

OSEP Symposia Series: Creating Safe, Supportive Learning Environments for Children with Disabilities

March 22, 2017

Questions and Answers

Q1: In Minnesota, when beginning the work of implementing the pyramid model can you recommend a strategy for engaging individuals who are already engaged in childhood work? As we begin this work in our state, I worry that already established entities will attempt to “tack this on” as an extra thing rather than understanding this is a framework.

A1: That worry is an important worry. I think the notion that we will tack something onto our work might doom it to fail, right? We have to be thoughtful and plan full about that.

I applaud that if in your state you beginning to think about how we can move that, that is important. You have the will and the investment to do something, I think the next step is to figure out if you are ready to do that and to be thoughtful about your implementation. I want to flip it to George because I think they have a great tool. Everything we figured out in implementation, PBIS has been there and done that and has developed tools to do that.

A2: I think the biggest thing is that we have to acknowledge the overload does exist. It is a natural phenomenon that comes up when wanting to support kids. The real trick becomes one of being strategic about the choices that you make. The tool that was mentioned is the technical guide for alignment of initiative programs and practices. It is not only available on the PBIS site but also available at the site for which the symposium is being supported. What the guide does is not only does it describes what Lise just talked about, but making sure there is a clear need for something and it says evaluating what else you have in place. We engage frequently in something called resource mapping. We ask you to show us what you have on your shelves and show us which ones are aligned with critical outcomes and needs and we ask, go through those and find out which have evidence to suggest that they are properly being used. Also, should you do this or not?

Those are simple questions but we found that the most important way to answer these questions is to establish a leadership team or a coordination team that facilitates the decisions being made. It is difficult for one person to go through the process and identify something. You want stakeholders at the table who have an investment in the decisions being made and can be put in a place where they have to justify decisions. One last thing is, even when you have that team in place, you still need to have some level of authority or some level of decision-making that gives a decision life. If you do not have the higher-ups or the lower downs or the policies that enforce the decision, it is difficult. We like to have a rule that says if you look to at two new initiatives or one new initiative, then you have to get rid of two of them. That is an easy thing to say. It is an important thing to think about. Take a look at the guide and it will authorize what we were describing. We had knowledge it is an important challenge that most deal with on a regular basis. You have to think thoughtfully about this.

Q2: Can you explain the 10-day rule in the IDEA discipline provisions?

A: Just for background so you know the discipline provisions are found in section 300, 530-536 of report B. Those regulations allow school personnel to move a child with a disability who violates the code of student conduct for up to 10 consecutive schooldays. They may also remove the child for additional but not more. As long as it does not constitute a change of placement.

How do we defined a change of placement? A disciplinary change can be one of two things. It can be a removal for more than 10 consecutive schooldays or it can be a series of removals and it constitutes a pattern. How do you determine a pattern? That is determined by the case-by-case and knowledge of this. You consider factors such as the length of the removals, the total amount of time the child has been removed and proximity of the removals throughout the school year.

What happens when you have a change in placement? Within 10 school days of any decision to change a placement because of a violations of the code of student conduct, the LEA, the parent, and relevant members of the IEP must hold a manifestation determination. This occurs by reviewing all of the relevant information with the child's file and looking at the child's IEP and teacher observations and information that the parent might provide to the team. That group must consider two questions. It must decide whether the child's behavior was caused by or have a relationship to the disability or if the behavior was directly a result of the LEAs failure to implement the IEP. If one of those two things is determined, the behavior is considered to be a manifestation of the child's disability. The IEP team must conduct a functional behavior assessment if there hasn't been one conducted and then implement a behavior intervention plan or review the existed plan and modify it to address the necessary behavior.

Of course, if behavior is a manifestation, the child is placed in the placement that he would or she was in before. If they determine it is not a manifestation than the child can be suspended as would any other child for a similar infraction.

Q3: You mentioned family partnerships and the importance of families in early childhood PBIS but you did not offer much detail. Can you describe more about how families are engaged?

