is behavioral objectives need to be added to the IEP, and if they are already there, if they need to work on how those are being implemented.

Great. The second question, is there a rule of thumb with regard to how long you should wait before reconvening an IEP is behavioral supports are not working? >> This is a hard one. This is more of a practiced question than one that deals specifically with some of our guidance documents. I think -- the work that we have done a behavioral intervention plans, I would say six weeks is a good window. That always needs to be looked at within the context of what the student is doing, what the school is doing and what the parents are doing. The good reason for that as a market -- marker is to get time to put something into place. We also don't want kids languishing -- if a child is continuing to be excluded from any instructional environment, than something more needs to be done. That really needs to be your marker on this. If there is continued exclusion from instruction, we need to do something to beef up the supports and services a child is receiving.

A couple more questions. But I think we can hold those until the end. We're going to turn it now to Diane Smith Howard and Kris Keranen for the P&A system.

**Diane Smith Howard** | This is Diane Smith Howard with the National Disability Rights Network. We are sharing primarily today from Kris Keranen who is working in our Michigan office. I wanted to provide a little bit of background on the topic we're talking about. We were extremely pleased to see this letter come out because P&A, we are legal advocates. There is one in every state. We have been seeing over the past few years and increase in the use of informal removals. There was not a handy document for clear and ready statements for us to use it IEP meetings when we encounter this problem. So we asked for more guidance on this particular topic because we were seeing so many cases. Kris will get some good examples in a minute. Basically, informal removals remove the students in school without due process. It is a violation of Goss versus Lopez which is the Supreme Court decision which applies to process in an educational setting to all public school students. The IDEA and some of the ways that we see kids in formally removed is being sent home in the middle of the day, being placed on shortened days of tutoring in school or at home, placed homebound with tutoring, or transferred to programs that are not properly accredited.

Those are some of the kinds of things that we have been seeing. Because data is not collected, on informal removals, we have had to use anecdotes around the issue. But almost every P&A has reported in their state that they have seen these cases and some have seen many. This guidance document will provide an opportunity to address some of these fact patterns in a simpler and more straightforward matter that will be -- manner that will be easier for parents to use. Who does it impact? Informal removals seems to impact particularly disenfranchise families. They tend to be people of color, low income people and single-parent. Anecdotally that seems to be the families who find themselves in this situation. It has the impact also to students and the community because the student is often home in an unsupervised or poorly supervised setting, which can lead to all sorts of difficulty. You have an unsupervised child in the community and these cases typically they are kids with behavioral issues were unsupervised and parents, particularly hourly wage workers, need to scramble to provide childcare for a child who is not in school.

P&A agencies are agencies that have the authority to provide legal representation to people with disabilities and there is one in every state and territory. We have 57 agencies. We have particular powers to file lawsuits on behalf of individuals and to have access to facilities. What we did is, we created a national initiative to address informal removals and use the power of the P&A network to try to bring some focus to the problem by increasing press coverage, media coverage, social media coverage on the issue, and also by filing complaints. We filed an OCR complaint in almost every district office that we could because we were finding there was not sufficient focus on the issue. I am going to hand it over to Kris. The most important thing is to describe what these fact patterns look like so people can really understand what we are talking about.

**Kris Keranen** | Thanks. I want you to be thinking about the things we talked about when I talk about my work with families of Michigan. The guidance letter starts with useful statistics and information that is not new to any of us about how removal from school impacts children and families, and the statistics are helpful, but I don't work with statistics, I work with families. And I work with children. I selected three actual students for my casework over the course of the last year or so. I have changed their names to protect their privacy, but these are real students and everything I will tell you about them is actual facts. The first student that I want to bring up with you is a young man named Joseph. He was eight years old and is a Native American student with a history of trauma with domestic violence in the home. His mother was subjected to domestic violence and Joseph mostly witnessed it, but also was subjected to it himself. Joseph was receiving treatment through community mental health to help with that trauma history. But the school did not seem to understand how that was impacting him. He attended a very small district. Fewer than 800 students in the whole district. Not just the school, the whole district. And he ended up suspended his entire year of first grade for bringing a butter knife to school, which probably was also tied in with his history. The district to their credit identified him as having special education needs. First of all as a student with speech and language impairments, but then soon after because of his behavior, they identified him as having an emotional impairment.

