The LEA Special Education Point of Contact Monthly Webinar Will begin momentarily.

COLLINS

A copy of today's presentation is available for download through GoToWebinar. To access, expand the 'Handouts' menu.



LEA Special Education Point of Contact Monthly Webinar March 23, 2018

OSSE Division of Data, Assessment, and Research OSSE Division of K-12 Systems and Supports OSSE Division of Teaching and Learning



- Student Transportation Updates
- Extended School Year (ESY) Checklist
- Discipline for Students with Disabilities
- Reminders and Announcements





OSSE will role out a new system to replace TOTE coming in the 2018-19 school year

- Integrated easy to use cloud based system
- Streamlined and reduction in data entry
- LEAs should continue to use TOTE until deployment and training timelines are communicated

TOTE will be used for the 2018 ESY Period

- OSSE will share updates and training information during each LEA SE POC monthly webinar. Types of training will include:
 - Instructor lead training (ILT)
 - Web-based training (WBT)
 - Just-in-time training/office hours



Certification by LEAs assists OSSE in anticipating state-level expenses and transportation needs.

As a reminder, a LEA has completed ESY certification when:

- 1. Student-level decisions on ESY eligibility status, goals and services, and transportation are updated and accurate in SEDS as part of a finalized current IEP.
- 2. ESY calendar and bell times are updated and accurate in TOTE.
- 3. Student **demographics**, eligibility and ESY location information is confirmed in TOTE.
- 4. Transportation requests for all students requiring services have **been submitted in TOTE**.



Deadlines:

- ESY May 7, 2018
- 2018-19 School Year June 4, 2018

Please submit your ESY and SY calendar(s) and transportation requests at the same time if that information is available.

Additional Resources

• TOTE Support Line: (202) 576-5520



Request access to TOTE through the QuickBase app: https://octo.quickbase.com/db/bh9fgniun.

Refresher training on using TOTE to submit transportation request forms (TRFs) was held during the **Feb. 21, 2018 LEA SE POC monthly webinar.** View the recording here: <u>https://osse.dc.gov/service/technical-assistance-support-and-</u> <u>training-education</u>.

TOTE Quickstart Guide: <u>https://osse.dc.gov/node/756732</u>

TOTE Support Line: (202) 576-5520 or DOT.data@dc.gov





Per the OSSE 2011 ESY Policy, each spring all LEAs must certify ESY data to OSSE by the **first Monday in May**.

- Purpose of Certification:
 - Assists LEAs and nonpublic programs in appropriate planning and staffing for the summer months.
 - Assists OSSE in anticipating state-level expenses and transportation needs.



2018 ESY Data System Deadlines (Part 1)

Data System	ESY Required Tasks	Earliest LEA can begin	Final deadline to complete task	Training & Resources
SEDS	Finalize ESY eligibility & ESY transportation eligibility status on IEP	Fall 2017	Friday, May 4, 2018 (shows in TOTE next business day)	Feb. 21, 2018 LEA Special Education POC WebinarSEDS Basic User Guide, Section 6.9 (pages 87-92)
	Enter ESY calendar & ESY progress report dates	Fall 2017	Friday, May 4, 2018	Feb. 21, 2018 LEA SpecialEducation POC WebinarLEA Special Education Point of Contact Manual (pages 30-40)
	Generate Service Tracker for each student for ESY period Note: Service logs should be completed within 5 business days of each service delivery session throughout the entire ESY period.	Last day of ESY	Within 5 business days after ESY ends for LEA	<u>SEDS Basic User Guide</u> , Chapter 10 (pages 132-149) <u>March 9, 2018 Related Service</u> <u>Provider SEDS 101 Webinar</u>
	Complete ESY Progress Reports	Last week of ESY		



2018 ESY Data System Deadlines (Part 2)

Data System	ESY Required Tasks	Earliest LEA can begin task	Final deadline	Training & Resources	
ΤΟΤΕ	Complete transportation request form (TRF) for each student eligible for ESY transportation	March 19, 2018	Monday, May 7, 2018	 <u>TOTE Quickstart Guide</u> TOTE Help Desk (202) 576-5520 or <u>DOT.data@dc.gov</u> <u>Feb. 21, 2018 LEA Special</u> <u>Education POC Webinar</u> 	
	Create ESY calendar <i>(LEA Data Managers)</i>	March 26, 2018	Friday, May 4, 2018	Webinar training, March 28, 2018, 11 a.m12 p.m. and repeated March 30, 2018, 1-2 p.m. Register using OSSE Data Systems Training Registration System	
SLED ESY Module	Input ESY site location(s) for LEA [new for 2018]	April 2, 2018	Friday, May 4, 2018	Webinar training, March 28, 2018,	
	Assign each ESY-eligible SWD to ESY site location	April 2, 2018	Friday, May 4, 2018	12-1 p.m. and repeated April 4, 2018, 2-3 p.m. Register using <u>OSSE</u> Data Systems Training Registration	
	lattendance for student	Can be complete as early as first day of ESY, if parent/ guardian /student opted out of ESY.	Within 5 business days after ESY ends for LEA	<u>System</u>	