A: There are two things to think about with family engagement in the early years. Families are in a unique developmental period of being a new family. So when you have three year-olds in four-year-olds, they have only known them for three years or four years. They are getting to know their child and how to guide the development. We both want to support families on that journey and helping them understand their child social development and understand how to guide the child and the development of social and behavioral schools for success. Also have families engage in tiers. I talk about the promotion tier and a prevention tier and the intervention tear.

In the promotion tier, we want to give families ideas about the practices they can use at home and community to support their children to support their children to learn and to grow and be socially connected and self-regulated.

As we guide children who might need more instruction around social skills, we want to do that in partnership with families. So in programs that are implementing PBIS they are sharing information with families. They may have family groups for families who need extra support in that guidance. Families are knowing what the expectations are and how to teach those critical social and emotional skills more

explicitly. Any they are partners in designing that specialized instruction plan so they can implement it. We can get lots of learning opportunities for that little one across lots of situations.

When we are doing the intervention tier and going back to using functional assessment, we want to do that in partnership with families. Think about how we can implement a plan of supports that both is effective in our early care and education environment and also at home and in the community. I talk about empowering any intervention up through that partnership. Moreover, when we implement this whole system, families within that program, we want them to have a voice in how that works. Families should have a seat at the leadership team to consider how we implement and how we guide the program. We are encouraging the programs to reach out to the community stakeholders and they can help you think about your pitch to families who might be less engaged and how to bring them in and helping that program operate in the community.

Q4: How can states incorporate school climate into the school quality and student success indicator?

A: I think one of the most important things that we have described is that school climate has a big impact on social and emotional learning growth and also the academic side. Because of that link, the social climate side seems to be an important component of those indicators but it probably needs to stand alone because it serves as a base by which instruction occurs and family members feel welcome in the school and how well the support is provided for kids with disability.

It is something that could easily stand by itself because it serves as a starting place for things that we do. I would suggest that school climate is something that fits within the continuum logic as well. When we have a few kids that have significant challenges it has an effect on the classroom. When you have a whole classroom that has challenges, it has an effect on individual students. That climate needs to be considered even in a classroom management plan for a schoolwide reform effort. Climate is a significant factor. Research shows that the impact of one on the other can have an effect especially for children at risk.

Q5: May a charter school dis-enroll a child with a disability because he or she violated the school's code of student conduct?

A: The short answer is no.

Let's talk generally about charter schools. Children with disabilities have the same rights as children who attend the public schools. That means that the discipline protection in IDEA applies to children with disabilities in charter schools. And that is regardless of whether the charter school is a public school of the LEA or its own LEA and it functions as its own LEA.

If a charter school would want to expel a child because of a discipline infraction, they have to go through the manifestation determination and everything I just talked about. The only difference that I could say is that if the charter school is a public school, the LEA is responsible for doing that where as if the charter school is its own LEA that charter school has to follow the steps on its own. I would also note that a child is dis-enrolled for some reason, all the placement provisions and protections still apply to the children that attend charter schools. Specifically, if the charter school is its own LEA, they have to follow the placement provisions and ensure that the child receives services.

Q6: Children who grow up in a home or neighborhood environment where violence is acceptable tend to be more aggressive. Is there an example you can share where PBIS core features have been employed to address the main source of student's disciplinary challenges?

A: We have argued is that schools is one of the best social change agent and opportunities. Kids go to school 180 days per year. They are surrounded by adults who can provide a nourishing environment for kids. What we like to think about is that schools may not change the neighborhood but they can provide a positive environment for children and neighborhood. We have learned that schools who adopt a tiered logic and a prevention based model tend to have creative environments and kids want to be there. They end up going to that school when they are stressed in the neighborhood. It is not unusual to find kids who been challenged or bullied on the street to come to the school for safety and help and support. The short answer is, we have many examples of successful schools changing themselves around. That works well when they consider the fact that they can be a resource to the community. It is hard for schools to work alone to change a neighborhood. That is where these models seem to be more useful because you want to bring public health and child care and so forth as a group to change a community. Schools should not give up on a child or neighborhood because of the neighborhood. They should think about what they have control over. I would argue there should be involvement in interconnected way as well. Yes, we have seen that happen. Schools can become a place where kids can be successful. It is not uncommon to see a school on one side of the street seen as a positive environment and another high school that has similar features but it has a negative climate and they do not want to go there. That tells you about what can change them and what cannot.

