

Disciplinary Action under IDEA

Overview:

The code of conduct for students at each of the schools in Du Bois Integrity Academy Charter School System applies to ALL students unless a student's IEP provides otherwise. It is best practice to place an increased emphasis on proactive approaches rather than reactive behavior management. A student's case manager is responsible for ensuring that the parent/guardian/surrogate and the student receive notice of the rules and regulations applicable to students with disabilities regarding student discipline. This should be done when the student enters the special education program and at the annual IEP review. A student with a disability, who has an IEP in effect, can be removed like any other student for up to a total 10 school days for violations of the code of conduct or school rules during one school year. It is not necessary for the IEP team to meet. The administrator should notify the special education caseload teacher concerning all disciplinary actions made involving students with disabilities prior to implementation.

In most cases, disciplining students who have IEPs is no different than disciplining other students. However, IEPs afford these students some protection. One protection includes the right to continuation of services indicated by the IEP if the student is removed (i.e., expelled) from school for more than 10 cumulative days within a school year. This protection is extended due to the requirement for FAPE and evolved from a court case involving the Office of Civil Rights.

In addition to the right to continue special education services, students with IEPs may receive a consequence different from that of other students if the IEP team decides that the student's misbehavior was substantially related to or caused by the student's disability. This team also examines the student's IEP and BIP, and it reviews details of the misconduct. In this same meeting, the IEP team decides if the school system implemented the student's IEP/BIP correctly.

This type of meeting is called a Manifestation Determination and by GA State Rules, must occur by the 11th day of suspension. In addition, this type of meeting must be held anytime a student with an IEP is under consideration for a "change in placement" due to his/her misconduct.

If the IEP team decides that the student's misbehavior was not substantially related to the student's disability and that the IEP and BIP were properly implemented, then the student is treated the same as a student without an IEP would be treated. In other words, the student may be suspended beyond the 10 days; hence, the student would receive the same consequences any other student would be given. The only difference would be the continuation of special education services to provide FAPE as guaranteed by federal law. If the IEP team determines that the student's misbehavior was a manifestation of the disability, the team must ensure that there is a current FBA and BIP in place and review/modify both as necessary. The student returns to the original placement unless the parent and IEP team agree to a change in placement as part of the modification of the behavior intervention plan.

Any student with a disability whose behavior impedes his or her learning or the learning of others should have a Functional Behavior Assessment completed to determine target behavior and a Behavior Intervention Plan developed as part of the IEP. The behavior intervention Plan includes positive behavior interventions, strategies, and supports to address the behavior.

Functional Behavior Assessment (FBA):

Federal law mandates that school systems conduct Functional Behavioral Assessments (FBA) when taking certain disciplinary actions with students who are disabled. The process is based on the concept that if you understand the functioning of a challenging behavior, you can have great impact on changing it. This assessment is a comprehensive and individual approach to examining variable that promote the continuation of challenging behaviors.

Steps to Follow:

Although it is acceptable for the team to informally determine the function of a behavior, the process of conducting an FBA is best done in systematic stages:

1. The team specifies the problematic behavior and considers student variables that may impact the behavior. This provides a clear focus for discussing strategies that may be used to modify the behavior.
2. The team collects information about the student's behavior and the environments in which it occurs. This enables the team to determine the function of the behavior and have data to assist in developing an intervention plan.
3. The team considers how and to what degree the behavior intervention support is faded to promote generalized behavior changes.
4. The team may need to meet to problem solve and discuss on-going modifications.

***Before conducting the FBA, be sure to obtain a consent to evaluate.**

Conducting the FBA:

1. Identify problem behaviors

- List all student behaviors that have resulted in missed instructional time and possible disciplinary action.

- Decide if any of the behaviors typically occur together or in a "chain"

Usually, a student goes through stages of less disruptive behavior that escalates to a highly disruptive behavior.

- When a list is developed, prioritize behaviors and choose the top 1-3 to focus on for the functional assessment.
- Team may choose to focus on behaviors that occur early in the chain or those that are most intolerable in school
- Clearly articulate the behavior. Describe the behavior in such a way there is no doubt in anyone's mind as to what the behavior looks like and when it is occurring.

2. Strategies Attempted

- The team should spend time recalling everything that has been tried in the past.
- Prevention techniques include things such as:
 - *change of seating
 - *modifying assignments
 - *have student work with a partner
 - *teaching anger management strategies
- Past consequences may have included:
 - *loss of points
 - *loss of favorite activity
 - *suspension (ISS and OSS)
- Reviewing this past information assists the team in identifying what goal the student achieves through the behavior.