Overview of Discipline for Students with Disabilities

- Discipline Legislation Updates
- Discipline of Students with Disabilities
- Manifestation Determination Review





- In-school suspension: Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel.
- **Direct supervision:** When school personnel are physically in the same location as students under their supervision.
- **Out-of-school suspension**: Instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IEP.
- **Expulsion**: An action taken by the LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer in accordance with LEA policy.
- **Disciplinary action**: An in-school suspension, out-of-school suspension or expulsion.



In 2016, the US Department of Education (USED) focused broadly on encouraging safe, supportive school environments and specifically on ensuring equitable access to such environments for all students.

USED's Office of Special Education and Rehabilitative Services (OSERS) also issued a Dear Colleague Letter emphasizing the importance of providing students with disabilities with appropriate positive behavioral supports necessary for the student to have meaningful access to the educational environment. This guidance clarified that an LEA's failure to consider or provide behavioral supports through an individualized education program (IEP) may result in a student being denied a free appropriate public education (FAPE).

> "Equity in IDEA," 81 Fed. Reg. 10968, 10998 (March 2, 2016) Individuals With Disabilities Education Act, 20 U.S.C. § 1400 (2004).



Pre-K Student Discipline Amendment Act of 2015

- Amends the Attendance Accountability Amendment Act of 2013 (D.C. Law 20-17; D.C. Official Code § 38-236) and prohibits the expulsion of pre-K age students from publicly funded CBOs and public schools providing pre-K care and education.
- Prohibits out-of-school suspensions for pre-K aged students unless a school administrator determines that the student willfully caused or attempted to cause bodily injury, or threatened serious bodily injury to another person, except if the student acted in self-defense.
- Mandates suspensions given to pre-K age students cannot exceed three days for any individual incident.

Local Legislation (continued)

Annual Data Collection

- Total number of out-of-school suspensions and in-school suspensions experienced by the student during each school year;
- Total number of days excluded from school;
- Whether the student was referred to an alternative education setting for the duration of a suspension;
- Whether the student was expelled during the school year;
- Whether the student voluntarily or involuntarily transferred or withdrew from the school during the school year; and
- For each suspension or expulsion, a description of the action that led to the suspension or expulsion.



Annual Data Collection

- Suspensions for at least 1 and no more than 5 days;
- Suspensions for at least 6 and no more than 10 days;
- Suspensions for more than 10 days total;
- Students receiving more than 1 suspension in a school year;
- Students referred to an alternative educational setting for the course of a suspension;
- Description of the types of actions that led to the suspension or expulsion;
- Students expelled; and
- Students who voluntarily or involuntarily transferred or withdrew from the school during the school year.





- Short Term Removal
- Pattern of Removal
- Change of Placement
- Parent Notification
- Manifestation Determinations
- Special Circumstances
- Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs)



May remove a student with a disability who violates a code of student conduct from his current placement to an appropriate interim alternative educational setting, another setting, or suspension for *not more than 10 consecutive school days*, provided the *same* change of placement would be made in the case of a *student without a disability*.

34 CFR 300.530 (b)



(1) The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

(2) This determination is subject to review through due process and judicial proceedings.

(3) 34 CFR 300.536(b)



- Series of removals total more than 10 school days in a school year
- Child's behavior is substantially similar to the child's behavior in previous incidents
- Additional factors:
 - Length of each removal
 - Total amount of time of removal
 - Proximity of removals to one another.



...It was determined that a bipolar disorder student's removal for two days for insubordination, .4 days for leaving early for aggressive behavior, and 2.8 days for assaulting district staff, all in the month of September (5.2 days total), followed by five days of removal for assaulting district staff in February was not a pattern. Although the behavior was substantially similar to 2.8-day suspension, the total suspension for the substantially similar conduct was only 7.8 days — these removals were not chronologically close and were less than the 10 days allowed under the act.