Q7: What is the role of the early childhood special educator and early interventionists in the implementation of an MTSS in early childhood?

A: This is important. It is my hope as a former person who did personnel prep in early childhood special education and later in childhood intervention, my hope is that people who are going to the trading programs are highly skilled. They would be ready in a multi-tiered system in early care and education or intervention service programs and what we want our early childhood people to be smart about the design of intervention that maximize child engagement and learning opportunities. Be smart about the use of data for decision-making and to be able to make sure that these kids are successful. In addition, if they are called upon to be helpful in helping others implement best practices. They are the consulting, they are guiding the other educators to use evidence-based practices. They should be able to do that. It is a new skill set and a new role. Also, they are promoting coaching to get people to fidelity.

Q8: Are in-school suspensions considered part of the 10 day suspension?

A: No. 10 day in school suspension is not counted in the 10 days so long as three things happen. The child continues to participate in the general curriculum, the child receives services and he or she continues to participate with nondisabled peers to the extent that they were in their current placement.

When we were talking earlier about the pattern and determining whether there was a pattern, we have short-term suspensions, you could consider these type of half days as part of a pattern to determine whether there is a pattern existing for certain behaviors but generally, they do not count towards the 10 days.

Q9: For a school working to implement MTSS, is it better to start with academics or behavior? Or is it better to integrate them from the beginning?

A: If I had the best of all worlds and I could start a school from scratch, I would do them at the same time. This is the framework and it has core features to it. Things like universal screening, continuous progress monitoring. Those core features are what we want to do with every kid, every classroom, every school, and every curriculum. The idea of thinking about where do we start, in the best of all worlds, as I mentioned in my opening remarks, many kids have both. How do we accommodate both at the same time? I understand that resources and time are difficult and you cannot oftentimes do both. What we like to say is show us where you are bleeding the most and where you can have the biggest impact. I am convinced that they interact with each other but if I can get behavior under control it creates an opportunity for academics. Kids learn better, they are better behaved. It's a funny catch 22. To both. I think you have to realistically make decisions on where to have the biggest impact first and always keep in mind where you need to be ready to go next. I am walking around the answer but you know, I think about schools in the same logic. Some schools have particular issues. It makes behavior a party where some have literacy issues that maybe I can do that. Just about every school has behavior issues. You can pinpoint academic as well and it is a mixed bag.

Q10: What kind of solutions can be offered to mitigate some of the issues around overrepresentation of students of color in early childhood disciplinary spaces?

A: We are trying to help programs address disproportionate discipline. I believe that is where we're going with that question.

One of the first things you have to do is track what is happening. You cannot address a problem if you do not know what the problem is. You cannot impact it. That implies collecting helpful data about what are the disciplines practices that are being used and who are they being used with? Begin to ask questions about if that is disproportionate or not and there are different ways to look at that. We have helped programs first understand what is going on. We begin asking questions of each other about the patterns they are seen within the data.

Importantly, you need the tools to address that. By looking at your data and understand what is happening, you can look at the resource and support with the classroom and the child and the teacher or the school. We include in that the need to have people equipped to be able to have a difficult conversation about these responses and practices. You have to understand and address issues and we feel bias could be a factor in resolving these issues.

Q11: As we consider the early childhood systems, what are the implications for preservice preparation of early childhood special education and early interventionists?

A: I think one of the pieces is, we want early educators to be trained beyond knowing good classroom management and classroom discipline practices to knowing promotion and prevention practices. We want them to understand how each of those pieces fit together and how they fit together and foster good strong social and emotional growth and confidence. That is the solution to problem behavior. The second thing, I want them to understand what implementation science is. They will go work within these programs that are going to engage in systems change. Especially in our graduate education, you have to

understand the implications science. I want them to know about data decision-making beyond progress monitoring or beyond assessment and planned interventions.