3. Recognition of Student Individual Variables

- Personal factors shape and determine an individual student's actions
- In the classroom setting, however, expectations of group behavior may supersede individual needs-you give up something for the good of the group.
- Teachers should consider individual characteristics in order to help explain why a student is unwilling or unable to meet behavioral expectations.
- Student variables may be physical, emotional, cognitive, social, and academic.

4. Analyze the Available Data

- Collect and review data from a variety of sources:
 - *notes written by teachers, parents, the student, and/or others
 - *previous discipline referral slips
 - *discipline record
 - *point card, behavior charts
 - *self-management documentation
 - *police reports
 - *video tapes of behavior
- If data is not available, times need to be spent in data collection. The needs of the student and the severity of the behavior may indicate that more formal approaches to data collection are indicated.
 - *Informant Interviews
- Adults who know the student well respond to questions about the student's behavior
 - *Direct Observation
- Adults directly observe the behavior in the natural context and record contexts, antecedents, consequences, and reactions by the student.
 - *Student Interviews

-Interviewing cooperative students provide quick and accurate information

*Ecological Interviews

-These consider the external variables common to the school environments (Classroom arrangement, curriculum, difficulty or ease of assigned work, length of work periods, grading policies, etc.)

Sufficient data needs to be collected to allow the team to answer these 6 questions:

1. How often does the target behavior occur and how long does it last?
2. Where does the behavior typically occur? Where does it never occur?
3. Who is present for the occurrence/nonoccurrence of the behavior?
4. What is going on during the occurrence/nonoccurrence of the behavior?
5. When is the behavior most/least likely to occur?
6. How does the student react to the usual consequences that follow the behavior?

Identifying the Function:

A functional assessment of an individual's behavior is based on the assumptions that all behaviors serve some purpose for that person. Behavior are reported by an individual because they are rewarded (the purpose of the behavior is fulfilled).

In the school setting most behaviors occur to "get" or "get away from" something.

- ┆ Work
- ┆ Failure
- ┆ Boredom

Specific antecedents and consequences are associated with each function. Antecedents associated with attention/access behavior that increase the likelihood the behavior will occur:

- ┆ Presence of favorite people, objects, activity
- ┆ Observation of attention to others
- ┆ Receiving low level of attention
- ┆ Unoccupied or bored
- ┆ Observations of others with a favorite object/activity
- ┆ Access to favorite object/activity denied

Consequences associated with attention/access behavior that keep the behavior occurring:

- ┆ Contact with teachers increases
- ┆ Verbal responses to the behavior increase
- ┆ Attention from peers
- ┆ Student is redirected to preferred activity, immediately or eventually

Some children want to get sensory feedback from self-stimulation. The function of self-stimulatory behavior is difficult to determine because the student's sensory feedback is not observable.

Typically, self-stimulatory behavior can be hypothesized if the following are true:

- ┌ Inconsistent antecedents and consequences associated with the behavior
- ┌ Problem behavior occurs when a person is alone or unoccupied, and continue even when others approach
- ┌ Problem behavior occurs repeatedly for long periods of time when no one is around
- ┌ Student appears calm and unaware of what is going on around him when Engaged in the behavior
- ┌ To get out of something (escape or avoid)

Antecedents associated with escape/avoid behaviors that increase the likelihood the behavior will occur:

- ┌ Transitions or lack of predictability
- ┌ Repetitive tasks, tasks which are easy or difficult, or non-preferred activities
- ┌ Too much or too little work
- ┌ Lack of choice or control
- ┌ Instructions, being told what to do
- ┌ Interruptions of routines
- ┌ Particular individuals
- ┌ Anticipation of an unpleasant event

Consequences associated with escape/avoid behaviors that keep the behavior occurring include:

- ┌ Task is made easier or modified in some way
- ┌ Student gets out of the task (sent to office) immediately or eventually
- ┌ Student is left alone
- ┌ Teacher provides extra assistance