Rolla 31 Sch. Dist., 111 LRP 51354 (SEA MO 05/26/11)



A disciplinary removal of a child from the current educational placement constitutes a change of placement if:

- The removal is for more than 10 consecutive school days; or
- The child has been subjected to a series of removals that constitute a *pattern* because the series of removals total more than 10 school days in a school year; because the child's behavior is substantially similar to the child's behavior in previous incidents; and because of such additional factors as the length of each removal, total amount of time of removal, and the proximity of removals to one another.

34 CFR §300.536(a)



On the date that a decision is made to make a removal that constitutes a **change of placement** because of a violation of a code of conduct, the LEA **must** notify the parents of that decision and provide the parents the procedural safeguards.

34 CFR § 300.530(h)



- Is this substantially similar?
 - Student suspended for theft 4 days (October)
 - Student suspended for theft 3 days (December)
 - Student suspended for weapon 8 days (December)

Key Questions:

Are the behaviors all *substantially similar?* Is this a *pattern of removal* that constitutes a *disciplinary change in placement?*



Answers:

NOT SUBSTANTIALLY SIMILAR NOT A DISCIPLINARY CHANGE IN PLACEMENT

Student was not removed for more than 10 consecutive school days. Student's first two suspensions were for alleged theft; the final removal for allegedly having a weapon. Although these removals totaled more than 10 school days in a school year, the student's behavior was not substantially similar in all three incidents. Therefore, the removals did not constitute a disciplinary change of placement.

East Metro Integration District #6067, Minnesota State Educational Agency 10-045C (2010).



5th grade student's incidents and resulting days of suspension:

- Hitting other students on bus (separate occasions) 5 separate days (October)
- Yelling on bus 1 day (November)
- Yelling and swearing on bus 2 days (November)
- Yelling and swearing on bus 1 day (January)
- Fighting and swearing on bus 1 day (April)
- Physical/verbal altercation 2 days (April)
- Physical/verbal altercation 3 days (May)
- Physical/verbal altercation 4 days (May)

Key Questions:

Are the behaviors all *substantially similar?*

Is this a *pattern of removal* that constitutes a *disciplinary change in placement?*



Answer: YES SUBSTANTIALLLY SIMILAR YES DISCIPLINARY CHANGE IN PLACEMENT

All incidents were physical or verbal altercations, therefore the nature of the incidents that gave rise to suspensions involved substantially similar behavior.

Springfield (MA) Public Schools, Office for Civil Rights, Eastern Division, Boston (MA), 54 IDELR 102, (2009).





Within 10 school days of decision to change placement, the IEP Team must review all relevant information in student's file to determine:

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the LEA's failure to implement the IEP.



If the IEP Team determines that the conduct was a manifestation of the child's disability, they must:

- Return child to original placement,* unless parent and LEA agree to change in placement as part of BIP.
- Either:
 - Conduct Functional Behavior Assessment (FBA) (unless the LEA conducted a FBA before the behavior that resulted in the change of placement occurred, and implemented a BIP for the child)

OR

Review existing BIP and modify as needed

*Except in special circumstances (see subsequent slide)



- Key question: Was the child's conduct caused by or did it have a direct or substantial relationship to his disability?
- Facts of the case:
 - Student diagnosed with ADHD and ODD -- "once his emotions are triggered...he has far more difficulty maintaining appropriate levels of self-control"; "quick escalation of anger"; "reacts defensively"
 - Eating in class; asked to put it away; threatened to "head-butt" teacher
 - Student sent to office, then home. While student in hallway called parent on cell phone, and was upset and shouting on phone
 - Assistant Principal sent back to office due to shouting on phone
 - Student "lunged" at Assistant Principal and prevented her from leaving;
 Police called
 - Student suspended for 10 days

Swansea Public Schools, Massachusetts State Educational Agency, 47 IDELR 278, (2007).



Key question: Whether the child's conduct was caused by or had a direct or substantial relationship to his disability?

Court's Holding: There was a direct and substantial relationship between student's disabilities and his subsequent threatening and potentially dangerous behavior towards Assistant Principal. This conclusion was reached because Assistant Principal's confrontation of student while he was in a highly agitated, even hysterical condition caused student to lose all ability to self-regulate.

Swansea Public Schools, Massachusetts State Educational Agency, 47 IDELR 278, (2007).



