

**VIRGINIA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND STUDENT SERVICES**

**STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT (SPP/APR)
SELF-ASSESSMENT FOR INDICATOR 4**

**REVIEW OF POLICIES, PROCEDURES, AND PRACTICES RELATING
TO THE DEVELOPMENT AND IMPLEMENTATION OF IEPs, THE USE OF POSITIVE
BEHAVIORAL INTERVENTIONS AND SUPPORTS, AND PROCEDURAL SAFEGUARDS**

SCHOOL DIVISION

SUSPENSIONS AND EXPULSIONS

Indicator #4 -- Rates of Suspensions and Expulsions

- A. Percent of divisions identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year; and
- B. Percent of divisions identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs of greater than 10 days in a school year by race and ethnicity and that have policies, procedures or practices that contribute to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavior interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Requirement of SPP/APR Indicator 4:

Conduct a review of the school division's policies, procedures, and practices relating to the development and implementation of IEPs, procedural safeguards, and the use of positive behavioral interventions and supports to ensure that these policies, procedures, and practices comply with IDEA, as required in 34 CFR §300.170(b).

Instructions for the review:

- Establish a committee to review the school division’s policies, procedures, and practices relating to discipline. The committee should include at least one representative from general education.
- Gather written policies, procedures, and documentation of practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
- Review a sampling of IEPs of students who were suspended or expelled.
- Review the IDEA requirements in the self-assessment and determine whether or not the school division is in compliance (Section I-III).
- Use the comment section to provide an explanation for a “No” or “NA” response.
- Review the LEA’s use of positive behavior interventions and supports. (Section IV)
- Examine the reason(s) for the LEAs high rates of suspension and expulsion of special education students. (Section V)
- Submit the completed self-assessment including a signed statement of assurance.
- Focus of the review:
 - For divisions identified for Indicator 4A, please complete the self-assessment as it relates to all special education students.
 - For divisions identified for Indicator 4B, please complete the self-assessment as it relates to special education students in the specific race/ethnicity category/categories in which the division was identified.
 - For divisions identified for both Indicator 4A and 4B, please complete the self-assessment as it relates to all special education students as well as in the specific race/ethnicity category/categories in which the division was identified.

The division must only complete one self-assessment.

Examples of documents to review:

Policies: School board policies, student handbook, and state special education regulations

Procedures: Guidance through the LEA’s special education handbook, annual special education plan, other locally developed procedures and state special education regulations

Practices: Implementation through student IEPs and disciplinary records, documentation of practices related to behavior interventions and supports

Reviewers Information

Check the box(s) in which the division was identified (see Reviewers Information in SSWS) as having a possible significant discrepancy in the rates of suspension/expulsion for students with disabilities. Check all that apply.

<input type="checkbox"/> All Students with Disabilities (4A)	<input type="checkbox"/> Black/African American (4B)	<input type="checkbox"/> White (4B)
<input type="checkbox"/> American Indian/Alaskan Native (4B)	<input type="checkbox"/> Hispanic/Latino (4B)	<input type="checkbox"/> Two or more races (4B)
<input type="checkbox"/> Asian (4B)	<input type="checkbox"/> Native Hawaiian/Pacific Islander (4B)	<input type="checkbox"/>

_____ School Division reviewed its policies, procedures, and practices relating to the development and implementation of IEPs, procedural safeguards, and the use of positive behavioral interventions and supports as required in 34 CFR §300.170(b) of the *Individuals with Disabilities Education Act*. Timely corrections will be made for any identified noncompliance. The following individuals participated in the review:

Name	Title

Section I - Development and Implementation of IEPs

Do the LEA's policies, procedures, and practices comply with the requirements?

<p>1. School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement (i.e., a pattern) under §300.536. (34 § CFR 300.530(b)(1); 8 VAC 20-81-160(B))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>2. School personnel consider any unique circumstances on a case-by-case basis when deciding whether or not a change in placement is appropriate for a child with a disability that violates a code of student conduct. (34 § CFR 300.530(a); 8 VAC 20-81-160(A)(3))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>3. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability. (34 § CFR 300.530(e)(1)(i); 8 VAC 20-81-160(D)(4)(1))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>4. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was the direct result of the LEA's failure to implement the child's IEP. (34 § CFR 300.530(e)(1)(ii); 8 VAC 20-81-160(D)(4)(2))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>5. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year (not a change of placement), school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP, including participation in Virginia Department of Education and divisionwide assessments. (34 § CFR 300.530(d)(4); 8 VAC 20-81-160(B)(2)(b))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>6. A child with a disability who is long-term removed receives services during the disciplinary removal so as to enable the student to continue to participate in the general educational curriculum, although in another setting; and to progress toward meeting the goals set out in the child's IEP. (34 § CFR 300.530(d)(1)(i); 8 VAC 20-81-160(C)(6)(a)) These services are determined by the IEP Team. (34 § CFR 300.530(d)(5); 8 VAC 20-81-160(C)(6)(c))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Section I - Development and Implementation of IEPs

Do the LEA's policies, procedures, and practices comply with the requirements?