<i>Goal of Misbehavior</i>	<i>Examples Of Misbehavior</i>	<i>What Student is Saying</i>	<i>How Teacher Feels</i>	<i>Student Reaction To Reprimand</i>	<i>Some Correctives</i>
<i>Attention Getting</i>	The Show Off The Clown Obtrusiveness (Brash) The walking question mark The infant terrible Cute remarks The model child (By age 8 or 9 usually moves to more complex i.e. Power)	I only count when I am being noticed or served.	Active: Annoyed, Bugged Passive: Wants to remind	Temporarily stops disturbing action when given attention. If intensifies, then goal is likely power.	Ignore – attend at pleasant times
<i>Power</i>	Argue, Contradict Continue forbidden acts Bad Habits Temper Tantrums Masturbation Untruthfulness Laziness Stubbornness Being late	I only count when you do what I want you to do.	Active: Provoked, loss of control, challenged Passive: “I’ll make him do it.” “You can’t get away with that.” “How dare you think you can”	Intensifies action when reprimanded. Student wants to be boss.	~Establish equality ~Consistent expectations ~Don’t argue, refrain from talking – use one sentence when tempted to use 5. ~Let limits speak for themselves. ~Redirect to constructive action
<i>Revenge</i>	Vicious Stealing Bed-wetting Violent Passivity (Vulgar, obnoxious)	I can’t be liked, I don’t have power, but I’ll count if I can hurt somebody.	Active: Hurt, Mad Passive: “How could he do this to me?”	Wants to get even when reprimanded. Makes self disliked.	~Respect – by allowing choices, don’t overpower ~Positive – allow preset limits and natural consequences instead of undue attention ~Provide support and faith, like him not behavior
<i>Displaying Inadequacy</i>	Stupidity Ineptitude Hopeless	“I can’t do anything right, so I won’t try to do anything at all.	Active: Despair Passive: “I give up.” “It’s useless.”	No reprimand, therefore no reacting Teacher gives up. Student gives up.	Behavior Modification Regard mistakes as inevitable Encouragement, Encouragement, Encouragement, Don’t do it for him. Don’t give up.

Developing the Relationship Statement:

The team should be able to write a relationship statement after looking at the data that has been collected. This statement defines the relationship between the environment and the behavior. The relationship statement is formatted as follows:

Antecedent – Behavior – Consequence (A – B – C)

The statement documents what happens before and after the behavior that predicts the occurrence of the behavior.

Example:

- (1) Antecedent-Difficult work soon to be given
Behavior-Student throws book across the room
Consequence-Student is sent to ISS and has an adult available to help him
- (2) Antecedent-Student bored by the assignment
Behavior-Makes remark under breath to another student
Consequence-Fight ensues and there is much excitement
- (3) Antecedent-Student feeling ignored
Behavior-Leans back in chair
Consequence-Teacher attends and tells student to put chair legs on the floor

A final note to take into consideration:

- └ For some students, one behavior may serve several functions.
- └ For other students, several behaviors may serve the same function.

According to the *Implementation Manual for the Special Education State Rules*, if an IEP team has adequate information to develop a BIP, an FBA may not be required. Although not required, best practice is to conduct an FBA prior to the development of a BIP. An FBA does not have to be re-written each year but should be reviewed periodically throughout the year with changes made as appropriate. The FBA drives the BIP. All students who meet eligibility criteria in the area of Emotional Behavior Disorder must have a BIP.

Components for a Behavioral Intervention Plan (BIP):

- └ Target/problem behavior, the hypothesized function of the behavior, and a summary of data collected that led to the hypothesis included in the plan.
- └ Behavior intervention plans are driven by the hypotheses and the FBA data collected. They are individualized for the student and include:
 - *positive (preventive) strategies to avoid the target behavior (e.g., antecedent modifications) that can include instructional modification, behavioral precursors as signals, modification of routines, opportunities for choice/control, clear expectations, pre-correction, errorless learning, etc.

*select new skills that replace problem behaviors that can be as or more effective than the problem behavior (replacement behaviors may include communication skills, social skills, self-management/monitoring skills, choice making, etc.)

*instructional methods to teach replacement behaviors that can include pre-instruction, modeling, rehearsal, social stories, incidental teaching, peer buddy, meeting sensory needs, direct instruction, verbal, physical, and/or visual prompting, etc.

*consequences that promote the learning of the replacement behavior that are based on student preferences

*consequences that address the occurrence of the target behavior

*the desired outcomes of the behavioral intervention plan for the student

- └ Action plan for the implementation of the BIP should include:
 - *activities, dates, and documentation describing who is responsible for completing each task
 - *materials, training, and support for the implementers of the plan
 - *how data will be collected and analyzed
 - *timelines for team meetings, data analysis, and monitoring the success of the BIP
- └ If necessary, a crisis intervention plan is developed when the safety of the student or of others is a concern.

Fostering School-Wide Positive Behavior Strategies:

School-wide positive behavior strategies cut off discipline problems before they become serious. Adhering to the following core principles assures positive intervention strategies:

- └ **Positive behavior strategies should teach and reinforce expected behavior and negative behavior should receive consequences that are meaningful and instructive.** Problem solving teams should be used to identify events in the environment that contribute to problem behavior.
- └ **Try to understand why a student behaves in a particular way.** It is usually driven by two principles: First, the behavior allows the youth to “get” something desirable, “escape” something undesirable or communicate a message or need. Second, behavior occurs in a particular context, either in a certain setting, under a certain condition or during an activity.
- └ **Address a student’s problem behavior with a functional behavioral assessment (FBA).** An FBA is a team problem-solving process that relies on a variety of techniques and strategies to identify the purposes of specific behaviors. It helps individualized education program teams select interventions to directly address that problem behavior. The assessment looks beyond the behavior itself and identifies (through observation and student, teacher and peer interview) significant, pupil- specific social, sensory, physical, affective, cognitive or environmental factors associated with the occurrence of specific behaviors.