Key question: Whether the child's conduct was caused by or had a direct or substantial relationship to his disability

- During class, student engaged in an inappropriate conversation with another student about the sexuality and race of two teachers
- Teacher asked student to leave class and student failed to do so; Teacher grabbed student's hat and coat and student began calling teacher inappropriate names; Teacher pushed student out of class and shut the door.
- Student suspended for 44 days; MDR determined not a manifestation of disability (ED)

District of Columbia Public Schools, District of Columbia State Education Agency, 113 LRP 21888, (2013)



- From Student's IEP Student's disability causes:
 - Quick reactions without thinking when angry
 - Verbal defiance; often yells out
 - Easily angered
 - Difficulty calming down
- Student's conduct easily falls within the realm of Student's disability, as described in Student's IEP
 - Direct and substantial relationship to his disability
- DCPS took the position that Student's behavior was not a manifestation of his disability because he knew right from wrong.
- Court held: Student may very well know right from wrong, but his disability interferes with his ability to exhibit appropriate behavior when he is angry or agitated by the words or actions of others.

District of Columbia Public Schools, District of Columbia State Education Agency, 113 LRP 21888, (2013)



An LEA may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the disability if the child:

- Carries a weapon to or possesses a weapon at school, on school premises, or at a school function;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.



Serious bodily injury means bodily injury that involves one or a combination of the following:

- A substantial risk of death;
- Extreme physical pain;
- Protracted and obvious disfigurement; or
- Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.



- Title 34 Education, Subtitle B Regulations of the Offices of the Department of Education, Chapter I – Office for Civil Rights, Department of Education, Part 104 – Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance <u>http://ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html#S3</u>
- Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities

http://www2.ed.gov/about/offices/list/ocr/504faq.html

US Department of Education IDEA 2004: <u>http://idea.ed.gov/</u>



OSSE Non-Regulatory LEA Discipline Guidance (June 2016) https://osse.dc.gov/publication/osse-releases-non-regulatory-leadiscipline-guidance

OSSE Student Discipline Data Collection Guidance (July 2016) https://osse.dc.gov/publication/student-discipline-data-collectionguidance

OSSE Guidance Related to Prohibitions on Discrimination Against Children with Disabilities Issued (March 2009) http://osse.dc.gov/publication/prohibitions-discrimination-againstchildren-disabilities-charter-school-application



Division of K-12 Systems and Supports, Policy Team OSSE.DSEpolicy@dc.gov.

- Division of Teaching and Learning, Training and Technical Assistance Team <u>OSSE.TTA@dc.gov</u>.
- Jessica Dulay, <u>Jessica.Dulay@dc.gov</u> Response to Intervention Specialist, Division of Teaching and Learning





Restorative Justice Community of Practice: The April session will focus on special education and Restorative Justice practices, Tuesday, April 10, 2018, 9-11:30 a.m. at The SEED School of Washington, 4300 C St. SE. <u>Register</u>

Restorative Justice Practices and Special Education (full day training) April 19, 2018, 8:30 a.m.—4 p.m. <u>https://osse.dc.gov/event/restorative-justice-practices-and-special-education</u>

Response to Intervention: Foundations Wednesday, April 18, 2018, 9 a.m.-12 p.m. at OSSE, <u>Register</u>

Student Support Teams Part I & II, Wednesday, March 28, 2018 https://osse.dc.gov/event/student-support-teams-sst-parts-i-and-ii

Trauma Informed Care, multiple dates in April and May 2018, <u>https://osse.dc.gov/event/trauma-informed-care-training</u>

2018 Start of School Summit

SAVE THE DATE

Tuesday, June 12, 2018 (*Make-up Date: Wednesday, Aug. 1, 2018*) Gallaudet University Kellogg Conference Center osse.dc.gov/startofschool



- What: OSSE is hosting a full-day training to help critical roles at your LEA gain the skills and tools necessary to get ready for the start of the 2018-19 school year.
- Who: LEA data managers, enrollment audit points of contact, homeless student liaisons, special education points of contact, and transportation leads should plan to attend. Attendance by LEA leaders is optional, but encouraged, particularly for new LEAs.

Update on Special Education Regulation ("Chapter 30") Revisions

- Late March/Early April 2018: Proposing a limited revision to the current Chapter 30, to be effective for the 2018-19 school year, that will address critical gaps and clarify existing responsibilities related to:
 - Child find obligations (or the obligation to identify, locate, and evaluate all children suspected of having a disability);
 - Referrals for initial evaluation;
 - LEA responsibility to conduct reasonable efforts to obtain parent consent prior to an initial evaluation;
 - Reviewing existing information and data during the initial evaluation of a child under the age of 6;
 - LEA responsibilities related to extended school year services; and
 - Requirements related to the provision and documentation of prior written notice.
- **Early Fall 2018**: Proposing the full revision of Chapter 30, based on the June 2017 Advanced Notice of Proposed Rulemaking and stakeholder comments, to be effective for the 2019-20 school year.
 - ⁴⁷ For questions, please contact Christie Weaver-Harris at <u>Christie.Weaver-Harris@dc.gov</u>.



