

Special Education Updates & Trends



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Objectives

At the end of the session, participants will understand:

- The basic tenets of Free and Appropriate Public Education (FAPE) in the Covid Era
- Specially Designed Instruction
- Discipline and the Manifestation Determination Process

Free Appropriate Public Education in the Covid Era

Recovery Services

Compensatory Services

Extended School Year Services

How does Least Restrictive
Environment fit into FAPE?

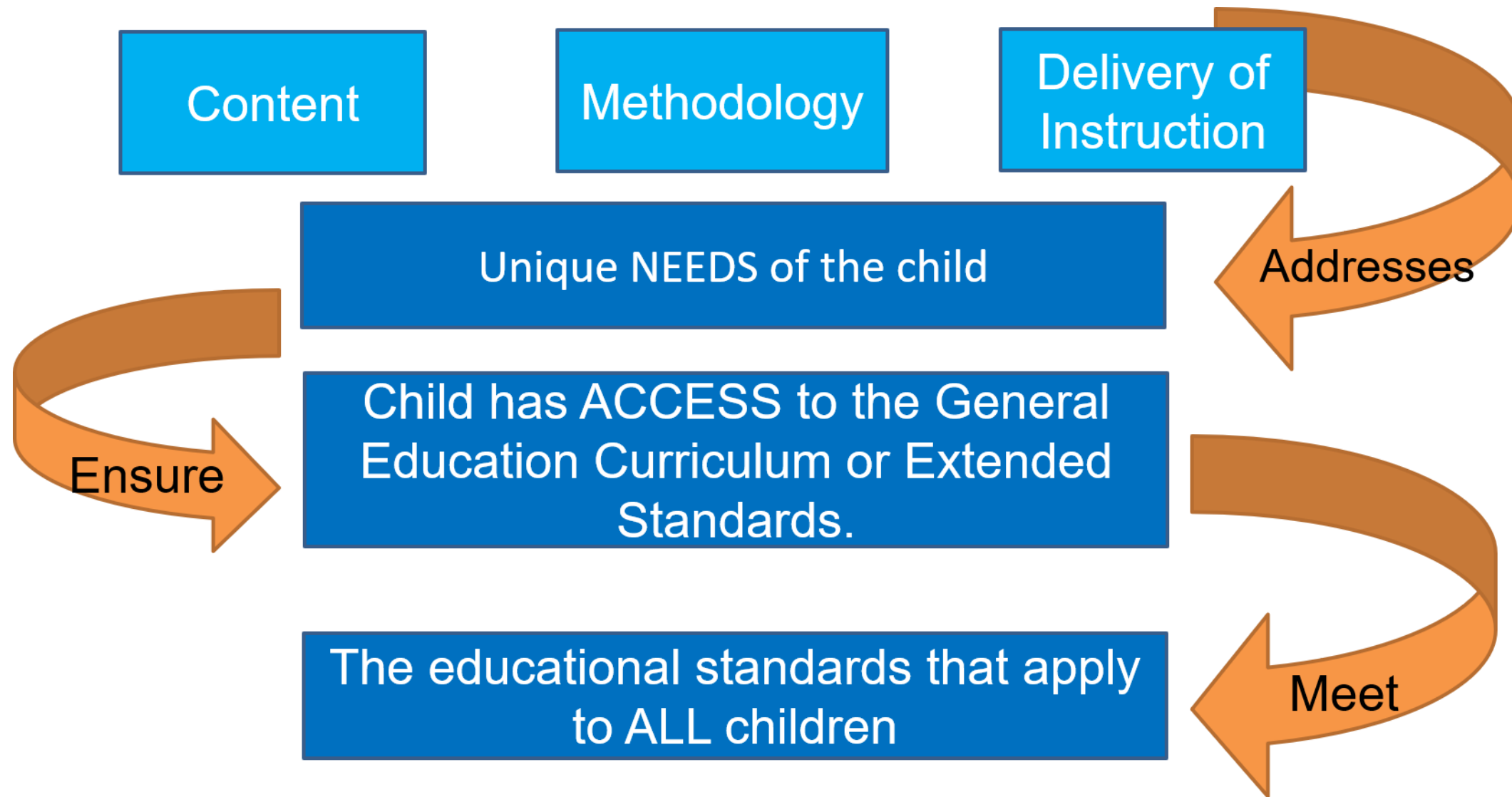
Role of the District Representative



What is Specially Designed Instruction (SDI)?



