

SELF REVIEW MONITORING PROTOCOL

SUSPENSION OF STUDENTS WITH DISABILITIES

School District: Lackawanna Public Schools_____

Form completed by: (Name/Title) Sue Lynn Galvin, Principal of Special Education_____

Telephone/Email: 716-823-8741, sgalvin@lackawanna.wnyric.org_____

Date review completed: 4/30/15, 5/12/15, and 5/15/15_____

Check all that apply based on the State Education Department's (SED) notification to the school district. If a school district is identified for both Indicators 4A, 4B and or Disproportionality by Race/Ethnicity, the same self review protocol is completed. However, the records reviewed must include students in the identified group which was the basis for the data findings.

<input type="checkbox"/>	Review required for significant discrepancy in the school district's rate of long-term suspensions of students with disabilities as compared to other school districts. (Indicator 4A) (34 CFR §300.170)
<input type="checkbox"/>	Review required for significant discrepancy in the rate of long-term suspensions of students with disabilities by race/ethnicity. (Indicator 4B) (34 CFR §300.170)
<input type="checkbox"/>	Review required for disproportionality by race/ethnicity in the incidence, duration and type of disciplinary actions. (34 CFR §300.646(a)(3))
<input type="checkbox"/>	In-school suspensions for up to 10 days
<input type="checkbox"/>	In-school suspensions for greater than 10 days
<input checked="" type="checkbox"/>	Out-of-school suspensions for up to 10 days
<input type="checkbox"/>	Out-of-school suspensions for greater than 10 days

Names and titles of team members conducting the self-review:

- Sue Lynn Galvin- Principal Of Special Education
- Jose Flores- Erie 1 BOCES-SEIS
- Pearl Bowker-Erie 1 BOCES School Support Services
- Ann Marie Hoch- MS/HS Special Education Counselor
- Bona Fox- HS Special Education Social Worker
- Deanna Caldwell-MS Special Education Teacher
- Gregory Staniszewski-HS English Teacher
- Jared Taft- HS Principal

For reviews required for significant discrepancy and/or disproportionality by race/ethnicity, indicate the name(s) of community representative(s) from diverse racial and ethnic backgrounds.

DIRECTIONS

This form establishes the protocol to conduct the self-review. The district must conduct a review of each area as identified on this protocol. Each page of the protocol provides the following information:

Area to be reviewed: The six areas that must be reviewed include:

1. Individual Evaluations of Students with Disabilities
2. Individualized Education Programs (IEPs)
3. Behavioral Intervention Plans
4. Manifestation Determinations
5. General Procedures for Disciplinary Removals
6. Interim Alternative Educational Settings and Instructional Services

Citation and Issue: Regulatory requirements that have been determined by SED to be most closely related to the area and suspensions of students with disabilities have been identified for review.

Documentation and Evidence: For each area, the protocol provides a specific list of documentation (information to look at) and evidence (information to look for) that must be considered in the district's review of its policies, procedures and practices in the identified area.

Number and Percentage of Compliance Based on Record Reviews: Upon completion of the individual record reviews, document

the number of student records found in compliance for each citation. In the next column, calculate the percentage of compliance based on record reviews (total number of records in compliance divided by the total number of records reviewed).

Determination of Compliance: Y (Yes) or N (No): A notation of Y indicates that the district is in compliance with the specific regulatory requirement. A notation of N indicates that the district is not in compliance with the regulatory requirement. The determination of compliance for some of the issues may be able to be made based solely on the review of individual student records. Instances of compliance noted for fewer than 100 percent of the records reviewed must be indicated as noncompliance. For other issues, the school district will need to consider other sources of documentation as indicated on the protocol. The team should carefully review all findings from all the documentation and evidence to make its determination of compliance for each citation.

Findings: This page is to be used by the school district to document the review team's findings and to identify any corrective actions necessary to correct identified compliance issues. The district should also note any improvement activities necessary in the identified area, whether related to a compliance finding or not, to address the school district's significant discrepancy in its rate of long-term suspensions of students with disabilities and/or disproportionality by race/ethnicity in disciplinary actions.

This form must be kept on file by the school district and is not submitted to SED unless requested.

8. Individual Evaluations of Students with Disabilities

The district's evaluation policies, procedures and practices must be reviewed to determine if students with disabilities have received appropriate evaluations upon which to base positive behavioral supports and services that would prevent the behaviors from occurring.

