

PINE BLUFF SCHOOL DISTRICT SPECIAL EDUCATION PROTOCOLS

GENERAL PROCEDURES

All Pine Bluff School District students are required to follow the Pine Bluff School District disciplinary policies. Teachers and staff are encouraged to incorporate both preventative¹ and supportive² discipline measures. Modifications and/or adjustments to the Pine Bluff School District disciplinary policy, must be noted in the student's Individual Education Plan (IEP), 504 plan or explicitly written in the student's Behavioral Intervention Plan (BIP)³ and/or classroom teacher per approval of the building administration.

PROACTIVE MEASURES

The Due Process Secretary will pull a Cognos report no later than the end of the first week of the beginning of each nine weeks to ensure that all students receiving special education services are denoted in eSchool. This report will be verified by the District Compliance Specialist

Any time a student is sent to the office for disciplinary action, the building level administrator will review eSchool and the Special Education Roster to determine if:

- 1) The student is a special education student; and/or
- 2) If the student has any previous disciplinary actions that have occurred during the school year; and/or
- 3) If the student has a Behavioral Intervention Plan (BIP)

Any time a student with an IEP receives a disciplinary action, resulting in removal from the students regular placement, the Building Level Administrator will complete a NOTICE of ACTION. The Notice of Action will accompany the disciplinary form and will be provided to the assigned Due Process Secretary for data entry.

To minimize disciplinary removals, Pine Bluff School District will:

- 1) Ensure any student with a pattern of disciplinary action⁴ has a Behavioral Intervention Plan (BIP) and that;
- 2) Any relevant person is aware of the student's BIP, and that,
- 3) The BIP is followed, as determined by the IEP Team.
- 4) Ensure that the student's IEP is implemented to the fullest extent possible.
- 5) Initiate to provide a positive behavioral intervention system (PBIS)

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BUILDING LEVEL SUPPORTS

A district level supervisor and due process clerk will be assigned to oversee and support services at the elementary, middle, and high school level.

District Level: Supervisor The District Level Supervisor will meet at least weekly with the building level principal to acquire or share updates related to special education students. The District Level Supervisor will serve as a liaison between special education teachers and the director of special education. The District Level Supervisor ***does not*** serve as the teacher's evaluator or immediate supervisor.

Due Process Secretary: As part of the Due Process Secretary (Special Education) job summary, the Due Process Secretary will enter disciplinary information of special education students into eSchool. The Due Process Secretary will pull attendance and disciplinary reports of special education students weekly. This report will be shared with the building level principal, the student's case manager and the assigned District Level Supervisor.

Case Manager: As part of the Special Education Teacher's job summary, they will ensure that each relevant person receive a copy of the student's Behavior Intervention Plan (BIP).

NOTICE OF ACTION PROCESS

- 1) Each time a student is removed from the student's Least Restrictive Environment (LRE) placement, a Notice of Action, as part of the standard school disciplinary form, will be sent home to the student's parent or guardian. The building level administrator will be responsible to complete the Notice of Action and provide a copy to the Due Process Secretary. The Due Process Secretary will be responsible to enter the information into the system and provide a copy to the parent.
- 2) Once a student has reached six (6) days of disciplinary removal, a formal letter will be sent by the Due Process Secretary to the building level principal, the student's case manager and the assigned district level supervisor. At that time, the District Compliance Specialist will review the student's IEP to ensure compliance. **(See Compliance Verification Form)**. Verification will be placed in the student's IEP.
- 3) At six (6) days of total removal (OSS), an IEP meeting (to include the building level administrator) will be scheduled to discuss the student's behavior, and any needed next steps which could include: 1) Completing a Functional Behavioral Assessment 2) Review, modification or implementation of a Behavior Intervention Plan (BIP) 3)

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Additional information needed to support the student. The IEP team will schedule a time to meet before six weeks in order to review collected data.

- 4) At eight (8) days of total removal, the FBA committee will convene to review data. The FBA Committee will provide a report of findings, and recommendations to the special education teacher.
- 5) At eight (8) days each day after, an additional letter, to include all previous Notice of Actions, will be sent to the parent/guardian, the student's case manager, assigned district level supervisor and the director of special education.
- 6) Once the student has reached ten (10) days removal, Manifest Determination Process will begin.