- └ **Teamwork plays an important part in addressing student behavior problems.** It is critical that General Education Teacher be involved in the process from beginning to end.
- └ **Formulate a behavioral intervention plan for children exhibiting problem behaviors.** It should include strategies and supports, program modifications and supplementary aids and services as needed to address the behavior. BIPs emphasize the skills students need to behave in a more appropriate manner.
- └ **Integrate supports into a child's BIP.** Such support can include peers, family, teachers and paraprofessionals, language specialists, other school staff (custodians, cafeteria workers or volunteers and community agency service providers).
- └ **Reinforce appropriate behavior at least twice as often as the problem behavior was criticized.**

In School Suspension:

In-school suspension may not be considered removals from school if the student with disabilities is provided with educational services to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of the student's IEP.

The provision of educational services can be accomplished by the following:

- └ The ISS program must require students' regular education teachers to submit missed class work for students to work on.
- └ The student must receive any service

The IEP services can be provided by the following:

- └ The student with disabilities is allowed to attend regular scheduled special education classes while serving time in ISS.
- └ The special education teacher can go to the ISS classroom to provide services according to the IEP.

It is important that the ISS program and the special education teacher keep accurate records to document that the student did, in fact, receive special education services.

Administrators should use common sense when determining appropriate consequences for students with disabilities. Collaborative brainstorming with a student's special education teacher may result in consequences that are more effective for the student.

Teachers for students with disabilities should carefully examine repeated assignments of the student to the ISS for patterns. In some cases, assignments to ISS may be rewarding to students so they can avoid the demands of the regular classroom.

Out of School Suspensions (OSS):

When a student with disabilities is suspended from school for disciplinary reasons, it is considered a removal from school.

Federal law and Georgia regulations mandate that students with disabilities cannot be removed from school for more than 10 cumulative school days in one year:

- ┆ 10 consecutive school days, or
- ┆ A series of removals that cumulate to 10 days in one year

Removals beyond 10 school days in a school year constitute a change in the educational placement for the student.

It is not required that the school provides educational services for removals of 10 school days or less.

However, for students with disabilities who are removed from school for more than 10 school days in a school year, it is required that the school provide educational services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

Removals from School:

Removals from school are actions taken such as sending a student home for the remainder of the day or officially suspending the student from the school. It is imperative that administrators and special education teachers keep accurate records of any such actions for disciplinary reasons. Disciplinary removals can result in a change in the student's current educational placement if the following occurs:

- (1) The removal is for more than 10 consecutive school days; or
- (2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year.

Disciplinary Actions of 10 School Days or Less:

A student with a disability, who has an Individualized Education Program (IEP) in effect, can be removed to OSS, another setting, or an appropriate interim alternative educational setting (IAES), just as any other student without a disability can, for up to a total 10 school days, for violations of the code of conduct or school rules. The 10 days can be consecutive or cumulative and can occur during one school year. It is not necessary for the IEP team to meet when this occurs. Likewise, it is not necessary for a manifestation determination to be completed, a functional behavior assessment to be conducted, a behavior intervention plan to be developed, or for any special education services to be provided if the removal is for 10 or fewer school days in the school year.

Disciplinary Actions beyond 10 Days:

When frequent disciplinary actions add up to more than 10 school days in a school year, or when frequent disciplinary actions clearly indicate a pattern that is a change in placement, the IEP team must determine appropriate services that allow the student to continue to participate in the general education curriculum **and** progress toward meeting the goals outlined in the student's IEP, although in another setting.

After a student has been removed for 10 school days in the same school year, and a subsequent removal is not for more than 10 consecutive days and is not a change in placement, then the district personnel and at least one of the student's teachers must determine the extent of services needed so the student can continue to participate in the general education curriculum **and** progress toward meeting the goals outlined in the student's IEP, although in another setting.

If school administrators want to suspend a student from school for more than 10 consecutive school days, or to have a student's educational setting changed to an interim alternative educational setting for up to 45 school days for weapon or drug possession or for infliction of serious bodily injury on another person, school officials must notify the parent immediately of this decision. The administrator must also notify the Director of Special Education of this decision.