<p>7. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined <u>not</u> to be a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities. <i>(34 § CFR 300.530(c); 8 VAC 20-81-160(D)(7))</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>8. The child's IEP Team determines the interim alternative education setting for services when it is determined the child's behavior was not a manifestation of the disability [300.530(c)]; the removal is a change of placement [300.530(d)(5)]; or the student is removed for a weapons, drugs, serious bodily injury violation [300.530(g)]. <i>(34 § CFR 300.531; 8 VAC 20-81-160(D)(7))</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>9. The manifestation determination is based on a review of all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent(s). <i>(34 § CFR 300.530(e)(1); 8 VAC 20-81-160(D)(3))</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>10. If the IEP Team determines that the child's behavior was a manifestation of the child's disability, the IEP Team shall return the child to the placement from which the child was removed unless the parent and the LEA agree to a change in placement as part of the modification of the behavioral intervention plan. (This does not apply for students removed under special circumstances, including weapons, drugs, or serious bodily injury under 300.530(g)). <i>(34 § CFR 300.530(f)(2); 8 VAC 20-81-160(D)(6)(a))</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>11. If the IEP Team determines that the child's behavior was a manifestation of the child's disability, the IEP Team must either conduct a functional behavioral assessment, unless the LEA had conducted this assessment before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan for the child; or if a behavioral intervention plan already has been developed, review this plan, and modify it, as necessary, to address the behavior. <i>(34 § CFR 300.530(f)(1); 8 VAC 20-81-160(D)(6)(a)(1)(2))</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>12. The conduct is determined to be a manifestation of the child's disability if the IEP Team determines that the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, or the conduct in question was the direct result of the LEA's failure to implement the IEP. <i>(34 § CFR 300.530(e)(2); 8 VAC 20-81-160(D)(4)(1)(2))</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>13. The LEA shall take immediate steps to remedy deficiencies, if the IEP Team determines that the LEA failed to implement the child's IEP. <i>(34 § CFR 300.530(e)(3); 8 VAC 20-81-160(D)(5))</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

Section I - Development and Implementation of IEPs	Do the LEA's policies, procedures, and practices comply with the requirements?	
<p>14. School personnel may remove a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but 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 the child—(34 § CFR 300.530(g); 8 VAC 20-81-160(C)(5)(a)) a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA; b. 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 an SEA or an LEA; or c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Section II - Positive Behavior Interventions and Supports	Do the LEA's policies, procedures, and practices comply with the requirements?	
<p>1. In conducting the evaluation, the LEA uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. (34 § CFR 300.304(b)(3); 8 VAC 20-81-70(C)(10))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>2. In the event that the child's behavior impedes the child's learning or that of others, the IEP Team shall consider the use of positive behavioral interventions, strategies, and supports to address the behavior. The IEP Team shall consider either developing goals and services specific to the child's behavioral needs; or conducting a functional behavioral assessment and determining the need for a behavioral intervention plan to address the child's behavioral needs. (34 § CFR 300.324(a)(2)(i); 8 VAC 20-81-160(A)(2)(a)(b))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>3. The regular education teacher of a child with a disability, as a member of the IEP Team, shall participate, to the extent appropriate, in the development, review, and revision of the child's IEP, including assisting in the determination of appropriate positive behavioral interventions and supports and other strategies for the child; and supplementary aids and services, accommodations, program modifications or supports for school personnel that will be provided for the child. (34 § CFR 300.324(a)(3)(i); 8 VAC 20-81-110(F)(4)(a)(b))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>4. A child with a disability who is long-term removed receives services during the disciplinary removal so as to enable the student to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (34 § CFR 300.530(d)(1)(ii); 8 VAC 20-81-160(C)(6)(a)(3))</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Updated 5/9/2017</p>		

Section III - Procedural Safeguards

Do the LEA's policies, procedures, and practices comply with the requirements?