Citation 8 NYCRR	Issue	Total # Records in Compliance (checked 'yes' or 'N/A')	Percentage in Compliance (total # records in compliance divided by total # of records reviewed)	Determination of Compliance Based on Record Review and Other Findings	
				Y	N
§200.4(b)(1)(v)	Functional behavioral assessments (FBAs) are conducted as part of an individual evaluation of a student whose behavior impedes his or her learning or that of others.	5	38%		XX
§200.22(a)(1)	FBAs are conducted when a decision is made to impose a suspension that constitutes a disciplinary change in placement ¹ and the manifestation team determines that the conduct subject to disciplinary action was a manifestation of the student's disability (unless the school district conducted an FBA before the behavior that resulted in the change of placement occurred).	13	100%	XX	
§200.1(r)	FBA means the process of determining why a student engages in the behaviors that impede learning and how the student's behavior relates to the environment. The FBA must include, but is not limited to the: <ul style="list-style-type: none"> • identification of the problem behavior; • definition of the behavior in concrete terms; • identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and • formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and the probable consequences that serve to maintain it. 	11	85%		XX

¹ *Disciplinary change in placement* means a suspension or removal from a student's current educational placement for more than 10 consecutive school days or a series of suspensions or removals that cumulate to more than 10 school days in a school year and constitutes a pattern pursuant to §201.2(e)(2).

Documentation	Evidence
<p>Look at:</p> <ul style="list-style-type: none"> • A random sample of records of students with disabilities suspended for 10 days or less • FBAs • Policies and procedures for initial evaluations and reevaluations 	<p>Look for evidence of:</p> <ul style="list-style-type: none"> • FBAs in student records • FBAs conducted for initial evaluations and reevaluations • FBAs conducted subsequent to 10 or less day suspensions • FBA written reports include all components as defined in section 200.1(r) • Consistent implementation across different race/ethnic groups

Individual Evaluations of Students with Disabilities

Findings	
<p>Description of specific details of noncompliance in policy, procedures and practices:</p> <p>There currently is no district wide systemic behavioral framework in place to track behaviors that may require the FBA process, except when recommended through the CSE.</p>	<p>Corrective action required, including:</p> <ul style="list-style-type: none"> • The steps the school district will take to correct any findings of noncompliance found for individual students. • Identification of the policies and procedures that will be revised. <ul style="list-style-type: none"> - By October 2015- the District will develop and implement a district-wide systemic behavioral framework (PBIS) to track, identify, and target problem behaviors for MS/HS.
<p>Improvement activities recommended:</p> <ul style="list-style-type: none"> - CIO will extract eSchool behavioral data to create graphs by student by subgroups (race, students with disabilities, English Language Learners), behavioral incident, time, location and timeframe (daily, monthly) - The District will arrange for Erie 1 BOCES to provide Professional development training for all MS/HS staff in the development and implementation of a district-wide systemic behavioral framework (PBIS) to track, identify, and target problem behaviors. - Review and revise, if and where necessary, district-wide Code of Conduct - Rebuild the Middle and High School Instructional Intervention Team (IIT) to address students who need more supports and interventions beyond the academic and behavioral supports offered to all students based on behavioral data. 	

II. Individualized Education Programs (IEP)

The IEPs of students with disabilities suspended for 10 days or more must be reviewed to ensure they include positive behavioral supports and services a student with a disability needs to prevent the occurrence of a behavior.

Citation 8 NYCRR	Issue	Total # Records in Compliance (checked 'yes' or 'N/A')	Percentage in Compliance (total # records in compliance divided by total # of records reviewed)	Determination of Compliance Based on Record Review and Other Findings	
				Y	N
§200.22(b)(2)	If a particular device or service, including an intervention, accommodation or other program modification is needed to address a student's behavior that impedes his or her learning or that of others, the IEP must so indicate. A student's need for a behavioral intervention plan (BIP) must be documented on the IEP.	9	69%		XX
§200.4(e)(3)	The school district must ensure that the recommendations of a student's IEP, including changes made to the IEP after the annual review, are implemented.	4	31%		XX
§201.4(e)	If the manifestation team determined the conduct in question was the direct result of the school district's failure to implement the IEP, the school district took immediate steps to remedy those deficiencies.	12	92%		XX
Documentation		Evidence			
Look at: <ul style="list-style-type: none"> Samples of IEPs of students with disabilities suspended for 10 days or more Student progress reports Committee on Special Education (CSE) meeting minutes 		Look for evidence of: <ul style="list-style-type: none"> Behavioral needs documented in present levels of performance Annual goals to address behavior needs related to the disability Use of time out room documented in the IEP, if appropriate Documentation in the IEP of student's need for a BIP Consistency across race/ethnic groups 			

Individualized Education Programs (IEP)

Findings

Description of specific details of noncompliance in policy, procedures and practices:

- Our findings indicate no systemic process to connect SIS discipline data to services stated as behavioral needs on the IEP.
- Our findings indicate that there are no behavioral needs listed on IEPs, yet eSchool behavioral data indicates significant behavioral issues leading to suspensions.
- Our findings indicate no systemic process to ensure that the recommendations of a student’s IEP, including changes made to the IEP after the annual review, are implemented.
- Our findings indicate that there is a failure to amend the IEP based upon the CSEs determination of a NEXUS.