Unfortunately, as is the case with many of the families we work with, identifying him did not mean that they understood his needs. And so, they knew they were supposed to create a behavior plan. They created a behavior plan that involved removing him from school as a reward when he exhibited good behavior and sending him home when he exhibited bad behavior. As a result, he was getting sent home both for good behavior and bad behavior, and his behavior did not really improve at all. The IEP team did reconvene to address his lack of progress, but with no other tools to work with, what they did was write a program for him, a new IEP that took him out of school away from any contact with peers and placed him in a program where he would receive one-on-one tutoring from his principal after school hours. It also required that his mother attend with him to make him work and the program they set upon required her to intervene to make him work or they would disengage with him. They would simply ignore him if Joseph did not do the tasks that he was given. That atmosphere became so damaging to him it was sort of like a shunning. This community mental health worker and his mother decided together that it was damaging both he and his mother, and so his mother elected to take him out and homeschool him.

The second little one I want to talk about is Markita. She was receiving services for speech and anxiety. She is different in that she attended an urban school in an area plagued by poverty and unemployment. She is five years old. Her mother became a mother at a very young age, and she is a single parent. She confided that she had struggled a lot in school herself. She had mental health issues and learning issues, and she herself was being treated for panic disorder. Markita had very challenging behavior in school, mostly related to emotional outburst. Tantrums is what the school would call them. Her mother became upset with the tantrums herself, so when she would try to leave Markita at school and she would have a meltdown, the school staff looked at that not as Markita having a disability, but as her being spoiled. They were quick to tell her mother that that was the case. The mother repeatedly requested that they provide her daughter with more help, but never did that in writing. So Markita was not identified as eligible for special education when she first came to us despite the fact she was getting community mental health services. The school repeatedly sent Markita home. They did not usually call them suspensions because she was only in kindergarten. They would send her home for things as minor as crying too long. Because they were reported as suspensions, the district recorded them as absences. After the absences got to a certain point, the system was automatically triggered to send a referral to truancy and the parent received a letter in the mail with a warrant for her arrest on the truancy charges.

The third student I would like to talk about is Da’Quan. He is eight years old and was attending a large urban district in a city in Michigan that shall remain nameless but you do not want to drink the water there. He was diagnosed with ADHD and received his medications at school. He was well behind grade level academically. His mother sent me screen captures of the text messages she got from his principal several times a week asking her to come and pick him up. In working with this family, we obtained his records and reviewed them and found that he had been, according to the discipline record, the referrals that were sent home, suspended for 14 days, but none of them were recorded in the attendance as disciplinary removal. We filed a state complaint on his behalf, and as an outcome of that he was made eligible.

We did not hear from his mom until about midway through last year. She called us back. Dewan was 11 years old by this time. Because, even though he was eligible in his regular school, they did not know how to provide him with appropriate support. He continued to be removed from school. Because of that, his mother did what many people in Michigan and urban settings do, in Michigan we have public charter schools. So in looking for another option, parents often move their children to a public charter. When he got to the charter, he was so behind academically that even though he still had ADHD, the team decided that it was more appropriate to identify him as having a specific learning disability. Sort of like Renee noted earlier, with that came the idea that they did not have to then address behavior. So instead they moved to suspending him.

Because it was a charter school with a strict discipline policy, they did progressive suspensions. First incident one day, next one three days, next five days. By the time she called us around Christmas time, they held three determination meetings, but in all three cases this behavior was not related to his learning disability. Despite the fact that his IEP noted that he had ADHD and that impacted his ability to maintain behavior. By the time it was Christmas, because of their discipline policy, he was moved to expulsion because that was the progression of the discipline in that particular school. By the time he got to us he was only receiving two hours of expulsion services per week.

