

Continuous Cooperation Connection

Behavior, Discipline and the Law



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MISSISSIPPI
DEPARTMENT OF
EDUCATION

Ensuring a bright future for every child

Mississippi Department of Education

VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce and to flourish as parents and citizens

MISSION


To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community



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State Board of Education Goals FIVE-YEAR STRATEGIC PLAN FOR 2016-2020

- 1**
All Students Proficient and Showing Growth in All Assessed Areas

- 2**
Every Student Graduates from High School and is Ready for College and Career

- 3**
Every Child Has Access to a High-Quality Early Childhood Program

- 4**
Every School Has Effective Teachers and Leaders

- 5**
Every Community Effectively Uses a World-Class Data System to Improve Student Outcomes

- 6**
Every School and District is Rated "C" or Higher


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Our Session Goals:

- Identify possible side-effects of the current changing laws
- Identify Positive Behavioral Interventions and Supports (PBIS)
- List the root barriers to appropriate behavior in the school setting
- Create solutions for changing behavior patterns in the school setting



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Participation



Alliance



Tribe



Interview



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Kahoot

KAHOOT



Students With A Disability

Discipline



Mississippi Section 37-II-57

No school personnel shall be granted immunity from liability for the use of corporal punishment on a student with a disability.



Mississippi Section 37-II-57

“Student with a disability” means a student who has an Individualized Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973.



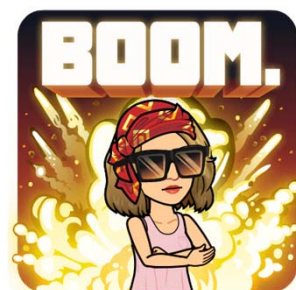
Mississippi Section 37-11-57

What are possible side-effects of the passing of Mississippi State Law 37-11-57?



A side-effect is a secondary, typically undesirable effect.

1. Fold a sheet of paper in half (long-ways)
2. Write down possible side effects on one side.



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Mississippi Section 37-11-57

What are possible side-effects of the passing of Mississippi State Law 37-11-57?

1. What are some of the behaviors listed?
2. Did you list teacher or student behaviors?
3. If you listed student behaviors; on the other column of your paper list some possible teacher side-effects (vice-versa)



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There is MORE...

How do we know if a student is suspected to have a disability?



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Suspected Disability

A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—



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Suspected Disability

- The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services



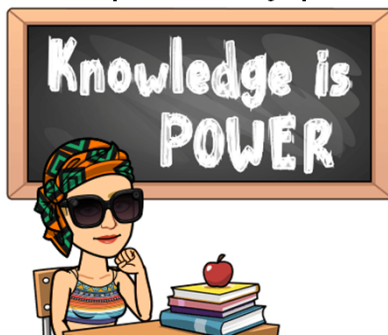
Suspected Disability

- The parent of the child has requested an evaluation of the child pursuant to section 1414(a)(1)(B) of this title



Suspected Disability

- The teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency



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Wait! There is More...

How do we decide discipline for a student with a suspected disability?

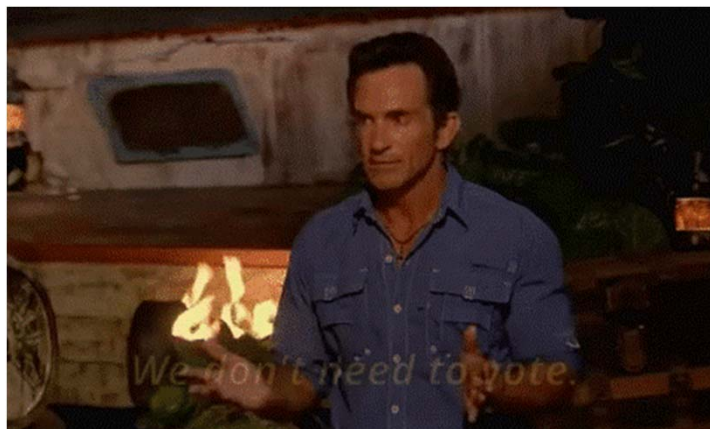


We don't need to vote.

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Wait! There is More...

A student with a suspected disability will have the same protections as a student with a disability until it is proven the student does not have a disability.



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What is a Manifestation Determination Review??

“The purpose of this review is to determine whether or not the child’s behavior that led to the disciplinary infraction is linked to his or her disability” (Manifestation Determination, 2017).



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What factors are considered??

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability



What factors are considered??

- If the conduct in question was the direct result of the LEA's failure to implement the IEP



ss300.530.1415 Manifestation Determination

A manifestation determination must occur within 10 days of any decision to change the child's placement because of a violation of a code of student conduct.



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ss300.530.1415 Manifestation Determination

- Local Educational Agency
- Relevant members of the IEP Team
- Parent



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ss300.530.1415 Manifestation Determination

Who decides “the relevant members” of the IEP Team?

- The LEA and the parent



ss300.530.1415 Determination of Setting

Placement Decisions

The interim alternative educational setting (IAES) shall be determined by the IEP Team.