Specially Designed Instruction



SDI is Developed from the Needs Described in the Evaluation Team Report

Part 2 of the ETR Documents:

- The Summary of Assessment Results
- The Description of Educational Needs
- Implications for Instruction

Content

- Aligns to the individual needs of the student and the targeted goals
- Examples
 - Reading comprehension
 - Math calculation
 - Adapted Physical Education

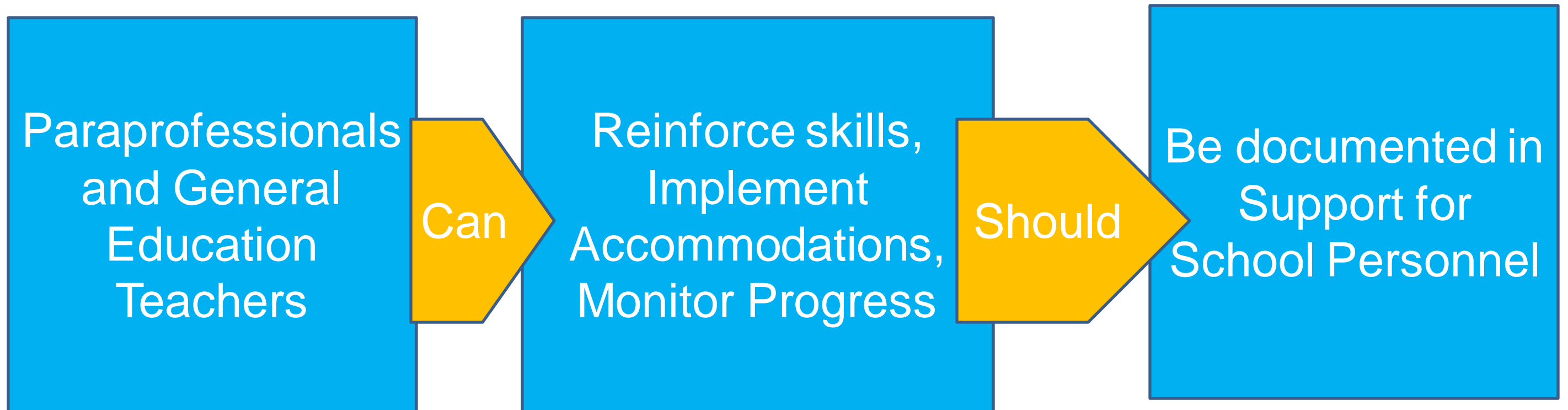
Methodology

- ✓ How you are teaching the student
- ✓ How the delivery of instruction is different
- ✓ Instructional methods and strategies designed for each individual student and corresponding goal
- ✓ Designed to assist the student in progressing towards achievement in their goals

Delivery of Instruction

- Instructional methods and strategies specially designed for each individual student and goal
- SDI is not a List of Accommodations
- Designed to assist the student in progressing towards achievement of their goals
- Consider the implications for instruction in Part 2 of the ETR
- Can be provided by intervention specialist and related service providers

More on Specially Designed Instruction



SDI

- ✓ HOW you are teaching the child
- ✓ HOW the delivery of instruction is different from what every child receives
- ✓ Must be a clear connection to the SPECIFIC goal referenced and the location of the service
- ✓ Amount of TIME must reflect the need of the individual student
- ✓ NOT based on a schedule or availability of staff
- ✓ Should have only 1 provider and location
- ✓ Can be a Related Service

Connecting SDI

MTSS

UDL

Accommodations

Least Restrictive Environment

- Justification Needed
- LRE Must Align with the Services



Students with Disabilities: Greater Risk for Disciplinary Removals



Supporting Behavior

- If a student with an IEP that has behavior supports, displays inappropriate behavior, it may indicate:
 - The IEP is not being implemented; or
 - The behavioral supports are not appropriate for the student.
- Failure to provide a free appropriate public education (FAPE)



Schools should use caution in using disciplinary measures that remove students from their educational placements.

Short-term Discipline



IDEA considers any disciplinary action under 10 school days as short term

School Day



School day is any day, including a partial day that students are in attendance at school for instructional purposes.

Day 11

•On Day 11,
the IEP
student must
receive FAPE

Removal of
more than 10
days is a
change of
placement

The 10 days
are either
consecutive
or cumulative
if the
removals
constitute a
pattern

Disciplinary Change of Placement

Removal is more than 10 consecutive school days

OR

A series of removals constitutes a **pattern of removals** that totals 10 school days in a school year

Who Decides It's a Pattern?

The school decides on a case-by-case basis



whether a
series of
removals =
a pattern.

Counting the Days

Out-of-school suspension- Always counts.

In-school suspension- It Depends

In-School Suspension

Does not count if:

- 1) Students participate in the general education curriculum;
- 2) Students continues to receive special education services;
and
- 3) Students continue to participate with nondisabled students to the extent they would have in their placement.

Does Part of a School Day Count?

Portions of a school day that a student has been removed may count as a removal in determining whether there is a pattern of removals.

Use of study carrels, time-outs, detentions or restriction of privileges are generally **not** removals.

Do Bus Suspensions Count?

- If bus transportation is part of the IEP, a bus suspension is treated as a removal, unless the school provides other transportation.
- If bus transportation is not part of the IEP, it does not count as a removal.

Day 11 of Removal- Services Must be Provided

Beyond 10 cumulative school days, students with disabilities must receive services.