I tell you about the students not because they are unusual or exceptional, but because they are so distressingly typical. If you think it is not happening in your state, I want to tell you that it probably is. I talk with my colleagues and we have very similar stories. So I want to encourage you to think about how this letter can be helpful to us. Why does it matter? Schools are still struggling to appropriately address disability related behavior, even schools that mean well. There is a continual lack of understanding about how behavior supports properly and appropriately provided can improve outcomes, and that's what everybody wants. The parents, the schools, and our communities need it. The guidance provides in one place in the bulletpoints that Renee listed the ways that we can work together to correct some widely held misconceptions that lead to noncompliant practices, and even more importantly, they provide tremendous potential for improving student outcomes that we need to be able to access. I am going to ask you to turn into the next slide. I am going to turn it back over to Diane. Do you mind if I talk more about Da’Quan?

**Diane Smith Howard** | Sure. We're probably close to the end of our time.

**Kris Keranen** | We wanted to talk a little bit about some approaches to this. In Michigan one of the things we have done is brought kids like this to the attention of our State Department of Education through the use of the State compliance process. I filed a complaint for Da’Quan in the summer about what Renee talked about earlier that had not been done for him in his charter school. The Department of Education in Michigan was in the middle of investigating this complaint with the guidance letter was issued. I made sure that the case manager on the complaint was aware of the guidance and they may have been aware ahead of time, but that guidance level was able to help the state identify the issues and bring it up to the school as areas that needed improvement for compliance. In fact, the guidance letter itself was used as a component of the corrective actions for the district, and the district was ordered to work together with the overseeing body in Michigan to come into compliance with the guidance letter in terms of their discipline practices and procedures around removal. It made me feel very hopeful about the impact that it would have not only for Da’Quan, but for other students in that school district as well. With that, is Diane has anything else to add?

**Diane Smith Howard** | I am good. I think you covered everything.

**Carmen Sánchez** | This is Carmen. I have been monitoring the chat box. We do have some questions, not necessarily about the information Diane and Kris covered at the moment, but some more going back to the actual guidance. I think we're going to hold this until the end so we can hear from all of our speakers. I want to point out that some of the questions are outside of the scope of this presentation which is about the guidance. The rest of us are not lawyers, therefore, we need to forward some of the questions to colleagues. I'm going to turn it over to Debra Jennings.

**Debra Jennings** | Thank you Carmen. This is Debra Jennings from the Center for Parent Information and Resources. Now we have the opportunity to hear how the SCA in Oklahoma is partnering with their peer training and information center to directly impact schools and local education agencies and their behavior and discipline practices and procedures, so that they could address what they were seeing in their data. We do use the data on the removals and expulsions of students in their state. We are now going to hear from Todd Loftin who is the executive director of special education services at the Oklahoma Department of Education and my parent center college Sharon Coppedge Long is the executive director at Oklahoma. Center.

**Todd Loftin** | We will start off by talking a little bit about what we do in general. The data that we know is not good. We have high suspension and expulsion for students with disabilities, but also all students. It is really a statewide problem in general and not really specific to special education. At the SEA level we have been developing over the past year various modules and self-assessments for behavior intervention, and we also have a tiered system of behavioral supports. It provides training on both behavior and RTI. Annually we do tier 1 training. We also have a training with over this that focuses on schoolwide behavior policy and procedures and this year we will do a tier 3 which is a six part event that includes talking about behavioral goals on IEPs, how to write them effectively and implementing them and reviewing them. That kind of information. We also over the summer had a statewide conference we called EngageOK that was our State Department of education roadshow. We went to six different sites over a couple of weeks. We had a high turnout and had staff member from Oklahoma State University come to that. He presented on positive behavior supports. We also had JoAnn [ *Indiscernible* ] was the director of our special education resolution center come. She talked more about the IDEA procedural safeguards. We also have some school improvement staff to talk about classroom management. The Oklahoma parent center has always been helping us with [*Indiscernible* ] well in helping with coaches that go into schools to provide assistance to them. We have a lot of graduate student to serve in that coaching role. We do have a collaboration with our parent center. We work on the parent survey with them. We just got done finishing that. We also work on the parent handbook in collaboration with them. We include them in a lot of things. We always come to the conference that they put on and the regional trainings when we can. We have a lot of mutual trust going on between us. We refer a lot of callers to the Oklahoma parent center because in some cases they are in a better position to help.