If a Functional Behavior Assessment has not been done prior to the misconduct resulting in suspension, or if the FBA is inappropriate, the IEP team completes an FBA.

If a Behavior Intervention Plan (BIP) has not been done prior to the misconduct resulting in suspension, or if the BIP is inappropriate, the team completes a BIP.

Placements in the In School Suspension program, detention program, opportunity room, etc. are not considered a change in the student's educational placement as long as IEP services are provided to the student by the appropriate special education teacher. Administrators and special education teachers should keep careful documentation in order to substantiate that special education services were provided.

Continuation of FAPE Services:

Administrators will contact the Director of Special Education to inform her that the student has exceeded more than 10 cumulative days within the school year.

- The administrator issuing the discipline will review the plan for continuation of services with the student and parent and obtain the required signatures. A copy of the notification letter will then be faxed to the special education office.
- Indicate Continuation of Services in Power School with a "Y" Code.
- Failure to show continuation of services in Power School, even if services are being provided, suggests that the Du Bois Integrity Academy Charter School System is out of compliance with federal and state regulations.
- The Special Education Department will maintain a log of services provided to students who have been removed for more than 10 cumulative days.

Manifestation Determination:

Within 10 school days from the beginning of a disciplinary action that either exceeds 10 school days in a row or that constitutes a pattern of removals (a change in placement), the student's IEP team must meet to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct was a result of the district's failure to implement the student's IEP. These steps are referred to as a "manifestation determination." In making this determination, the district, the parent, and relevant members of the IEP team (as determined by the parent and the district), will review

- the student's IEP,
- the student's behavior intervention plan,
- any relevant teacher observations, and
- any other information provided by the parents

If the IEP team finds that the student's behavior was caused by or had a direct and substantial relationship to the student's disability, or that the behavior was a direct result of the district's failure to implement the IEP, then the behavior is a manifestation of the student's disability. In this case, if the student does not have a behavior intervention plan, the IEP team must conduct a functional behavioral assessment and implement a behavior intervention plan to address the behavioral violation. If the student already has a behavior intervention plan that addresses the conduct in question, the IEP team must review and modify it as necessary to address the behavior.

If the IEP team finds that the student's behavior was not a manifestation of the student's disability, the same disciplinary actions can be imposed on the student with a disability as those imposed on any student. If these actions include expulsion, the IEP team must determine how the student will continue to receive educational services that allow him or her to continue to participate in the general education curriculum and progress toward meeting the goals in the IEP. In addition, the IEP team, if appropriate, will conduct a functional behavior assessment and develop a behavior intervention plan.

Note:

1. Always inform the Special Education Director about MD meetings as soon as possible
2. Thoroughly review the student's IEP, BIP, and placement prior to the meeting. For example, the BIP should be written based on individual student's needs and should not reiterate the school's discipline ladder. Let the Director of Special Education know if you have any concerns well in advance of the meeting. Do not wait until the last minute to do this review.
3. Manifestation Determination meetings may be highly charged emotionally for the parent, student, and sometimes the staff. Practice use of deflation techniques if anyone in the meeting becomes overly aroused.

Referral to Discipline Tribunal:

If a student with disabilities engages in an activity that warrants long-term suspension, the principal may remove the student by out-of-school suspension for a period up to 10 days and request a discipline tribunal. If referred for a system level tribunal, the administrator of the school will notify the Director of Special Education or the caseload manager as soon as possible to review the records on the student and schedule a Manifestation Determination Review meeting with appropriate

personnel and parents. Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice (Parent Rights in Special Education). The superintendent or designee is responsible for delivering a letter to the parent informing of the request for a discipline tribunal. The student's caseload manager notifies the parent in the same delivery of an IEP meeting scheduled for the purpose of manifestation determination and ensures that the parents receive copies of their Rights in Special Education. Georgia Rules specify that the manifestation determination must be scheduled no later than 10 school days after the date the student was suspended from school. Note: If the student has accumulated out-of-school suspension days prior to this incident, the manifestation meeting must be scheduled in less than 10 school days. The IEP team will determine if the behavior is a manifestation of the student's disability. If the behavior is determined to be related to the student's behavior, the student may remain in his/her current placement. If not, the IEP committee determines the most appropriate placement. If the behavior was related to drugs, weapons, or serious bodily injury, school administrators will notify the Tribunal Hearing Officer to schedule a tribunal hearing. The student may be referred to an alternative placement no matter the outcome of the Manifestation Determination. Factors influencing the timing of the meeting may include resolution decided upon for the current offense by the administrator, and the number of days the student has already received Out of School Suspensions (OSS) or ISS without special education services. The IEP committee will need to determine how the student shall receive FAPE if suspensions exceed 10 days. If the parent wishes to sign a waiver of their rights to a tribunal and Alternative School is recommended, the student shall continue to receive special education services at the home school until the intake appointment is conducted at the Alternative School unless consequences for discipline such as suspension prohibit them from doing so. If the parent does **not** wish to waive their rights to a tribunal, An IEP Meeting will be scheduled immediately following tribunal to review the recommended placement decision. The IEP committee will determine how to provide special education services to the student until the tribunal occurs. Parents will have a right to appeal the decision of the IEP Committee. It is the home school's responsibility to monitor the number of days of OSS and advise the special education department if FAPE beyond the allowable 10 days are needed. The committee is responsible for consulting the special education handbook on discipline for further details if needed regarding this process