SPECIAL CIRCUMSTANCES: School personnel may remove a student:

- 1) To an appropriate 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 child's disability, if -
 - a) The child carries a weapon to school or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a State or local educational agency; or
 - b) The child 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 under the jurisdiction of a State or local educational agency; or
 - c) Has inflicted serious bodily injury⁵ upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.
- 2) The appropriate interim alternative educational setting shall be determined by the child's IEP Team.

MANIFEST DETERMINATION REVIEW (MDR):

On or before a student has reached ten (10) days disciplinary removal and every removal thereafter, the Due Process Secretary will immediately notify the student's case manager, the District Level Supervisor, the District Compliance Specialist and the Director of Special Education. The District Compliance Specialist will ensure that a Manifest Determination Review (MDR) meeting is scheduled.

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MDR Attendees:

- 1) The Director of Special Education or their District Level designee
- 2) The student's case manager
- 3) The student's parent/guardian
- 4) Relevant member's of the student's IEP Team (as determined by the parent and LEA), to include the student where appropriate.

*** The building level administrator shall submit all disciplinary forms, and any incident report to the student's case manager prior to the MDR meeting.*

1. The MDR meeting will be held within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a student conduct. **Once the meeting is scheduled, the date of the MDR meeting will be conveyed to Student Services. An effort will be made to schedule any needed student hearing on the same day to minimize additional meetings.** During this time, the student will, "...continue to receive educational services to enable the child to participate in the general educational curriculum, although in another setting and to progress towards meeting the goals set out in the child's IEP. " (11.02.1.1)

The LEA or their designee will lead the MDR meeting.

The LEA, parent and relevant members of the child's IEP team will determine -

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

DETERMINATION THAT BEHAVIOR WAS A MANIFESTATION

2. If the IEP Team determines that a condition in 1a was met, the conduct must be determined to be a manifestation of the child's disability and the following actions will be taken:
 - a. Conduct a functional behavioral assessment (FBA), unless an FBA was conducted prior to the behavior and implemented a BIP for the student; or
 - b. Review the BIP, and modify it as necessary to address the behavior.

**Except as provided by the above mentioned Special Circumstances, the student will be returned to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the BIP.*

*** The District Compliance Specialist will be responsible to schedule any needed FBA/BIP review as a result of the MDR meeting.*

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3. If the LEA, the parent, and the relevant members of the child's IEP Team determine the condition described in 1b (under MDR section) was met, the LEA will take immediate steps to remedy those deficiencies which will include:
 - a. Hold an IEP meeting to review the student's goals, objectives and accommodations / modifications.
 - b. Provide training and/or support to individuals responsible for implementing the IEP.
 - c. Return the student to placement from which the child was removed.

NOTIFICATION

On the date on which the decision is made to make a removal that constitutes a change of placement for the student because of a violation of a code of student conduct, the LEA will notify the parents of that decision, and provide the parents the procedural safeguards notice described in 34 CFR 300.504.

DETERMINATION THAT BEHAVIOR WAS NOT A MANIFESTATION

If the result of the MDR is a determination that the behavior of the student was not a manifestation of the child's disability, relevant disciplinary procedures applicable to students without disabilities may be applied, except that the provisions of a Free Appropriate Public Education (FAPE) must be met. (At no time shall there be cessation of services.)

The MDR Team's sole purpose is to determine if the student's behavior was a manifestation of the child's disability. The MDR should at no time influence or determine disciplinary consequences.

PROVISION of SERVICES DURING EDUCATIONAL REMOVAL

During the time that a student is removed from school, services will be provided in the following manner:

A. EXPULSION

- a. All Pine Bluff School District (PBSD) students shall be afforded the opportunity to participate in a digital platform provided by the Arkansas River Educational Services Cooperative (ARESC). The Pine Bluff School District will provide the ARESK with the student's accommodations to facilitate their learning. Services will be provided by a PBSD certified special education teacher or their designee (where appropriate) for a minimum of four (4) hours a week, no less than two (2) times a week or as determined by the IEP Team.

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- b. In the event that the student elects not to participate in the digital platform provided by ARESC, the District Compliance Specialist will arrange for the student to be provided services at a mutually agreed upon location by a PBSO certified special education teacher or their designee (where appropriate) for a minimum of four (4) hours a week, no less than two (2) times a week or as determined by the IEP Team.