**Sharon Coopedge Long** | 20% of our advising calls are directly from the state Department of Education. The OTIS, we have that grant five years ago. We negotiated a contract with them at that point. We always had access -- excess money in that. Yesterday I said we know we expel more children with disabilities than about anybody else in the nation because we are a very [ *Indiscernible* ] state. Of course they said yes let's do that. We found a PhD person that had training from John Hopkins. She was raised here in Oklahoma. We contacted her, and we started doing trainings. And being invited into public schools. At one point we had a list of qualified behavioral specialist within our state that we did with the resolution center and myself and the special educators.

[ *Indiscernible* ] it is like our school administrators group. We meet monthly with them into a variety of things with that group as well.

We came up with this list. Two years ago I was in Western Oklahoma. A child was attending school for 30 minutes a day. After about a two-hour meeting, we finally convinced the principal there to contract with somebody on our list. He called me back a week later and said we have [ *Indiscernible* ] person from Southwestern University that this behavior stuff. Would that be okay? And I said absolutely. So a week later he did call me back and said that is the best $1000 we ever spent. I cannot thank you enough for making us do that. We have a regional conference coming up and we have a contract with the state that pays for the regional and statewide conference. I asked him what you think about Doctor Hubbard doing these regionals, and it is amazing what the parents and professionals come back and tell us. She understands the culture of our state and our people. We have trained over 1500 teachers with Doctor Hubbard. The most amazing thing I think is that the bus drivers and the cafeteria personnel are the ones where we get the amazing comments. We know behavior escalates at that time. They were so humble and thanking us for doing these trainings. It is schoolwide. All educators, not just special educators.

**Todd Loftin** | That is what we have been working on. We're hoping to do that more so throughout the year. The Oklahoma parent center is also working with us on our state improvement plan in helping us provide training in other areas as well. For assistive technology and accommodations and awareness in those areas. And training.

That is our story. We have been working together for a while. I think we've done a good job of just keeping each other up-to-date and keeping each other informed and part of all our various activities. Sharon and I are actually on a CADRE work-study that we are about to meet with our special education resolution center. The parent center in the State Department. -- And the State Department.

We have been astounded at the response from the classroom teachers. It is amazing. We would be happy to share comments that we have gotten. We do those surveys at every training that we provide. And we find out what they think about us. And we've gotten great responses.

The amount of school to tell us we don't know what else to do is amazing. Regarding behavior. They truly do not know what else to do. And we're told that. It brings up a great time to say we offer training and things like that. We have three more schools that called us last week that we have scheduled for the next six weeks.

Thank you.

**Carmen Sánchez** | Now we're going to open it up for questions. We have quite a few questions that have already been asked. We've been monitoring the chat box and Renee has notes about some of your questions.

**Renee Bradley** | I was going to say something, we've been talking about having a more practice-based behavior conversation sometime in the future. Because several of these comments go beyond the scope of the Dear Colleague letter. I don't want to get myself in more trouble than I usually do. Let me address a couple of these that have come up.

A couple of questions asked, **are we saying that we should always include behavioral objectives on the IEP?** That is an IEP team decision. The Dear Colleague letter clarifies that the IEP team should consider and potentially include behavioral objectives if inappropriate behavior is resulting in the exclusion of that child from the instructional environment. That is what we're clarifying. We're not saying they (behavioral objectives) always need to be on there (the IEP). If I had to answer this question as an individual, I would probably say yes they should always be on the IEP, but as a department, that is an IEP team decision. We're clarifying that we hope that they consider more fully the need to include them on an IEP.