Restraint and Seclusion

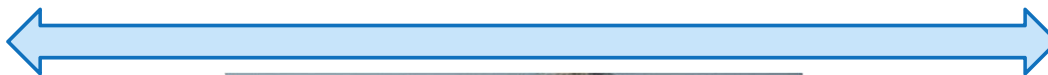


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Restraint and Seclusion

U.S. Department of Education Announces Initiative to Address the Inappropriate Use of Restraint and Seclusion to Protect Children with Disabilities, Ensure Compliance with Federal Laws

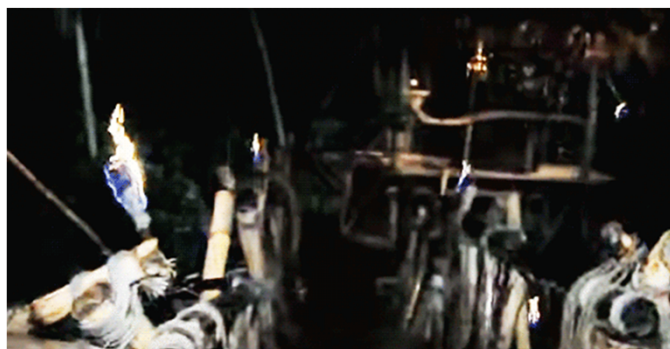


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What is Seclusion?

The use of seclusion occurs in a specially designated room or space...The room or space used for seclusion may **not be locked** and **staff shall be present** to monitor the student.



What is Restraint?

Physical restraint is considered to be an emergency response after all other verbal and non-verbal de-escalation measures have failed in effectiveness.



Office of Special Education and Rehabilitative Services

“OSERS has long focused on improving results and outcomes for children with disabilities,” said Assistant Secretary for Special Education and Rehabilitative Services Johnny W. Collett. “Rethinking special education and challenging the status quo includes examining systems that keep us from making the kind of improvement we know is necessary. This initiative furthers our ongoing efforts to examine any practice that limits opportunities for children with disabilities.”



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Rifton Chair

The Rifton Chair is a device to be used to assist a child in support and positioning.



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We Are Required to

Teach Behavior!

Positive Behavior Interventions and Supports



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A Child With A Disability

Developmentally Delayed (DD, up until age 10)

A hearing Impairment-Including Deafness (HI)

Visual Impairment -Including Blindness (VI)

Specific Learning Disability (SLD)

Other Health Impairment (OHI)

Orthopedic Impairment (OI)

Traumatic Brain Injury (TBI)



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A Child With A Disability

Serious Emotional Disturbance (EmD)
 Speech or Language Impairment (LS)
 Deaf-Blindness (DB)
 Autism (AU)
 Intellectual Disability (ID)
 Multiple Disabilities (MD)



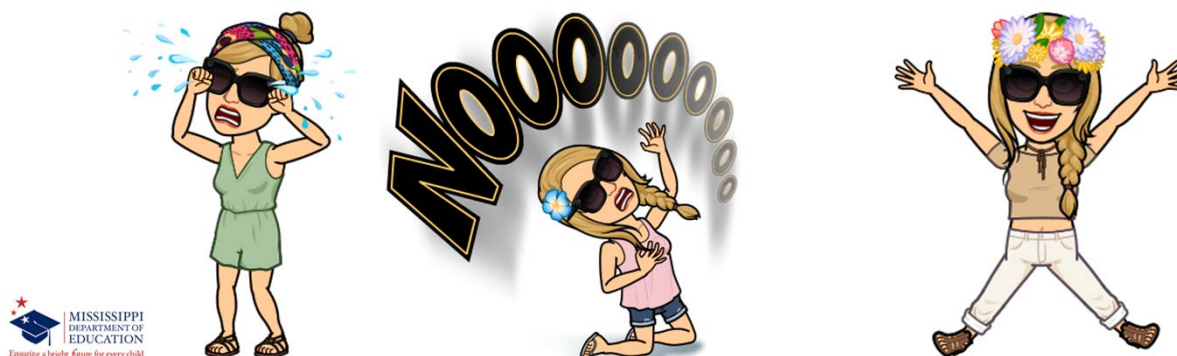
A Child With A Disability

“SPED eligibility is much less the category & much more related to established educational need”
 (Sandler, 2015).



A Perspective on Interfering Behaviors

“Behavior which interferes with success & learning must be understood **in context** along with how it impacts the person, primary environments & relevant others.



