

# Special Education and Behavior Support Basics

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Today's speaker has no financial relationships with an ineligible company relevant to this presentation to disclose.

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# Objectives

- Participants will learn key terms and concepts related to special education and the Individuals with Disabilities Education Act (IDEA)
- Participants will identify key components of the special education process, with a focus on practices and protections for students with behavior support needs
- Participants will leave with resources with which they can support families to understand the basics of special education and get further help if needed

# Special Education Basics

## Helpful terms:

- FAPE: free and appropriate public education
- LRE: least restrictive environment
- IEP: Individualized Education Program (must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances”)

## Special education requires:

- Specially designed instruction (SDI)

## Special education also encompasses:

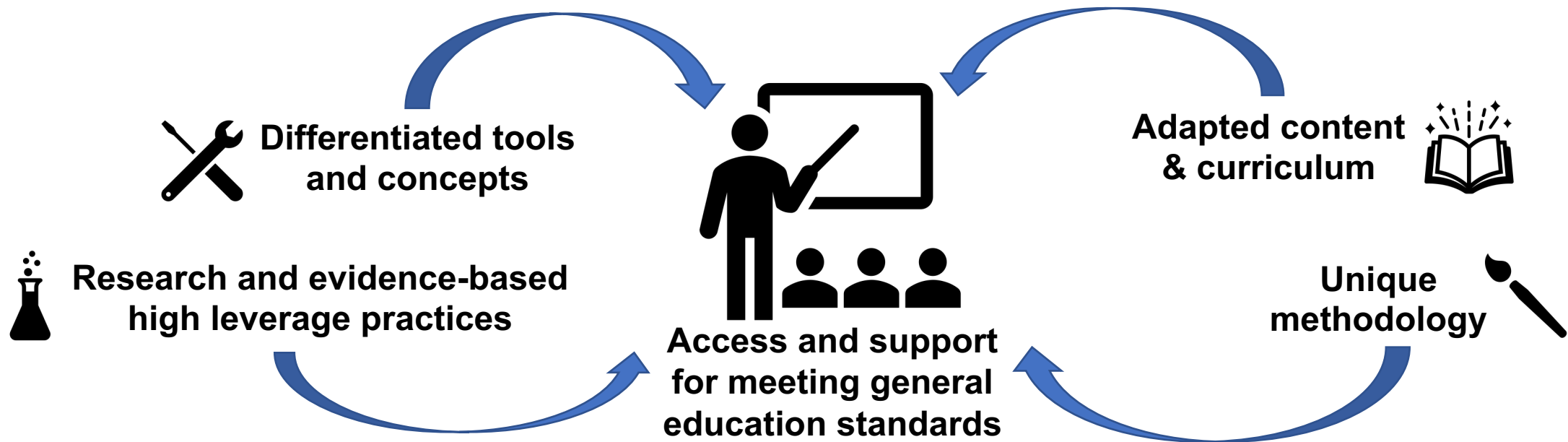
- Related services
- Supplementary aids and services
- Accommodations and/or modifications

Eligibility for special education is a three-pronged, education-focused test:

1. The student has a disability
2. That disability adversely impacts the student’s educational performance
3. The student’s unique needs cannot be addressed via general education alone -- they require SDI

# What is Specially Designed Instruction (SDI)?

SDI is a set of **organized and planned instructional activities** which adapt, as appropriate, the content, methodology, or delivery of instruction to address the **unique needs** that result from a student's disability



# Key Points of the IEP Process

## 1. Student found eligible

- Initial evaluation *or* three-year reevaluation
- Evaluates “all areas related to the suspected disability”
- Three-pronged test for educational eligibility (different from medical diagnosis!)
- Must be “sufficiently comprehensive” to inform the development of the IEP



## 2. IEP: Present levels & goals developed

- IEP documents *present levels of academic achievement & functional performance*
- IEP team considers each of five *special factors* which can impact access to FAPE
- Then the IEP team develops “appropriately ambitious” *measurable annual goals*



