

# DISCIPLINE IN SPECIAL EDUCATION

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## MODULE 1 – TITLE

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### Module Description:

This module is designed to engage current principals and principal candidates in the exploration of the complexities of discipline when a student has been identified with a disability. Participants will review a variety of resources to gain knowledge about special education laws and regulations that govern discipline of students identified with a disability. Topics addressed include: discipline, special education law and associated case law, manifestation determination, Least Restrictive Environment (LRE), Free and Appropriate Public Education (FAPE), Due Process safeguards, parent involvement, and shared decision making.

### Module Objectives:

After completion of this module, participants will:

- be able to identify the importance of the role of principal in disciplining students identifying as having a disability and how that role is different from disciplining non-identified students
- be able to define manifestation determination and describe the process to plan and implement a hearing
- be able to identify and navigate resources associated with discipline and special education
- be able to describe common issues when disciplining special needs students and be able to identify and apply associated regulations and/or case law

### Standards Alignment:

#### Ohio Standards for Principals

2.2 Principals ensure instructional practices are effective and meet the needs of all students.

2.3 Principals advocate for high levels of learning for all students, including students identified as gifted, students with disabilities and at-risk students.

3.1 Principals establish and maintain a safe school environment.

3.2 Principals create a nurturing learning environment that addresses the physical and mental health needs of all.

3.4 Principals institute procedures and practices to support staff and students and establish an environment that is conducive to learning.

5.2 Principals involve parents and community members in improving student learning.

#### CEC Advanced Preparation Standards

3.2 Special education specialists use understanding of cultural, social, and economic diversity and individual learner differences to inform the development and improvement of programs, supports, and services for individuals with exceptionalities.

3.3 Special education specialists apply knowledge of theories, evidence-based practices, and relevant laws to advocate for programs, supports, and services for individuals with exceptionalities.

6.1 A comprehensive understanding of the history of special education, legal policies, ethical standards, and emerging issues informs special education specialist leadership.

6.2 Special education specialists model high professional expectations and ethical practice, and create supportive environments that safeguard the legal rights and improve outcomes for individuals with exceptionalities and their families.

7.2 Special education specialists use collaborative skills to improve programs, services, and outcomes for individuals with exceptionalities

**Module Activities:** In this module, you will use three case studies to explore the impact of IDEA and ensuing regulations and court decisions on discipline practices in public schools.

For each case study, you will:

1. Read through the case study and any associated materials.
2. Consult references and resources, including the Ohio Department of Education - Special Education resources (cited in the resources section) to guide you in evaluating each case. (Case Analysis)
3. Assume the role of one of the main participants, other than the district representative, in the case and write 4 different journal entries from that person's point of view. (Reflective Journal)
4. Assume the role of district representative, review the handling of the case, and make recommendations for the future. In this section, please cite Ohio's special education operating standards, federal law or court precedent to support your points. (District Representative Investigative Report)
5. Using the resource from ODE on complaints and due process databases, find and report on a case involving improper handling of discipline procedures. (Non-compliance Investigative Report)

**Assessment(s):**

Module Objective	Assessment
be able to identify the importance of the role of principal in disciplining students identifying as having a disability and how that role is different from disciplining non-identified students	<ol style="list-style-type: none"> <li>1. Case Analysis</li> <li>2. District Representative Investigative Report</li> </ol>
be able to define manifestation determination and describe the process to plan and implement a hearing	<ol style="list-style-type: none"> <li>1. Case Analysis</li> <li>2. Reflective Journal</li> <li>3. District Representative Investigative Report</li> </ol>
be able to identify and navigate resources associated with discipline and special education	<ol style="list-style-type: none"> <li>1. Case Analysis</li> <li>2. District Representative Investigative Report</li> </ol>

	3. Non-compliance Investigative Report
be able to describe common issues when disciplining special needs students and be able to identify and apply associated regulations and/or case law	<ol style="list-style-type: none"> <li>1. Case Analysis</li> <li>2. Reflective Journal</li> <li>3. District Representative Investigative Report</li> <li>4. Non-compliance Investigative Report</li> </ol>

### Resources & Materials:

Ohio Department of Education, Complaint and due process databases,  
<https://education.ohio.gov/Topics/Special-Education/Mediation-Complaints-and-Due-Process/Complaint-and-Due-Process-Databases>

Ohio Department of Education, Procedures and guidance for Ohio educational agencies serving children with disabilities, <https://education.ohio.gov/Topics/Special-Education/Federal-and-State-Requirements/Procedures-and-Guidance/Discipline>

Yell, Mitchell, L. (2012), The law and special education (3rd ed.), Upper Saddle River, NJ, Pearson Education, Inc.

Wrightsaw website:  
<http://www.wrightslaw.com/>

US Department of Education website on discipline:  
[http://idea.ed.gov/explore/view/p/,root,dynamic,QaCorner,7,](http://idea.ed.gov/explore/view/p/,root,dynamic,QaCorner,7)

ODE Manifestation Determination:  
<https://education.ohio.gov/Topics/Special-Education/Federal-and-State-Requirements/Procedures-and-Guidance/Discipline/Manifestation-Determination>

Article :  
 Caught in the Middle - originally published in Principal Leadership October, 2010  
[http://www.nassp.org/Content/158/pl\\_oct10\\_nashatker.pdf](http://www.nassp.org/Content/158/pl_oct10_nashatker.pdf)

Videos:  
 Posted by The Advocacy Center - YouTube  
 While this center is located in New York, much of the information discussed in this sequence of videos is relevant in any state.  
<https://www.youtube.com/user/TheAdvocacyCenter/search?query=manifestation+determination>

Posted by Disability Rights Center - New Hampshire

[https://www.youtube.com/watch?v=JOZb7rpAS\\_4](https://www.youtube.com/watch?v=JOZb7rpAS_4)

Posted by New Jersey Foundation for Educational Administration

[https://www.youtube.com/watch?v=\\_eE-OB0K2A](https://www.youtube.com/watch?v=_eE-OB0K2A)

<https://www.youtube.com/watch?v=pcvMzXqP17g>

Case Studies Attached:

### **Case Study #1 – The Goth Girl**

Summary:

Case Study #1 is the story of a high school senior identified as Emotionally Disabled in an Emotional and Behavioral Disorders (EBD) classroom whose behavior starts to escalate in ways that presented a threat of harm to others.

Topics covered: manifestation determination, FAPE, LRE, discipline

#### **Supporting Documents:**

Case 1 Narrative

Case 1 Discipline Policy

Case 1 District Report

Case 1 High School Report

### **Case Study 2 -**

#### **I've Reached My Limit!**

Summary:

Case Study #2 concerns a fourth grade student in a suburban elementary school. The student in question has been manifesting some behavior that may or may not be related to a possible disability.

Topics covered: manifestation determination, FAPE, LRE, discipline, child find, suspected disability, timely evaluation

#### **Supporting Documents:**

Case 2 Narrative

Case 2 District Report

Case 2 Elementary School Report

## **Case Study 3 -**

### **The New Student**

#### **Summary:**

Jhonathon is a new student in an urban middle school. He has transferred frequently between city schools and charter schools. His father has recently gained sole custody after being out of his life and is trying to help the school out with his son's discipline problems. No one is sure if he was previously identified as having a disability, but he is beginning to have frequent disciplinary issues.

Topics covered: manifestation determination, FAPE, LRE, discipline, suspected disability, timely evaluation, Response to Intervention

#### **Supporting Documents:**

Case 3 Narrative

Case 3 District Report

Case 3 Middle School Report