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Before We Start

- All participants are muted. We will use the chat space for questions.
- Captioning is available at:
<http://www.fedrcc.us//Enter.aspx?EventID=3053213&CustomerID=321>
- Stakeholder Brief is available at:
<http://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-summary-for-stakeholders.pdf>





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OSEP Dear Colleague Letter on Behavior

Friday, September 16, 2016

2 p.m. ET





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Agenda for the Webinar

- Welcome – Nancy Reder, NASDSE
- Overview of the Dear Colleague Letter – Renee Bradley, OSEP
- Discussion of Informal Removals – Diane Smith Howard , NDRN, and Kris Keranen, MI P&A





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Agenda for the Webinar Continued

- Discussion of a State's Efforts around Behavior – Todd Loftin, OK Department of Education, and Sharon Coppedge Long, OK Parent Center
- Questions
- Resources – Debra Jennings, CPIR @ SPAN





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Dr. Renee Bradley

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Dear Colleague Letter on Behavior

- The DCL clarifies the responsibility of IEP teams to include behavioral interventions and supports on IEP's of students whose behavior impedes their own learning or the learning of others to prevent the unnecessary removal of a student





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- A focus on developing IEPs to address behavioral supports and services and expands on the responsibility of IEP teams to address behavioral supports in the IEP and ensure those supports and services are being implemented.
- Although the Department considers this DCL to be significant guidance, it does not add any new legal requirements. Further, it does not change any of the existing discipline provisions of the IDEA.





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- Ensures that eligible children with disabilities who have behavioral needs receive a free appropriate public education (FAPE) and placement in the least restrictive environment (LRE).
- This guidance is not intended to limit schools' and agencies' appropriate use of disciplinary removals that are necessary to protect children; instead, it is intended to provide alternatives, which schools can use to effectively support and respond to problem behaviors so that disciplinary removals are infrequent or unnecessary





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- IDEA requires individualized education program (IEP) Teams to consider the use of positive behavioral interventions and supports for children with disabilities whose behavior interferes with their learning or the learning of others.





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- When a child displays inappropriate behavior, such as violating a code of student conduct or disrupting the classroom, this may indicate that behavioral supports should be included in the child's IEP; this is especially true when the child displays inappropriate behavior on a regular basis or when the behavioral incidents result in suspensions or other disciplinary measures that exclude the child from instruction.





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- If a child displays inappropriate behavior despite having an IEP that includes behavioral supports, this may indicate that the behavioral supports in the IEP are not being appropriately implemented, or the behavioral supports in the IEP are not appropriate for the child. In these situations, the IEP Team would need to meet to discuss amending the current IEP to ensure that the interventions and supports in the IEP can be implemented, or to revise the behavioral interventions and supports that are currently in place.





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- IDEA requires that needed behavioral supports in the IEP, whether provided as special education, related services, or supplementary aids and services, be based on peer-reviewed research to the extent practicable. The supports chosen should be individualized to the child's needs.





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- Some examples of supports that schools may use include instruction on, and reinforcement of, school expectations for behavior, violence prevention programs, anger management groups, counseling for mental health issues, life skills training, social skills instruction, meetings with a behavioral coach, or other approaches.





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- In addition to behavioral supports for children with disabilities, it may also be necessary, and consistent with IDEA requirements, to provide supports for school personnel and training on the use of positive behavioral interventions and supports in order to appropriately address the behavioral needs of a particular child.





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- While providing individualized behavioral supports to students with disabilities who need them through the IEP process is required as part of IDEA, research has shown that these supports are typically most effective when they are delivered within a school-wide evidence-based multi-tiered behavioral framework that provides all children with clear expectations, targeted intervention for small groups who do not respond to the school-wide supports, and individualized supports for those children who need the most intensive behavioral services.





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- It is important for schools and agencies to keep in mind that, in general, placement teams may not place a child with a disability in special classes, separate schooling, or other restrictive settings outside of the regular educational environment solely due to the child's behavior if the child's behavior can be effectively addressed in the regular education setting with the provision of behavioral supports.