Referral Due to Transfer from Alternative Setting for Discipline from Another County:

If a special education student has previously been enrolled in Du Bois Integrity Academy Charter School System within the last year, a special education transition meeting may be scheduled immediately. If the student has been away from Du Bois Integrity Academy Charter School System for a year or longer, or never been enrolled in this system, the student must first go to the registration office prior to having the IEP meeting or enrolling. The Alternative School Director is notified to expect the student if Alternative School is to be considered and will request a meeting with the Director of Special Education.

It is recommended that the IEP meeting be held first⁰ prior to enrollment. Records should be requested and received from prior placement before meeting.

If the IEP committee recommends placement at the Alternative School, he/she is not considered enrolled until intake has occurred. At this time, the secretary for the Data Management Technology Specialist will add the student in Power School.

Incarcerated Students:

Students eligible for special education services who have an IEP and who are in a facility operated by the Department of Juvenile Justice (DJJ) or the Department of Corrections (DOC) must receive their educational programs. Each of these agencies provides the services to students within their facilities in Georgia. Each agency has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students. These agencies will contact the most recent public school attended by a student to obtain copies of educational records so that FAPE can be provided. DJJ and DOC are public schools and should be treated as other public schools when providing records in an expeditious manner.

Adult students who are between the ages of 18 and 21 who, prior to being in the correctional facility (jail), did not have an IEP the last time they attended school, are the exception. These students do not have an entitlement to FAPE. A student with a current IEP who is in the community jail, such as those managed by city or county agencies (i.e., the sheriff's office), is also entitled to FAPE. In these circumstances, the district where the student is incarcerated is responsible for providing services. Du Bois Integrity Academy Charter School System will work closely with the local jail in order to gain access to the student and to deliver services. The main concern of the local sheriff or other enforcement agency is safety, while the district's obligation is to provide FAPE.

Appeals Process:

If a parent of a child with a disability disagrees with the decision regarding placement or the manifestation determination, or it is believed that the current placement would cause injury to the child or others, the parent may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request. The written appeal must be filed with the Director of Special Education and include the name and home address of the child; the name of the school the child attends, and a statement of the reasons why the decision is being appealed. Once the appeal is filed an administrative law judge or hearing officer who is not employed by the school system will hear the facts and make a determination regarding the appeal. Parents will be provided with a list of persons who serve as administrative law judge /hearing offices as well as a statement of their qualifications.

During the appeals, the child will remain in an interim alternative educational setting pending the decision of the administrative law judge/hearing officer or until the expiration of the time period specified in the disciplinary code or federal law, whichever occurs first, unless the parent or school system agree otherwise.

Interim Alternative Educational Settings (IAES):

Serious behavior problems can result in removal to an Interim Alternative Educational Setting for up to 45 school days. This can happen even if the conduct is determined to be a manifestation of the student's disability. Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal hearing. In these cases, Du Bois Integrity Academy Charter School System officials must notify the parent immediately of this decision and provide parental rights.

School personnel may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 calendar days if:

- (1) The student carries a weapon to school or to a school function, or possesses a weapon at a school or a school function under the jurisdiction of Clayton County.
- (2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of Clayton County.

Referral to and Action by Law Enforcement and Judicial Authorities:

Disciplinary actions that warrant referral to law enforcement agencies are specified in the Du Bois Integrity Academy Charter School System Code of Student Conduct. As such, school administrators will report a crime committed by a child with a disability to appropriate authorities as specified in the Code of Conduct. In accordance with Family Educational Rights and Privacy Act (FERPA) regulations, copies of the student's special education records and disciplinary records will be provided to the appropriate authorities upon written request by the student's parents or if the student is over 18, the student may make the written request him/herself.