Manifestation Determination Review (MDR)



Conducting the Review

The team must review all relevant information in the student's file, including:

- The student's IEP
- Any teacher observations
- Any relevant information provided by parents

Two Key Questions

Was the conduct the direct result of the school's failure to implement the IEP?

OR

Was the conduct caused by, or had a direct and substantial relationship to the student's disability?

If the IEP Team Answers Yes

The conduct is a manifestation of the student's disability:

- Return student to placement
- Conduct a functional behavior assessment (FBA)
- Implement a behavior intervention plan (BIP)

Functional Behavior Assessment

- Parent consent is required.
- The Process
 - Identify “target” behavior
 - Observe student
 - Collect data on antecedents, results
 - Develop an intervention
 - Collect data on the effectiveness

Behavior Intervention Plan

Positive behavior strategies and supports that use education rather than punishment to address behavior.



If the Team Answers No

- The conduct is not a manifestation of the student's disability:

Student receives the same discipline as a nondisabled student.

IEP Team may determine that student receives as appropriate, an FBA and BIP;

In any case, the IEP Team must Determine appropriate services to provide a FAPE during removal

Special Circumstances

Weapons



Illegal Drugs



Serious Bodily Injury

Manifestation Process Must Still Take Place

If the behavior is a manifestation:

- Will still need to conduct an FBA and develop a BIP
- Determine services needed
- Determine interim alternative educational setting for the services

If not:

School is not limited to 45-day removal

Proactive Strategies

Consider discipline that does not result in removal from school:

- Social suspension
- In-school suspension with full support

Questions





Universal Support Materials

- [IEP and ETR Process](#)

Special Education Law

Individual with Disabilities
Education Improvement Act
(IDEA)

The Ohio Operating Standards
for the Education of Children
with Disabilities



Contact Information

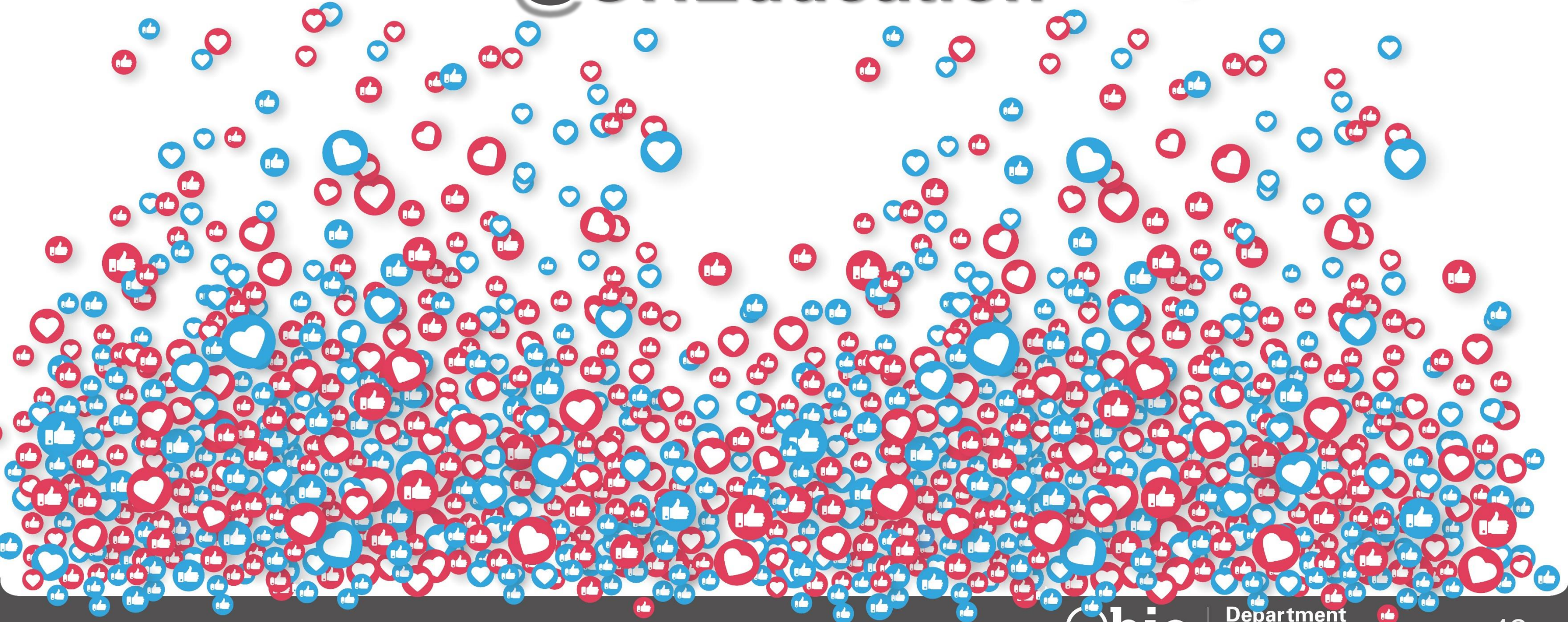
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