Corrective action required, including:

- **The steps the school district will take to correct any findings of noncompliance found for individual students.**
- **Identification of the policies and procedures that will be revised.**
 - By October 2015, the District will create and use a systemic framework to guide CSE practices to develop teams that conduct FBAs and develop BIPs for classified students and implement them with fidelity.

Improvement activities recommended:

- Staff and Administrators will participate in professional development on the use of a systemic framework that guides CSE practices
- Staff and Administrators will participate in professional development and follow up support from Erie 1 BOCES related to FBAs, BIPs, and Progress Monitoring related to student behavioral data.
- Building and Special Education Administrators will review progress monitoring documentation related to student behavioral goals.

III. Behavioral Intervention Plans

Policies, procedures and practices to develop and implement appropriate behavioral intervention plans (BIP) for students with disabilities must be reviewed to ensure the district is taking appropriate steps to prevent the reoccurrence of a student's behaviors.

Citation 8NYCRR	Issue	Total # Records in Compliance (checked 'yes' or 'N/A')	Percentage in Compliance (total # records in compliance divided by total # of records reviewed)	Determination of Compliance Based on Record Review and Other Findings	
				Y	N
§201.2(a)	BIPs are based on the results of the FBA and, at a minimum, include: <ul style="list-style-type: none"> a description of the problem behavior; global and specific hypotheses as to why the problem behavior occurs; and intervention strategies that include positive behavioral supports and services to address the behavior. 	13	100%	XX	
§201.3	If the conduct resulting in the suspension is determined to be a manifestation of (related to) the student's disability, the school district implemented a BIP for the student, or if a BIP had already been developed, reviewed the BIP and modified it as necessary to address the behavior.	11	85%		XX
§200.22(b)(5)	The implementation of a student's BIP includes regular progress monitoring of the frequency, duration and intensity of the behavioral interventions at scheduled intervals, as specified in the BIP and on the student's IEP. The results of the progress monitoring are documented and reported to the student's parents and to the CSE and are considered in any determination to revise a student's BIP or IEP.	11	85%		XX
Documentation		Evidence			
Look at: <ul style="list-style-type: none"> Written behavioral intervention plans for a sample of students suspended for more than 10 consecutive school days Classroom visitations (behavioral intervention plan implementation) Staff/parent interviews Student progress reports 		Look for evidence of: <ul style="list-style-type: none"> BIPs that include the required components Staff informed of their responsibilities to implement IEPs Evidence of consistent implementation of behavioral plans Regular review, revision and progress monitoring of plans Documentation of student progress 			

Behavioral Intervention Plans

Findings

Description of specific details of noncompliance in policy, procedures and practices:

- Our findings indicate a lack of development and implementation of BIPs when a need was indicated by behavior resulting in suspension(s).
- Our findings indicate that there is a failure to document and report results of progress monitoring behavioral data from BIPs, to students' parents and to the CSE.
- Our findings indicate a lack of review and modification of BIPs when a need was indicated by behavior resulting in suspension(s).

Corrective action required, including:

- **The steps the school district will take to correct any findings of noncompliance found for individual students.**
- **Identification of the policies and procedures that will be revised.**
 - By October 2015, create and use a systemic framework to guide CSE practices to develop teams that conduct FBAs and develop BIPs for classified students and implement them with fidelity.

Improvement activities recommended:

- Staff and Building and Special Education Administrators will participate in professional development and follow up support from Erie 1 BOCES related to FBAs, BIPs, and Progress Monitoring related to student behavioral data.
- Building and Special Education Administrators will review progress monitoring documentation related to student behavioral goals.

IV. Manifestation Determinations

The district's policies, procedures and practices relating to manifestation determinations (a review of the relationship of the student's conduct to the disability) must be made to ensure that students with disabilities are not suspended or removed for more than 10 consecutive school days in a school year or a series of suspensions or removals that cumulate to more than 10 school days in a school year and constitutes a pattern for behaviors related to their disabilities.