## 3. IEP: Services and placement determined

- Services are determined based on the identified goals
- Placement is considered last and must be based on several factors, including the content of the IEP as a whole & LRE
- Placement *cannot* be predetermined

# Positive Behavior Support and the IEP

## Where might we see behavior supports in IEP processes?

- As part of an evaluation/reevaluation, the team can seek parent consent to complete a *functional behavioral assessment* (FBA)
- A student's need for positive behavior support is one of the five *special factors* the IEP team must consider
- The IEP can document information about behavior support needs in the *present levels of academic achievement and functional performance*
- The IEP team can develop *measurable annual goals* that address behavior, social/emotional learning, communication, and other areas
- The IEP team may develop a *behavior intervention plan* (BIP) to provide specific additional support for the student (ideally following an FBA)
- The services in the IEP can support the student's behavior learning needs

**Note:** Effective behavior support involves *teaching, learning, and practice!*

# Discipline Provisions: Disciplinary Removals

If a student eligible for special education services is removed from school for a behavior violation (e.g., suspension/expulsion):

1. Schools and parents determine the educational services to be provided while the student is removed from school (starting day one), including special education services
2. Districts must determine if the current disciplinary removal is a **change of placement** and notify parents
3. If a change of placement occurs, then the district must hold a **manifestation determination review** meeting

A disciplinary **change of placement** occurs if a decision is made to remove a student eligible for special education services from school for 10 days or more (either consecutively or via a series of removals that show a pattern) within a school year.

[For more, see WAC 392-172A-05155](#)



# Discipline Provisions: Manifestation Determination Reviews (1/2)

- Must occur within 10 school days of the decision of the disciplinary change of placement
- District, parents, and relevant members of the student's IEP team must review all relevant information and determine the answer to the following:
  1. Was the conduct in question caused by the student's disability and/or did it have a direct and substantial relationship to the student's disability?
  2. Was the conduct in question the direct result of the district's failure to implement the IEP?

WAC [Section 392-172A-05146](#)

# Discipline Provisions: Manifestation Determination Reviews (2/2)

If the answer to either is **yes**, the student must return to their current placement, *and*

- District must review or conduct an FBA and develop or revise the student's BIP
- District must remedy any deficiencies in IEP implementation

“Special circumstances” are a very narrow exception – for more, see [WAC 392-172A-05149](#)

If the answer to both is **no**, the student may be disciplined in the same manner as students not eligible for special education services, with the following additional requirements:

- The student must continue to receive educational services that provide FAPE, allow participation in the general education curriculum, and support IEP goals
- The district must complete an FBA and provide behavior supports to prevent the behavior in the future
- Services are determined by the IEP team, and may be provided in an interim alternative educational setting

WAC [Section 392-172A-05147](#); WAC [Section 392-172A-05148](#)

# Discipline Provisions: Parent and Student Rights

- Parents have a right to an expedited due process hearing if they disagree with a placement decision or the outcome of an MDR
- Shortened school days (and other “informal removals”) may count as disciplinary removals, triggering disciplinary protections
- In-school suspensions are considered on a case-by-case basis when determining whether disciplinary protections apply
- Protections may also apply to students *not yet determined eligible* if the district had a basis of knowledge prior to the behavior that a student is eligible for services

WAC [Section 392-172A-05160](#); WAC [Section 392-172A-05170](#)

# Special Education Dispute Resolution

Parents/families have formal dispute resolution options thru OSPI:

- Mediation
- IEP Meeting Facilitation
- Special Education Community Complaint
- Due Process Hearing

For more information, visit [OSPI Special Education - Dispute Resolution](#)

# Resources

- Student and family rights under the Individuals with Disabilities Education Act (IDEA): [OSPI Special Education - Parent and Student Rights \(Procedural Safeguards\)](#)
- Special education information for families: [OSPI Special Education - Family Engagement and Guidance](#)
- Washington's special education parent resource center: [PAVE: Partnerships for Action, Voices for Empowerment](#)
- For questions about special education requirements and regulations, email [speced@k12.wa.us](mailto:speced@k12.wa.us) and a member of our team will respond as soon as possible

# Questions

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**THANK YOU!**

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