<p>1. The division establishes, maintains, and implements procedural safeguards. <i>(34 § CFR 300.500; 8 VAC 20-81-170(A)(1))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>2. A copy of the procedural safeguards shall be given to the parent(s) on the date on which the decision is made to make a disciplinary removal that constitutes a change in placement because of a violation of a code of student conduct. <i>(34 § CFR 300.504; 8 VAC 20-81-170(D)(1)(e))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>3. The LEA shall take whatever action is necessary to ensure the parent(s) understand and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for a parent(s) with deafness, or whose native language is other than English. <i>(34 § CFR 300.322(e); 8 VAC 20-81-170(A)(5))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>4. A child with a disability shall be entitled to the same due process rights that all children are entitled to under the <i>Code of Virginia</i> and the LEA's disciplinary policies and procedures. <i>(34 §§ CFR 300.530(a); 300.324(a)(2)(i); 8 VAC 20-81-160(A)(1))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>5. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the division must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. <i>(34 § CFR 300.501(c)(3); 8 VAC 20-81-170(A)(3))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>6. If the division is unable to obtain the parent's participation in a decision relating to the educational placement of their child, the division must have a record of its attempt to ensure their involvement. <i>(34 § CFR 300.501(c)(4); 8 VAC 20-81-170(A)(4))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>7. On the date on which the decision is made to long-term remove the student because of a violation of a code of student conduct, the LEA shall notify the parent(s) of the decision and provide the parent(s) with the procedural safeguards notice. <i>(34 § CFR 300.530(h); 8 VAC 20-81-160(C)(4))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>8. Parents are informed of the right to appeal if they disagree with any decisions of the IEP Team regarding placement during a disciplinary removal or the manifestation determination. <i>(34 § CFR 300.532(a); 8 VAC 20-81-160(E)(1))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>9. If the parent elects to file a request for a due process hearing, the LEA takes the steps required to have a hearing officer appointed in a timely manner so as to begin the due process proceedings within the mandated timelines. <i>(34 § CFR 300.511; 8 VAC 20-81-210(H))</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Section IV - Review of Positive Behavior Interventions and Supports

1. Describe the school division's use of positive behavior interventions and supports?

2. How does the school division monitor the use of positive behavior interventions and supports?

3. Identify any needs for technical assistance or professional development on positive behavior intervention and supports.

Section V - Root Cause Analysis: Monitoring Suspensions and Expulsions

INSTRUCTIONS:

This root cause analysis is designed to assist school divisions as they examine the reason(s) for their high rate of suspension and expulsion of students with disabilities. The analysis should focus on all students with disabilities as well as in the specific race/ethnicity category if the school division was identified with a discrepancy in that area. The analysis should include a review of the development and implementation of individualized education programs, the use of positive behavioral interventions and supports, and provision of procedural safeguards.

1. Given the school division's available data from state and local sources, how does your school division review these data to identify potential problems/concerns?

Check all that apply

- attendance
- office referrals (e.g., teachers, schools)
- disability categories
- race/ethnicity, gender, and age
- incidents (e.g., fighting, stealing)
- incident location (e.g., hall, bus, cafe)
- incident time of day
- types of sanctions (e.g., in/out-of-school suspensions, short-/long- term, expulsion, alternative placements)
- ensure that school staff understand the regulatory requirements under IDEA related to discipline (e.g., suspension, manifestation, expulsion)
- other (if checked, explanation required)

2. How is the data review used to improve the division's understanding of the factors that contributed to potential discipline problems/concerns? (e.g., *how do the data vary across the schools within the division?*)

Check all that apply

- out-of-school sanction for attendance issues
- grading system affected by discipline
- due process rights equally available to all students
- types of intervention for identified issues
- retention affected by discipline

- the school division has methods for early identification of at-risk students
- intervention is differentiated for identified issues
- there is documentation that IEP teams routinely address strategies for addressing behavior issues
- the school division has addressed bullying issues
- other (if checked, explanation required)

3. What type of information and/or documentation do IEP teams use when considering strategies for addressing behavior needs of students with disabilities?

Check all that apply

- Functional Behavior Assessment (FBA)
- student input and preferences
- Behavior Intervention Plan (BIP)
- parents' input
- academic assessment data
- postsecondary goals
- previous state assessment reports
- annual goals
- standardized test reports
- IEP present level of academic achievement and functional performance
- diagnostic test reports
- teachers' notes
- career or vocational assessment data
- classroom observations
- career/job exploration experiences
- positive behavioral interventions and supports
- Personal Academic and Career Plans
- research-based and effective preventative discipline practices
- transition assessment
- various interventions used and documented impact
- transition services
- other (if checked, explanation required)

4. What interventions, programs, and strategies have school/division staff considered for addressing behavior needs of students with disabilities?

Check all that apply

- student/teacher conference
- student schedule/time change
- consultation with colleagues/specialists
- adjustment of student workload
- counselor involvement
- parent conference
- team conference with student
- student contract
- positive behavior intervention and supports (PBIS)
- posting of classroom rules
- conference with administrator/teacher(s)
- utilization of volunteer mentor
- signed weekly/daily assignment sheet
- proximity control
- weekly/daily progress report
- provision of choices
- Functional Behavior Assessment (FBA)
- Behavior Intervention Plan (BIP)
- other (if checked, explanation required)

5. Who is involved in collecting, analyzing, and disseminating the data?

Check all that apply

- principal/assistant principal
- students
- special education administrator
- general education teachers
- central office staff
- special education teachers
- student support staff (i.e., guidance counselor, social worker)
- paraprofessionals including school bus aides

Updated 5/9/2017

- database manager
- school bus drivers
- parents
- other service providers
- other (if checked, explanation required)