Citation 8 NYCRR	Issue	Total # Records in Compliance (checked 'yes' or 'N/A')	Percentage in Compliance (total # records in compliance divided by total # of records reviewed)	Determination of Compliance Based on Record Review and Other Findings	
				Y	N
§201.4(a)	A review of the relationship between the student's disability and the behavior subject to disciplinary action is conducted immediately, if possible, but in no case later than 10 days after a decision is made to impose a suspension that constitutes a disciplinary change in placement.	12	92%		XX
§201.4(c)	The manifestation team reviews all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parent.	13	100%	XX	
§201.4(d)(1)	The manifestation team determines that the student's conduct is a manifestation of the student's disability if the conduct in question: <ul style="list-style-type: none"> was caused by or had a direct and substantial relationship to the student's disability; <u>or</u> was the direct result of the school district's failure to implement the IEP. 	13	100%	XX	
§201.4(d)(2)(ii)	If the manifestation team determines that the conduct was a manifestation of (related to) the student's disability, the CSE returns the student to the placement from which the student was removed (except for a change in placement to an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances).	13	100%	XX	

Documentation	Evidence
<p>Look at:</p> <ul style="list-style-type: none"> • Manifestation team minutes • Parent notification letters, including references to dates (i.e., the date of the superintendent's decision to impose a suspension that constitutes a disciplinary change in placement and the date of the manifestation review) • Superintendent's hearing proceedings 	<p>Look for evidence of:</p> <ul style="list-style-type: none"> • Full team participation • Decisions based on a review of relevant information • Consistency in manifestation determination procedures among students by race/ethnicity • Manifestation reviews being conducted within the required timeline

Manifestation Determinations

Findings

Description of specific details of noncompliance in policy, procedures and practices:

- Our findings indicate there is a lack of determination of the relationship between the student's disability and behavior resulting in the suspension within the allotted 10 day time frame for students attending out-of-district placements.

Corrective action required, including:

- **The steps the school district will take to correct any findings of noncompliance found for individual students.**
- **Identification of the policies and procedures that will be revised.**

The District's current Code of Conduct clearly states the following:

When pattern determination must be conducted.

When a student with a disability is suspended, a copy of the suspension notice, including documentation of the number of days suspended, must be logged in by the Building Principal and sent to the Principal of Special Education.

*When a student with a disability is to be suspended a **total of (6) days or more** in a school year, a "pattern" will be presumed unless due to exceptional circumstances, the Principal of Special Education requests that a pattern determination be conducted. In that event, the Principal of Special Education or his/her designee will determine whether serial suspension constitute a "pattern" of suspensions in that school year.*

There is no need to revise policies at this time. The Principal of Special Education will review the Code of Conduct with Building Principals as well as Administration private schools/agencies recommended by the Committee on Special Education in which SWD attend.

Improvement activities recommended:

- The Principal of Special Education will meet with Building Principals and Directors of private schools/agencies to inform them of our district's Code of Conduct for discipline of students with disabilities.

V. General Procedures for Disciplinary Removals

The policies, procedures and practices of the school district must be reviewed to determine if the general procedures for disciplinary actions by school principals and superintendent's hearings ensure that the procedural rights of students with disabilities under IDEA are protected.

Citation 8 NYCRR	Issue	Total # Records in Compliance (checked 'yes' or 'N/A')	Percentage in Compliance (total # records in compliance divided by total # of records reviewed)	Determination of Compliance Based on Record Review and Other Findings	
				Y	N
§201.7(a)	The parent is notified and provided a copy of the procedural safeguards notice no later than the date on which a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.	0	0%		XX
§201.7(b)	The suspension or removal of students with disabilities does not exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior.	13	100%	XX	
§201.7(f)	School personnel consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the school's code of conduct.	13	100%	XX	
§201.9(c)(2)	If a manifestation team determines that the behavior is a manifestation of the student's disability, the penalty phase of a superintendent's hearing is dismissed, except where the student is placed in an interim alternative educational setting (IAES) for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.	13	100%	XX	

Documentation	Evidence
<p>Look at:</p> <ul style="list-style-type: none"> • Notification letters to parents for disciplinary actions • Files of students with disabilities and nondisabled students • Discipline files/suspension records • Superintendent’s hearing records 	<p>Look for evidence of:</p> <ul style="list-style-type: none"> • Parents notified of meetings and their rights under IDEA • Suspensions of students with disabilities that do not exceed the amount of time nondisabled students would be subject to for the same behaviors • Unique needs of students with disabilities were considered in penalty determinations • Manifestation reviews are conducted prior to imposing a penalty of more than 10 days • Frequency and duration of suspensions are equitable by race/ethnicity

General Procedures for Disciplinary Removals

Findings	
<p>Description of specific details of noncompliance in policy, procedures and practices:</p> <ul style="list-style-type: none"> - Our findings indicate that the Office of Special Education (OSE) did not notify or provide parents with a copy of the procedural safeguards notice no later than the date that the decision is made to impose a suspension or removal that constitutes disciplinary change in placement. 	<p>Corrective action required, including:</p> <ul style="list-style-type: none"> • The steps the school district will take to correct any findings of noncompliance found for individual students. • Identification of the policies and procedures that will be revised. <ul style="list-style-type: none"> - Immediately, the OSE will reinstitute the process for notifying and providing parents with the copy of the procedural safeguards notice no later than the date that the decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

Improvement activities recommended:

- Provide training to the OSE administrative assistants.