Referral Due to Return from Youth Detention Centers (YDC), Regional Youth Detention Centers (RYDC), or Department of Juvenile Justice DJJ Custody:

In accordance with State Board Rule 160-4-8-.17 (Case Management Consultation for Agency Placed Transfer Students) the Department of Juvenile Justice caseworker(s) have been informed to contact Student Services to coordinate a transition meeting for a student returning/entering from YDC or RYDC. For special education students, Student Services will notify the Director of Special Education when the student is enrolled and notify the special education department when the transition meeting has been completed. The transition meeting will occur within five days of the student enrolling in the school system.

If a special education student has previously been enrolled in Du Bois Integrity Academy Charter School System within the last year, the student will return to their last placement pending the determination of services from the transition meeting. The IEP committee will convene after transition services are determined if a change in placement is to be considered.

If the student has been away from Du Bois Integrity Academy Charter School System for a year or longer, the student must first go to the administrative office. An IEP meeting will be scheduled prior to enrollment. Records should be requested and received from prior placement before meeting. In addition to the required documentation for special education purposes, documentation of the Case Management Consultation (CMC) will be obtained from the School Social Worker. The IEP team may

convene if CMC documentation indicates that additional services or a change of placement is needed.

If the IEP committee recommends placement at the Alternative School, he/she is not considered enrolled until intake has occurred. At this time, the Data Management Technology Specialist will add the student in Power School.

Contact the Director of Special Education for more detailed information.

Serious Violations:

(Bringing drugs or weapons to school, or inflicting serious bodily injury on another person)

- Serious behavior problems as outlined above can result in removal to an Interim Alternative Educational Setting (IAES) for up to 45 days.
- This can happen even if the conduct is determined to be a manifestation of the students' disability.
- Removing the student for these offenses does not require parent consent or agreement, nor does it require a tribunal meeting.
- In these cases, system officials must notify the parent immediately of this decision and provide Parental Rights.

Additional Considerations:

System personnel may take into account all circumstances when deciding if a change of placement is the right action to take for a student with disability. System personnel may consider various forms of information such as the following:

- Student's disciplinary history
- Ability to understand the consequences
- Expression of remorse, and
- The supports that were provided to the student prior to the behavioral violation

Protection for Children Not Yet Eligible:

If a child has not been identified as a student with disabilities and the district has no knowledge of a child's disability, he/she is not given consideration as a child with a disability. However, if the child who has violated the code of conduct has a parent, teacher or administrator who have expressed concerns about the child's behavior, or a parent has requested an evaluation for services the child must be given consideration as a child with a disability. Also, if the school knows a child has a disability

before the behavior that caused the disciplinary action occurred then the student would have provisions as a student with disabilities. If the parent had not allowed an evaluation or refused services, then the student does not have provisions as a student with an IEP. If a request for an evaluation is made during the time a student is subjected to disciplinary measures, school authorities determine placement until the evaluation is completed.

Procedures and Guidelines:

1. At the beginning of each school year, and as often as necessary, the Director of Special Education reminds school administrators to check for the special education flag in Power School when suspending students and to maintain ongoing communication with the special education case manager and special education office about the discipline of students with disabilities.
2. School administrators will review Georgia Rule Number 160-4-7.10 regarding appropriate and legally based disciplinary procedures for special education students at the beginning of each school year and periodically as needed throughout the year.
3. Special education case managers will ensure that school administrators, general education teachers, and other staff members are aware of all disabled students with which they interact, and are provided with a copy of the BIP (where appropriate). School administrators may also access the BIPs from GoIEP.
4. The administrator responsible for discipline should monitor the days of removal for students with disabilities.
5. Students who are prone to Code of Conduct Violations should be monitored frequently. Each school should develop a procedure of checks- and balances to ensure that students are not overlooked. Middle and high school special education students will also be monitored by the caseload manager.
6. Students who accumulate 7 days, or fewer if deemed appropriate, of removal (bus, ISS, OSS) will be placed on Tier II of the behavior intervention scale.
7. Use ISS before OSS, if at all possible, so that we can at least have the special education students in some sort of educational environment. Academic work must continue while in ISS. However, it is **not appropriate**: to have a student in ISS for an extended time without an IEP meeting to determine if this is an appropriate alternative setting.
8. The case manager should monitor the discipline of students on their caseloads and should notify the special education office if a student is given ISS or OSS chronically.
9. If a student is given ISS or OSS chronically (more than 7 days or fewer if deemed appropriate), a meeting will need to be held to determine whether or not the behaviors are a manifestation of the student's disability.