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- The failure to make behavioral supports available throughout a continuum of placements, including in a regular education setting, could result in an inappropriately restrictive placement and may violate IDEA's LRE requirements. Doing so may constitute failure to provide the child with access to the LRE.





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- Schools should exercise caution in using disciplinary measures that remove a child from his or her current placement, such as suspension. Research has shown that exclusionary measures, in general, are not only ineffective at reducing or eliminating the reoccurrence of the misbehavior but may even be harmful to the child, possibly leading to lower academic performance, disengagement from school, and the decision to drop out.



www.ed.gov/about/offices/list/osers/osep





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- Parents have the right to request an IEP Team meeting at any time, and public agencies generally must grant a reasonable request from a parent for an IEP Team meeting.
- Parents may want to request an IEP Team meeting following disciplinary removal or changes in the child's behavior that impede the child's learning or that of others, as these likely indicate that the IEP may not be properly addressing the child's behavioral needs or is not being properly implemented.



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- Press release
 - <http://www.ed.gov/news/press-releases/us-department-education-releases-guidance-schools-ensuring-equity-and-providing-behavioral-supports-students-disabilities>
- Dear Colleague Letter
 - <http://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf>
- Stakeholder Brief
 - <http://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-summary-for-stakeholders.pdf>





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- Resource Documents
 - PBIS Blueprint
 - <http://www.pbis.org/blueprint/implementation-blueprint>
 - Classroom Management Matrix
 - <https://www.osepideasthatwork.org/evidencebasedclassroomstrategies>
- Blog
 - <http://sites.ed.gov/users/2016/08/moment-to-moment-and-year-to-year-preventing-contemporary-problem-behavior-in-schools/>





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Questions?

- Participants will remain muted to ensure the highest sound quality. Please enter your questions in the chat box, either addressed to “Everyone” or “Presenters.”





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Informal Removal

- Diane Smith Howard, Senior Staff Attorney for Juvenile Justice and Education Issues; National Disability Rights Network (NDRN)
- Kris Keranen, Advocate, Michigan Protection and Advocacy Inc.





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What is “Informal Removal”?

Removal of students from school without due process

- Goss v. Lopez (gen'l ed) 419 U.S. 565 (1975)
- I.D.E.A.
- Section 504

Various Methods

- “Sent homes”
- Shortened Days
- Homebound/tutoring
- Transfers to no where





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Who Does It Impact?

- It appears to impact particularly disenfranchised families
 - Student: School removals increase likelihood of JJ referral and drop out
 - Community: Unsupervised youth
 - Family: Parents often have to quit work
- Hard to say for sure because of lack of data collection, but anecdotally
 - People of Color
 - Low Income People
 - Single parents





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Who are the P&As ?

- Protection and Advocacy (P&A) agencies have the authority to provide legal representation and other advocacy services, under all federal and state laws, to all people with disabilities (based on a system of priorities for services).
- Maintain a presence in facilities that care for people with disabilities, where they monitor, investigate and attempt to remedy adverse conditions.





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Who are the P&As? Part 2

- 57 agencies: State and Federal Funds
- Lawyers with “Special Powers” (access and standing)





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A view from the ground

- Michigan P & A's long term work with children facing “push out”
- Potential impact of the “Dear Colleague Letter” for improved outcomes for student
- Meet the students:
 - Joseph
 - Markita
 - Da'Quan





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Why does the guidance matter?

- Schools still struggle to appropriately address disability-related behavior
- Continuing lack of understanding about the role of behavior supports in improving outcomes
- Information in one place that clarifies and assisting in correcting widely held noncompliant practices
- Great potential for vastly improved student outcomes





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Some Approaches ...