VI. Interim Alternative Educational Settings (IAES) and Instructional Services

The temporary educational settings where students with disabilities are removed and education services provided to such students must be reviewed to ensure that students with disabilities receive the instructional services to which they are entitled.

Citation 8 NYCRR	Issue	Total # Records in Compliance (checked 'yes' or 'N/A')	Percentage in Compliance (total # records in compliance divided by total # of records reviewed)	Determination of Compliance Based on Record Review and Other Findings	
				Y	N
§201.10(b)	Students with disabilities of compulsory attendance age are provided with alternative instruction for short-term suspensions (10 days or less in the school year) on the same basis as nondisabled students.	11	85%		XX
§201.2(k)(1)	A student who is placed in an IAES must continue to receive educational services so as to: <ul style="list-style-type: none"> • enable the student to continue to participate in the general education curriculum, although in another setting; and • progress toward meeting the goals set out in the student's IEP. 	11	85%		XX
§201.2(k)(2)	A student who is placed in an IAES must receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the violation so that it does not recur.	12	92%		XX
§201.10(c)**	During suspensions for periods of 10 school days (or less that total 10 or more school days) in a school year, but do not constitute a disciplinary change in placement, school personnel, in consultation with at least one of the student's teachers,	11	85%		XX
§201.10(d)	During suspensions or other disciplinary removals in excess of 10 school days in a school year which constitute a disciplinary change in placement, the IAES and services are determined by the CSE.	12	92%		XX

Documentation	Evidence
<p>Look at:</p> <ul style="list-style-type: none"> • Student records • Alternative instruction school records • CSE minutes • Suspension and Superintendent's hearing records • Student progress reports • Prior written notice 	<p>Look for evidence of:</p> <ul style="list-style-type: none"> • Alternative instruction substantially equivalent in content to the student's program and sufficient to permit the student to complete required coursework • Appropriate IAES placements • Length of removal considered in the CSE determination of IAES and type and extent to which instructional services are provided • Students receiving appropriate content area instruction • Students receiving IEP services and modifications to progress toward goals • Student progress reports reflect progress during periods of suspension • Consistent implementation by race/ethnicity; disability categories • Prior written includes the setting for the IAES and the special education services that are to be provided to the student in the IAES

Interim Alternative Educational Settings and Instructional Services

Findings

Description of specific details of noncompliance in policy, procedures and practices:

- Our findings indicate that students with disabilities of compulsory attendance age are not consistently being provided with alternative instruction for short-term suspensions (10 days or less in the school year).

Corrective action required, including:

- **The steps the school district will take to correct any findings of noncompliance found for individual students.**
- **Identification of the policies and procedures that will be revised.**

The District's current Code of Conduct clearly states the following:

Alternative Instruction

During any short-term suspension, the student must be provided with immediate alternative instruction.

Immediate steps must be taken to provide the student with alternative instruction which is usually by the second day of suspension.

- An amendment to the buildings' *Parent Notice – Suspension of a Student* form will include the following language **All Special Education and Section 504 students will be provided with alternative instruction during their short-term suspension. The Building Principal will take immediate steps to provide the student with alternative instruction which will be no later than the second day of suspension.**

-The OSE will develop & implement a form which will be completed by building principals for all SWD who are suspended from school. The purpose of the form is to identify the name of the person providing the student with alternative instruction during their suspension.

******In order to properly address this need, the OSE needs further clarification and understanding from school attorneys. By August 2015, Principal of Special Education will meet with school attorney. This document will be amended to add language to properly address this need in accordance with the intent of the law.

Improvement activities recommended:

- The OSE will develop and implement a form to identify the name of the person conducting alternative instruction with the SWD during their suspension.
- The form will be filed in each student's respective discipline file attached to a copy of the alternative instructor's pay voucher in each school building. For SWD attending out of district placements (ie: Erie 1 BOCES, Stanley Falk, BVS) this process will be completed by the OSE's administrators.
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