10. If a student is sent to ISS, the school administrator must arrange for the student's IEP services to be given by appropriate personnel each day that s/he is in ISS. Each teacher who delivers the ISS services should sign in to document the date services were given and to whom.
11. A student **is NOT** to be given more than 10 days of OSS (compiled or all at once) without a behavior manifestation meeting **AND** without access to services **beginning the 11th day** that he is out of school. **The plan for services will be developed by the IEP team after the 7th day of removal.**
12. The administrator will contact the Director of Special Education if they are considering suspending a student from school for more than 10 consecutive school days, or recommends placement at the alternative school for weapon or drug possession or for infliction of serious bodily injury on another person.
13. Discipline data will be reviewed at school leadership team meetings. School discipline data will also be reviewed at monthly administrators' meetings. Data will be used to plan professional development activities and to make appropriate recommendations for revision of policies and procedures.
14. A report showing the disciplinary actions each school and system has taken with students with disabilities are among the requirements the State Department of Education has for each school district. Reports from the student information system on disciplinary actions administered to students with disabilities are compiled and sent to the DOE at the end of the school year.
15. One of GA's performance goals for students with disabilities is to "decrease the percentage of students with disabilities who are removed from school for disciplinary reasons." For this reason, if at all possible, the student should be maintained in his school environment. If he does not have a behavior intervention plan (BIP) and he is exhibiting behaviors that are causing him to be sent to the office on a regular basis, a BIP should be considered by the IEP team. It may not be appropriate to suspend a student for the same behavior more than once without a BIP, as this would seem to be interfering with the student's educational performance (keeping the student out of class by having him/her in ISS).
16. GaDOE personnel look at ISS data as well as OSS data to determine if we are disproportionately disciplining students with disabilities.

Alternative School Referral and Placement Procedures:

Special education students are referred to the Alternative School through the Individualized Educational Program (IEP) process. Students generally are considered for the program if they have been referred to a system level tribunal for a major offense or for cumulative offenses that were a chronic disruption to the learning environment. Students may also be considered for Alternative School placement if they are transferring from an alternative placement in another school system or returning from YDC, DJJ placement or residential setting.

School personnel should contact the Director of Special Education immediately on all special education students who are referred to tribunal or entering the system from an alternative setting for discipline issues.

Before recommending a special education student for placement at Alternative School, the IEP committee should consider several factors such as the student's chronological age and grade placement, credits earned, nature of the disability, motivation and/or attitude of the student, nature of the offense (whether it occurred at school, home or in the community), and safety of students within the traditional school setting. The IEP committee is charged with deciding the most appropriate setting to meet the student's individual needs.

Seclusion and Restraint for All Children:

Enhancing School Safety: Appropriate Use of Restraint Procedures

Both our state and federal legislatures have proposed bills to regulate the use of restraint and seclusion in public schools. Du Bois Integrity Academy Charter School System has established policy and procedure documents to make sure our staff is in full compliance of the law. (HR 4247 and S 2860)

The use of seclusion (the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving), prone restraint (intentionally placing face-down on the floor or another surface, and physically applying pressure to the student's body to keep the student in the prone position) and mechanical or chemical restraints (use of devices or medication to limit a student's freedom of movement) is explicitly ***prohibited*** in Georgia schools. [Code 160-5-1-.35]

Physical restraint may be used in extreme circumstances as an emergency procedure to prevent risk of injury to self or others but certain conditions must be met by the district:

- ┆ All staff is trained in prevention of behavior problems, including de-escalation techniques, use of system-wide positive behavior supports to teach and reinforce appropriate behavior and familiarity of social skills curriculum.
- ┆ Some school staff are trained in physical intervention (restraint) and only trained personnel will employ these procedures. *Physical restraint is prohibited as a form of discipline or punishment, or when the restraint would result in harm to the student because of psychiatric, medical or physical conditions as described in the student's educational records.*
- ┆ All physical restraint will be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.
- ┆ All physical restraints will be observed and monitored by appropriate school staff.
- ┆ Written parental notification will be given within one school day when physical restraint is used with their student
- ┆ The school will maintain documentation of each incident of restraint (incident report form)
- ┆ Debriefing with school administration will be required following each restraint incident to discuss necessity of restraint and alternative techniques that might be employed in the future.

The keys to success for Du Bois Integrity Academy Charter School System attempting to reduce and

eliminate instances of restraint and seclusion are as follows:

- ┌ A comprehensive and clear policy and procedure
- ┌ Restraint must be the intervention of last resort
- ┌ Staff must be trained in de-escalation techniques
- ┌ Adequate and well-prepared staff
- ┌ Consumer (student) involvement
- ┌ A system of data collection and analysis
- ┌ Strategies for organizational change
- ┌ Performance measurement systems
- ┌ Emphasis on staff and consumer (student) strengths
- ┌ Cultural competence
- ┌ Effective consumer (student) and staff debriefing
- ┌ An environment that prioritizes consumer (student) dignity