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A Perspective on Interfering Behaviors

Challenging behavior is not limited to students with Autism, Emotionally Disturbed, Significant Cognitive Disability or any other specific developmental diagnosis.
**Challenging behavior can occur with any disorder or disability.
 It is not a symptom of any certain disorder or disability.**

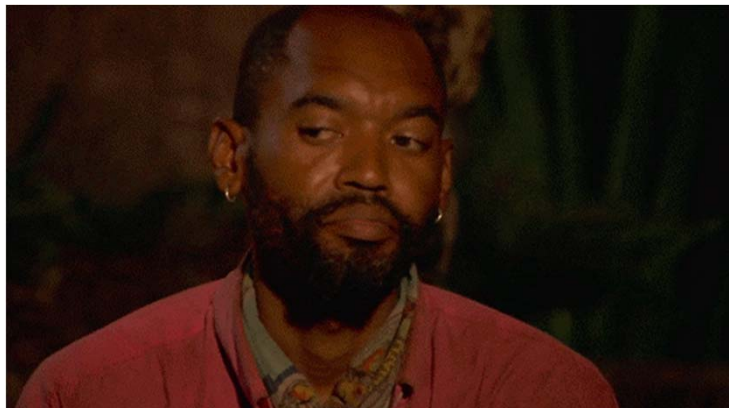


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A Perspective on Interfering Behaviors

Challenging behavior more often represents a student's deficits rather than 'willful' or hurtful intent.



A Perspective on Interfering Behaviors

The best time to respond to challenging behavior is **BEFORE** it occurs (Sandler, 2015).



Rule 38.13

The Mississippi Department of Education and the State Board of Education supports a positive approach to behavior...



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Rule 38.13

When teachers and administrators implement evidence-based positive behavior supports with fidelity, a safe and orderly school environment is created...



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What Are We Supposed to Do??

Make a plan!

How are you going to increase positive behavior in your district?

How are you going to decrease target inappropriate behavior?



(Sandler, 2015)



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What Are We Supposed to Do??

List a Barrier to achieving appropriate behavior in the school setting:



1. Follow link
2. Each team makes 1-3 entries



<http://bit.ly/mccbarrrier>



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What Are We Supposed to Do??

1. Look at responses
2. Choose ONE barrier
3. Draw a box at the top of a piece of flip chart paper
4. Clearly write down the problem or solution to be explored.
5. Below the statement box draw five lines in descending order.

What Are We Supposed to Do??

6. Form a circle. One person holds the ball, states the problem, asks "WHY?" and throws the ball to someone in the group.
7. That person answers, then asks "WHY?", throwing the ball to another.

Do this 3-5 times. Write down your responses.

What Are We Supposed to Do??

HOW?

We will repeat this process with asking “HOW?”

Take the Barrier which may be the ROOT Barrier and turn it into a solution.



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Daily Challenges Facing Districts

Disconnects between teachers & students.

- Failure to recognize social cues & ‘normative’ behaviors.
- Instructional strategies which don’t connect with individual students.
(Sandler, 2015)



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Daily Challenges Facing Districts

Pervasive & persistent family & community stressors.

Static poverty & the 'Intergenerational Progression'.

Teacher acting as 'Parent/Caregiver.'



(Sandler, 2015)

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Daily Challenges Facing Districts

Reduced resources & experiences...learned misrules.

(Sandler, 2015)

With new learning, patterns of behaving can develop referred to as "misrules". We can avoid this with careful planning in how to address the possible errors in learning students might make. (Colvin, 2018)



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Daily Challenges Facing Districts

Differential role models & priorities.

A more transitory life style.

Sometimes unsafe schools & neighborhoods.

Social isolation.



(Sandler, 2015) 55

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Creating Effective School Wide Environments

Define, teach, & support appropriate behaviors.

Enhance student academic & social success.

Create & shape increased opportunities for desired & *effective learning behaviors.*



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Creating Effective School Wide Environments

Instructional Differentiation & Curricular Adaptation are general education and special education responsibilities...&... **Best Instructional Practice** (Sandler, 2015).



Creating Effective School Wide Environments

Develop a positive & supportive school 'culture.'



References

- Manifestation Determination. (2017, September 16). Retrieved from <https://www.parentcenterhub.org/manifestation/>
- Bradley, R. (2007, October). Key issues in discipline (Module 19). Building the legacy: IDEA 2004 training curriculum. Washington, DC: National Dissemination Center for Children with Disabilities. Available online at: www.nichcy.org/training/contents.asp
- Sandler, L., BCBA-D. (n.d.). *Blending Comprehensive with Individualized Instruction, Assessment & Support*. Lecture presented at American Indian Institute for Innovation.
- Colvin, G., & Sugai, G. M. (2018). *Seven steps for developing a proactive schoolwide discipline plan: A guide for principals and leadership teams*. Thousand Oaks, CA: Corwin, A SAGE Company.
- Bialek, R., Duffy, G. L., & Moran, J. W. (2009). Quality in Healthcare. Retrieved from <http://asq.org/healthcare-use/why-quality/five-whys.html>



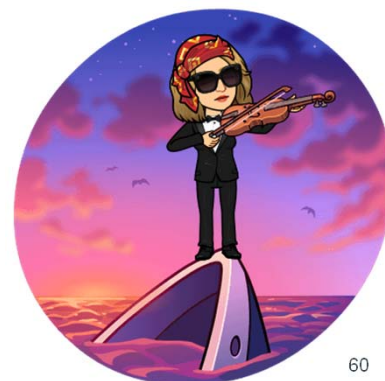
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