**There was a question about manifestation determination.** I think there were a couple of them that came in. As we said in the beginning, this letter does not change any of the discipline provisions. The manifestation determination language is in the discipline provisions, not in the earlier part of the statute and regulations that talks about structuring of IEP. There were also a couple of questions that asked about the behavior objectives being dependent on a certain disability category. Kris, I love your stories and I really resonated with the story about Dekwan and the presence of behavioral objectives should not be dependent on the child’s eligibility category. If a child with learning disabilities or a hearing impairment or intellectual disabilities has behaviors that interfere with their ability to access and be involved in instruction, then the IEP team should be considering those behavioral objectives. Parents should be at the IEP meetings asking them to consider the behavioral objectives.

**There was a question about the application of the Dear Colleague letter to alternative settings.** Yes, the letter is applicable to those alternative and juvenile justice settings. And this question went on to talk about the segregation of children with significant behavioral challenges. There are several open cases right now where justice is really looking at States that are putting an unusual percentage of children in segregated environments due to behavioral issues.

There was an additional question about the IEP **before you consider developing behavioral objectives, should a functional behavioral assessment be done first?** I am going to speak out the practice side of my mouth which I like better, yes, a functional behavioral assessment is critical to developing an appropriate IEP, but unfortunately, the language is only a requirement in the discipline section. So there is no requirement that a functional behavioral assessment be done before the IEP objectives are developed. However, if you look at research and the evidence that is there, and we are called on to use evidence-based practices, it would be hard to make the case that you could come up with appropriate behavioral objectives or an IEP without first doing a functional behavioral assessment and finding out why the child is acting in the way that they are so your IEP objectives match.

**There was a question about step up or step down programs**. Our thinking about that, unfortunately, you did not put enough information about this question. That is an IEP team decision. There are incidences where those are done very well. This would be when you are increasing or decreasing a school day to benefit the child. I think that is what needs to be thought about here. Are we doing it for the right reasons? Is it to support the child with long-term outcomes in mind of getting them into an integrated full day setting, or is it to keep the child out of school? So I think like many interventions and supports, there is a good way and a bad way to do them. I think the key is to remember access to and involvement in an instructional setting.

**There were several questions that came in about school resource officers.** I am not going to go into great detail about this, but on September 8 come up with the Department of Justice and the Department of Education secretaries released Dear Colleague letters on the role of school resource officers. Clarifying the school resource officers should not be in charge of administering discipline in schools. That is a school administration responsibility. I told Carmen that in the future if we wanted to have a more lengthy discussion about the absenteeism letter or any of those that are behavior related in ways, and look at more practice solutions that we could also set that up. Are there additional questions?

**Carmen Sánchez** | You answer the one about functional behavioral assessment. This one is, can a child have an FBA and behavioral interventions if the child does not have an IEP? There are a lot of 504 kids that have behavior intervention plan but they don't necessarily have IEP's. So I would say yes to that.

I am looking to see if there are additional questions. I think that is it for now. If you think of other questions, please type that into the chat box. We are finishing at the planned time. I also want to say, if you have a question that we cannot address because it is a legal question, we're happy to forward the question on to colleagues in the Department. You do need to have contact information so we can get back to you with the answer. So put that in your question as well.

In terms of recording the webinar, this will be archived once it is over. As we're also having this transcribed at the same time, we have to go through the transcription and make any needed corrections. In about a week or two look for it on the OSEP website. I want to draw your attention to the fact that there is a handout button. If you go to the handout button, you will see this PowerPoint and a list of resources with links in terms of the resources available that can be helpful to you. I am going to turn it back to Debra Jennings who will talk about the resources available.