B. IN SCHOOL SUSPENSION (ISS)

- a. Students served by special education, will receive **all** special education services as outlined in their IEP without interruption. Services will be provided in the student's LRE. If the incident necessitating removal occurred in a location where services were being provided, the student will be allowed to attend a different class period to receive services.

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ROLES and RESPONSIBILITIES Related to the Compliance Procedures

District Compliance Specialist:

- 1) Ensure that the MDR is scheduled
- 2) Ensure that if needed, the FBA is scheduled.
- 3) Ensure that BIP is reviewed and adjusted as needed.
- 4) Ensure that the IEP is reviewed for compliance once a student has been removed from school for six (6) or more days.

District Level Supervisor:

- 1) Make contact with special education teachers at least two (2) times a week to ensure compliance of IEPs, attendance of special education students and determine any areas of concern.
- 2) Meet with the building level principal or designee once weekly to review the verified weekly report.

Due Process Secretary:

- 1) Enter disciplinary information of special education students
- 2) Pull weekly attendance and disciplinary report of all special education students
- 3) Responsible to have building level principal verify (sign) [weekly verification report](#)
- 4) Share verified report with assigned district level supervisor, student services supervisor and director of special education.

Special Education Teacher:

Case Manager

- 1) Ensure the principal and all relevant staff receive a copy of the student's IEP and BIP.
- 2) Ensure that the IEP is implemented to the fullest extent
- 3) Notify the parent/guardian regarding any concerns related to the student.
- 4) Notify the District Support Supervisor of any concerns related to the students attendance, behavior or issues related to the implementation of the student's IEP.

Building Level Administrator:

- 1) Ensure that they are knowledgeable of the student's IEP and BIP.
- 2) Completion of Notice of Action with every disciplinary action resulting in removal from the students regular placement.
- 3) Sign the Weekly verification report provided by the Due Process Secretary
- 4) Meet weekly with the District Level Support Supervisor
- 5) Ensure all disciplinary records and a narrative is provided to the MDR team prior to the meeting date.
- 6) Attend MDR meeting when invited by the LEA.

¹ Preventative: Provide teachers training in classroom management techniques, teach students desired behaviors.

² Supportive: Remove any barriers to student access

³ Behavioral Intervention Plan: Plan specially designed by the IEP Team to address student behaviors

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⁴ Pattern of Disciplinary Action: Any student who demonstrates a pattern of behavior (3 or more incidents) which results in disciplinary action.

FLOW of DECISION MAKING for BUILDING LEVEL ADMINISTRATOR

STEP 1

Review eSchool to determine if student has an IEP.

STEP 2

- a. If student does not have an IEP, move to standard disciplinary practices
- b. If the student **DOES** have an IEP, review student's IEP and BIP if applicable

STEP 3

- a. If student does not have a BIP, regular disciplinary action may occur
- b. If the student **DOES** have a BIP, ensure BIP was followed.

STEP 4

- a. If the BIP was followed, proceed to determining appropriate disciplinary action.
 - i. Complete disciplinary form and NOTICE of ACTION form - Submit to the Due Process Secretary for data entry.
 - ii. If disciplinary action may cause the student to be in excess of ten (10) days removal from the educational environment, the Building Level Administrator is to call the District Compliance Specialist immediately - **Prior to any disciplinary action occurring.**
- b. If the BIP **WAS NOT** followed, the student may not receive disciplinary action. ***Notify the special education teacher and the District Compliance Specialist immediately.*** The student must return to the student's regular placement.

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Appendix

- ¹ **Preventative Disciplinary Measures -** Measures taken to preempt misbehavior by keeping students engaged.
- ²**Supportive Disciplinary Measures-** Measures taken to assist students with self-control by helping them get back on task.
- ³**Behavioral Intervention Plan (BIP) -** An improvement plan that lays out how an Individual Education Plan (IEP) team will better difficult behavior that is inhibiting a child's academic success
- ⁴**Pattern of Disciplinary Action -** When the child receives multiple disciplinary Actions. The disciplinary action may or may not be the same behavior each time.
- ⁵**Serious Bodily Injury -** Refers to bodily injury which involves obvious disfigurement, loss or impairment of the function of an organ or body member or mental faculty.