- IDEA and Section 504 Statute and Regulations (e.g. FAPE/LRE/ Discipline Protections; Federal guidance: 3 Factor Test
 - IEP and Section 504 Meetings
 - Appeals as necessary (due process and complaints)
- State regulation (tutoring, SSD process) and state complaints
- Data Collection: Add to the Civil Rights Data Collection
- Truancy Analysis





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Contact

Kris Keranen: Advocate; Michigan Protection and Advocacy Service, Inc.; (906) 228-5910 or (866) 928-5910; KKeranen@mpas.org

Diane Smith Howard: Senior Staff Attorney for Juvenile Justice and Education Issues; National Disability Rights Network (NDRN); (207) 522-2871; diane.smithhoward@ndrn.org





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Todd Loftin

Executive Director of Special Education Services
Oklahoma Department of Education

<http://sde.ok.gov/sde/special-education>

Sharon Coppedge Long

Executive Director
Oklahoma Parent Center

<http://oklahomaparentscenter.org>





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Debra Jennings

Director

Center for Parent Information and Resources
at the

Statewide Parent Advocacy Network

www.parentcenterhub.org



Center for Parent Information & Resources

<http://www.parentcenterhub.org/>



Parent Centers prepare parents of children with disabilities to:

- Be effective advocates for their children, **AND**
- Improve education and other systems for all children.

Last year, more than:

650,000 contacts with parents for training and individual assistance and,

14,000 state, local and federal systems change meetings attended.

There's at least **1 Parent Center** in every State

There are **almost 90** Parent Centers nationwide

**There are 2 types of Parent Centers
working with families of children with disabilities
(and the professionals involved in their lives)**

- **PTIs** | Parent Training and Information Centers
- **CPRCs** | Community Parent Resource Centers

Find Yours:

<http://www.parentcenterhub.org/find-your-center/>

OSEP provides a **network of support** for Parent Centers and the important work they do with families and professionals



Center for Parent Information and Resources

Providing Parent Centers with a **central hub** of information and products

<http://parentcenterhub.org/>



NAPTAC

Building Parent Center capacity to reach and serve **Native American** families who have children with disabilities

<http://naptac.org/>



Six (6) Regional Parent Technical Assistance Centers

Building Parent Center Capacity to efficiently manage their programs and services in order to impact the families of infants, toddlers, children and youth with disabilities

The Branch



Building Parent Center capacity to support **military** families who have children with disabilities

<https://branchta.org/>

Relevant Resources You Can Find at the Hub

Supporting Behavior of Students with Disabilities

(Handout prepared for this webinar)

[http://www.parentcenterhub.org
/repository/handout-dcl-behavior-summary/](http://www.parentcenterhub.org/repository/handout-dcl-behavior-summary/)



The Behavior Suite

(5 separate resource pages)

[http://www.parentcenterhub.org
/repository/behavior/](http://www.parentcenterhub.org/repository/behavior/)



Placement and School Discipline

[http://www.parentcenterhub.org
/repository/disciplineplacements/](http://www.parentcenterhub.org/repository/disciplineplacements/)

Other Relevant Resources You Can Find at the Hub



Discipline, in Detail

*(Thorough discussion of
IDEA 's disciplinary provisions)*
[http://www.parentcenterhub.org
/repository/disc-details/](http://www.parentcenterhub.org/repository/disc-details/)

THE 2004 AMENDMENTS TO IDEA



Key Issues in
Discipline

Key Issues in Discipline

*(Module 19 from
the NICHCY training curriculum
on IDEA 2004)*

[http://www.parentcenterhub.org
/repository/partb-module19 /](http://www.parentcenterhub.org/repository/partb-module19/)

Search on the Hub's Resources Page!


<http://www.parentcenterhub.org/resources/>

Topics

Key Topics ▼

- Behavior
- Disability
- Dispute Resolution
- Family supports
- IDEA

Click here on
“Behavior”




En español

Temas Claves ▼

- Apoyo familiar
- Conducta
- Derechos de los Padres
- Discapacidad
- Resolución de Disputas
- Salud Mental

or here on
“Conducta”



You'll get results galore!

Filter them as you like—
by audience, format, language, or producer



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Resources

You may also be interested in information about chronic absenteeism

<http://www2.ed.gov/datastory/chronicabsenteeism.html>

Guidance: <http://www2.ed.gov/policy/elsec/guid/secletter/151007.html>

Resources/Toolkit:

<http://www2.ed.gov/about/inits/ed/chronicabsenteeism/toolkit.pdf>





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Thank You!

- Look for the archived webinar at www.osepideasthatwork.org