I think they need to be equipped to be at the table to look at data and have them be a part of the conversation about the place that they work and the bigger environment with the school or the program.

Q12: Does the evaluation provisions apply for the functional behavior assessment?

A1: Yes. The assessments are considered an evaluation. All of those provisions apply. For example, consent would apply so you would have to seek parental consent before conducting an FBA and also, the right to and independent education evaluation and IEP would apply to an FBA.

If a parent disagreed with the FBA, they could request the IE and then a public agency would have to provide it or file a hearing request to defend their FBA.

A2: If I can add a little bit to that, one thing about the special ED. laws, it incorporates evidence-based possible and this is cool. Sometimes, it becomes the policy statement. I want to reinforce the idea that the assessment is a best practice generally. It can be something that we apply to any child's behavior to understand what they are doing. When a child is sent to the office for disrupting the classroom, we have to ask the question, for what purpose is the disruption serving? It informs the principal on the decisions around the consequences as provided. If you have a student that has behavioral disorders, these behaviors have patterns, so if we can understand the patterns, we can write intervention plans that are more appropriate.

One thing I think is really important to think about is that the special education law is one that says that we have to look at disabilities and these individualized programming and let's give them the best. Those bests are also good for all kids. It is important thing that we sometimes forget. I think about evidence-based practices that are good practices and for some kids, they are counter indicated. We ask a kid to go to the counselor to get support what he is misbehaving to get access to access or to escape a task. To me, that notion of function tells us the behavior has a purpose and meaning to children. We help them learn how to use as. I want to reinforce the idea that FBAs are important for kids with disabilities because it helps us understand how to write a plan but it is also something that is good for all children. To me, this is a strategy where you have a challenge to violate a role and the code of conduct. We want to understand why that will prevent the likelihood of it happening in the future. We were talking about reducing the amount of use of suspension. I think that is a good thing to do but one thing we are missing is we have to backfill what you are going to do instead. If we do not backfill, people do more of the same and they go to the corner the counselor. I bring that up because we are pushing to schools to think about a multi-tiered system as a solution towards building a model that will backfill when you do not have out of school suspensions. I worry about schools say no more suspension but they end up doing other things that reinforce the idea that what we are describing. We do need to create a system that serves as a more positive support system for all children, especially worth those with disabilities. We should think about what is in place.

Q13: How do you know when if school climate efforts are working? What are the most important pieces of information that we need?

A: The short answer is two parts. I mentioned before school climate is something I am interested in. My colleagues have taught me about the importance of the social validation function of the school climate. School climate is initially assessed from the parent's perceptions, staffs perception, and the kid's perceptions. Those perceptions are an indication of what people are experiencing. Those experiences are the interactions we have with each other. To me, that climate is important to keep track of. Gives me a sense of what we should look for. If some says to me this climate is negative, tell me what you see and hear and feel and taste in that environment that causes you to believe that. Those are the things I can keep track of. Those are things I can replace with something else. Climate is important. It is the initial blood checker on what is going on. But now I need to go deeper on something else

Q14: Per OSEP recommendations for states: "set goals for improvement and analyze data to assess progress." Can you give examples of goals that should be considered or what are the more common goals? Also what data should be assessed?

A: That is general. I will make a specific to something we have been talking about which is preschool suspension and expulsion, because I feel like we need to get a handle on that.

One of the things that the states can do is to begin to collect data to understand this. Implied in that is that programs need to be able to figure out that and begin to track it. They have to report it. Then, what you do with the data is you figure out what can we do to then improve the programs? Where is it that we are having an issue? How can we support the programs to do a better job? That is the same at the program level. Where are these things happening and who was it happening to? How do we put support in place so we can prevent this from continuing?

Unanswered Questions

- Do the IDEA Discipline protections apply to children who have not been determined eligible for special education?
- Tell us about the 5:1 ratio, 5 positive reinforcements to 1 corrective feedback.