Announcing the Updated OSSE Website: A New, More Intuitive Browsing Experience

OSSE has updated our main website, <u>osse.dc.gov</u>, to bring you a new navigation experience. Previously, the OSSE website wasn't organized with the user in mind, making it difficult to find content. Now, you can explore by core content areas under <u>Topics</u>, and quickly access information for <u>Students & Families</u>, <u>Educators</u>, <u>LEAs & Schools</u>, and <u>Child</u> <u>Development Facilities</u>. We've also centralized data sets and reports released by OSSE on <u>Data & Reports</u> and created a new <u>2018-19 Grants</u> <u>Forecast</u> to help LEAs and community-based organizations better plan for the upcoming school year.

Want to know more or have questions? Check out our <u>quick guide</u> or email <u>OSSE.Communications@dc.gov</u>.

School Climate Tool Now Available

- Culture of Excellence & Ethics Assessment (CEEA).
- Only 10-15 minutes per person to complete (students, staff, and parents).
- Visit <u>http://excellenceandethics.org/assess/ceea.php</u> for additional information about the survey.
- Schools that administer the survey will receive a full report, as well as technical assistance to help school teams interpret the data and develop an action plan.
- All DC public and public charter schools (serving grade 4 or higher) not already participating in the ongoing National Institute of Justice study and those that do not currently have a mechanism for collecting school climate data are strongly encouraged to take advantage of this optional and free resource.
- To apply, a member of the school leadership team must email Jessica Dulay at <u>Jessica.Dulay@dc.gov</u> no later than Friday, April 13, 2018. Schools must plan to administer the survey during the 2017-18 school year.



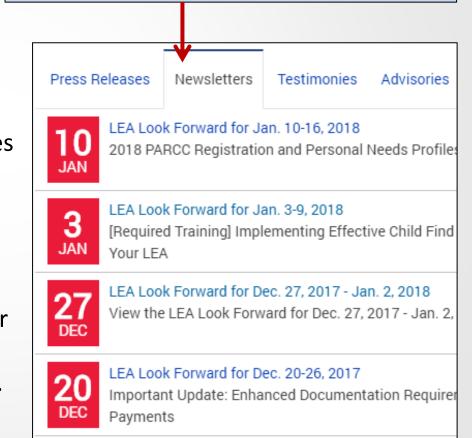
Weekly newsletter containing important information and announcements:

- Start of school updates
- Updates to relevant laws and policies
- Grant opportunities
- Reminders of key dates & deadlines
- Professional development opportunities

LEA leaders and POCs are expected to review each week's publication and pass along relevant content with LEA staff.

Subscribe to receive the weekly newsletter via email each Wednesday by sending a request to <u>OSSE.Communications@dc.gov</u>.

View recent versions on OSSE home page under "Newsletters" <u>www.osse.dc.gov</u> or <u>www.osse.dc.gov/newsroom/newsletters</u>





Stay informed of upcoming professional development (PD) opportunities by viewing the PD section of the weekly **LEA Look Forward Newsletter.**

Newly announced PD events will be listed here.

Running calendar of previously announced upcoming PD events can be viewed under "Dates to Remember." Professional Development Opportunities

- <u>Response to Intervention: Foundations</u> (reminder)
- Next Generation Science Standards (NGSS) Professional Development Course (reminder)
- <u>Next Generation Science Standards (NGSS) Formative Assessment</u> <u>Professional Development</u> (reminder)
- Nonviolent Crisis Intervention Trainings (reminder)
- Save the Date! 2018 Secondary Transition Institute (reminder)

Dates to Remember



OSSE Division of Teaching and Learning Course Catalog & Calendar <u>https://osse.dc.gov/publication/k-12-</u> <u>professional-development-catalog</u>

2017-18 School Year Professional Development Calendar

OSSE Division of Teaching and Learning



Data systems access and training, SEDS issues: OSSE Support Tool Policy questions: OSSE.DSEpolicy@dc.gov TOTE and transportation: (202) 576-5520 or DOT.data@dc.gov Special education monitoring: Karen.Morgan-Donaldson@dc.gov or your LEA state rep LEA SE POC monthly training series: Annette.Thacker@dc.gov Statewide assessment questions: OSSE.Assessment@dc.gov **NEXT WEBINAR:**

Wednesday, April 18, 2018, 10—11 a.m.