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The Vermont Family Network provides support, resources and help to families of children with disabilities. Children with disabilities are usually either on a Section 504 plan or an individualized educational program (IEP) at school. A Section 504 plan is for a child who has a physical or mental challenge that presents barriers to his/her ability to learn at school. A Section 504 plan should contain services and supports that will enable a child to access his/her education. An IEP is for a child who qualifies for special education and has the need for specialized instruction. A child on an IEP receives an educational program based on his/her unique needs. Schools are required by state and federal law to provide services to children who qualify for Section 504 plans or IEPs.

The Vermont Family Network has family support consultants who specialize in educational issues and we provide support through our statewide telephone helpline where we problem solve with families giving them information and offering action plans. We also accompany/support families at school meetings – Section 504 and IEP meetings - when the relationship is broken between the school and the family and/or the topic of discussion is a difficult one where the stakes are often high for the child.

Suspension/expulsion and school discipline/behavior are two such topics. We averaged about eight contacts a week (calls and meetings) during the last school year from parents around behavior/discipline and suspensions/expulsions. The trends that we see are:

Children are often lacking services, specifically in the form of well written functional behavior assessments which could provide behavior supports that would prevent behaviors from occurring/escalating that lead to suspensions/expulsions.

School may actually have all the information they need to keep behaviors from escalating, and a written behavior plan but no one follows the behavior plan.

Teachers lack knowledge of how a disability manifests, blaming a child (and often the family) for the behavior.

Children on Section 504 plans often don't get evaluations before a change of educational placement, which is required by regulation.

Schools can be quite arbitrary about what they suspend children for (infractions that are not egregious e.g. work refusal).

Schools are not following the process; we see many instances of a child not being formally suspended but just “not welcome” back in school and therefore not receiving educational services, manifestation determination hearings and/or services after ten days. A manifestation

determination hearing is required when a child with a disability is suspended to decide if the behavior that caused the suspension is a result of the disability.

Manifestation determination hearings are not happening in a timely fashion, not being conducted properly or not happening at all.

Educational services that are supposed to happen after the ten days (as per regulation, children on IEPs must receive services to help them make progress towards IEP goals) just don't happen for one reason or another: the school can't find a tutor, the tutor is ill, or a place cannot be found to do tutoring. Even when services are provided, the time is minimal and often with a paraeducator.

Suspension only serves the schools who then don't have to deal with "those" kids anymore, this only causes children with disabilities to become even more excluded.

Children get stuck in alternative placements (out of public school placements) that may not be appropriate because the school knows there are open slots and then it becomes the child fitting the placement instead of the placement being right for the child.

Many children who are suspended/expelled are not just teenaged boys. It happens frequently with younger children in elementary or middle schools as well.

Examples:

Case 1 – 12 year old boy with a dx of ADHD, anxiety disorder and PTSD. He was on a Section 504 plan, although the parent had asked for a special education evaluation several times. The school said that "he's too smart" to qualify for special education. He was suspended for misbehavior on the bus and in school. The parents had to go before the school board to plead his case. The superintendent threatened that the child would not be allowed back on bus, even though there would be a hardship for parents to get him to school. While suspended, child was admitted to the Brattleboro Retreat. The school team held a manifestation determination meeting. The teachers and behavioral support person felt the Section 504 included appropriate accommodations – stating in effect that his behavior was not a result of his not getting enough support. One teacher even said that he was "not anxious". The team asked the social worker to describe how anxiety presented in school, and on the bus. The picture she painted aptly described the behaviors the team had witnessed. The team reconsidered and supported a comprehensive special education evaluation once the child had returned from the Retreat. Unfortunately for this family, the child had to reach a real crisis before action was taken to offer a higher level of support.

The school personnel failed to recognize this child's behavior was the direct result of his disability.

Case 2 – 11 year old boy with dx of ADHD on a Section 504 plan. He has struggled with bolting and aggressive behaviors since beginning school. Has been restrained numerous times and, in second grade, taken away from school in a police car. He was supported by the Inclusion program (Howard Center in-school behavior interventionist support) through 3rd grade which was generally successful. Since the beginning of this school year, the child has been restrained and secluded and suspended a couple of times for unsafe behavior. The school would like to find him an alternative placement at the Baird School. The parent would like to have Inclusion return so the child can remain in the public school with his peers. (Both programs are full at this time.) Meanwhile, child remains out of school with tutoring. He is not suspended but is in education limbo.

This child has not received the services he needs to remain in the public school.

Case 3 – 7 year old boy with ADHD and ODD on a Section 504 plan. Parents requested a special education evaluation several times and it was denied. The school opined there would be no adverse effect. The child was suspended 5 days out of one month. He ended up in the Brattleboro Retreat. The school is unwilling take him back. They were pushing for him to go to the Baird School or Project SOAR. We're not sure where this child is right now.

This child received no behavior supports.

Case 4 – 8 year old boy who had exhibited challenging behaviors for a long period of time—the parents were called numerous times to pick up the child and it got to the point where calls were almost daily. There was no evaluation or functional behavioral assessment conducted. The child then was put on an educational support team (EST) plan for behavior. Problems continued and child was told not to return to school until he was “ready to learn”. After 10 days the parent requested tutoring and was informed this only applies to suspensions, and they did not “suspend” the child. Parent then sent another written request for evaluation and child was given a “psychological screening” not an evaluation. Following the screening, the child was placed in a district behavioral program, which was also unsuccessful. Following that, the child was again told not to return and home tutoring was later provided (3 weeks later). The tutoring was to be for 2 hours daily for 5 days per week; however the tutor was frequently absent. The parent was told they “had no one else” and they just can't pull “sub tutors out of a hat”.

(Parent then was referred to us by the mental health agency) We supported the parent and the child was evaluated, found eligible for special education and began receiving supports. Things are now going well for this child.

This is a success story but only after a lot of struggle to get appropriate services in place.

Case 5 - A 16 year old boy with emotional disturbance dx on an IEP (but no behavior plan) had difficulty accessing school. Supports were limited. The student was accused of writing graffiti on the bathroom wall—no one witnessed this, however based on the fact that the student was

seen with a red marker earlier that day and the graffiti was in red, he was accused. The student vehemently denied this, but was told he was suspended for 5 days. When he returned to school the student was taunted by other students who heard the student was suspended for the alleged graffiti. The student swore at the group of students and was told not to return to school. There was no manifestation determination and school said they would not provide tutoring as it likely “would not work”.

(Parent then contacted us and we began supports including a successful re-entry and IEP meeting). However by that point the student did not want to return to the building and refused to go to school. Other options were presented—all were met with refusal. The parent now has to take Family Medical leave to stay home with the student in hope that he will return to school or agree to another option.

This student should have received appropriate behavior supports from the time he started struggling. The school did not conduct a manifestation determination hearing which could have indicated the need to conduct a behavior assessment. The student was suspended for an offence he may not have been guilty of.

Possible solutions:

- Annual trainings for new 504 coordinators since they don't usually have a disability background.
- More training around how to conduct a good functional behavior assessment; how to write a good behavior plan and how to administer the plan once written.
- Restorative practices being implemented/used in schools.

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