**Debra Jennings** | Thank you Carmen. I also want to thank all of our presenters for providing us with this information about how we can address issues of behavior and discipline when we are working with our families and with students with disabilities, especially in working directly with the education systems at the schools, state and local level. My parents and colleagues were pleased to see the guidance, especially because for most of us students suspensions, formal and informal, would be in really the top three of all of the issues that we have parents reaching out to us about. We think that this guidance is going to really be helpful for us in terms of providing some assistance and direction for families, but also in our work with local school districts. The parent centers are in IDEA and have been for almost 40 years now. The first one was founded just over 30 some years ago. Just last year we had training and individual assistance with over 650,000 contacts. Also, at the same time, we were involved in change at the state, local and federal levels attending over 14,000 meetings because our direction from IDEA is not only to help prepare parents to advocate for their children with disabilities, but also to impact education systems and other systems like early intervention that are serving infants, toddlers and children. There are almost 90 parent centers nationwide. There is at least one in every state and a number of the territories.

If you're not familiar with parent centers, there are two types. The first is the parent training and information centers. The centers are often statewide. They are operated by independent nonprofit organizations where the majority of the boards of directors are parents of children with disabilities. We have at least one project in every state. Some of the larger states like California have more than one, and they are organized around certain regions. There is also a network of community parent resource centers. These centers are really focused on reaching underserved families in particular communities based on geography and or because of race, at the city, language communities that are underserved in terms of the services for children with disabilities.

You can find your center at the www.parentcenterhub.org website. You can find the center in your state. You should also know that the parent centers are supported with this network of support. Because we want to make sure that parent centers are able to focus their energy and resources on actually reaching and serving families and impacting the lives of children, there are three national centers, the Center for Parent Information and Resources, which serve as a central hub in providing materials and tools for the parent centers, but also for many of you because we have a range of topics. And a range of types of information that is available there, including a monthly newsletter and a number of other kinds of resources. The other national centers, one is serving the needs of parent centers around how they can better reach and serve Native American families, which is referred to as the NAPTAC. The Military PTAC, or the Branch, which provides special training, information, and support around military families. In addition, we have six regions where we have regional centers that are working more directly with the centers around ways that they can best improve their services and practices.

For this particular topic and for this webinar, we have pulled together from Parent Center hub a number of resources relative to supporting the behavior of students with disabilities. The first is a handout that we prepared. It is really specifically to guide people through the kinds of resources that are available that are directly linked to the issues and topics addressed in the Dear Colleague letter. And then we have what we call our behavior suite. And then we also have a resource that addresses student placement and school discipline and what that means, particularly as it relates to the planning and implementation of IEP. A number of our resources are resources that migrated over to parent center hub from the National Dissemination Center which was known as NICHCY. It includes the modules that were developed around IDEA 2004. While it is now 2016, these modules are still relevant and really up to date. They are a wonderful curriculum that you can adapt or adopt in providing training for professionals, for parents, for your staff around the discipline requirements under IDEA. We also have the discipline in detail resource that provides additional information around the provisions in IDEA around discipline.

If for some reason those resources are not pointing you in the right direction, you can always search through our parent center hub by topic or you can also search by a keyword search. We do have a lot of great resources. You can find them by language. We have a number of resources in Spanish, and also in terms of the audience like parents, professionals etc. and also as it relates to formats and how and which organizations are types of organizations provided them.

We have more links and other resources related to discipline that have to do with absenteeism. These are Department of Education resources. You have to press on the plus button to see the handouts available with this webinar. The PowerPoint slides themselves and a word document that has a list of all the resources everybody has already mentioned. We will again be archiving this. If you do a search, that will lead you to the OSEP IDEAS that Work website where this eventually will be archived. I am looking through the chat, and it does not look like we have any other questions right now. Feel free to submit your questions to any of the presenters. You have most of their contact information here. Feel free to send me an email and I will forward questions onto colleagues. Again, I want to thank everybody for participating on this webinar because I think this has been very informative. One of the things that struck me was the comment that Kris made about how this guidance is already having an effect. It is already having an effect in the lives of real students and families. The guidance a shared with families and that people are thinking about how to improve behavior and providing appropriate behavioral supports to all students. We look forward to that happening again. Thank you everybody. Goodbye.

[ Event concluded ]