



Critical Fact Sheet

A Publication of the Office of Special Education and Early Learning

Overview/Background:

The 2004 reauthorization of the *Individuals with Disabilities Education Act* (IDEA) included several changes in the area of disciplining students with disabilities. A statewide review of IDEA discipline data along with data from the 2018-19 IDEA monitoring provided evidence of positive trends as well as opportunities for improvement in special education across the Commonwealth. In an effort to improve special education programs that boost positive outcomes for students with disabilities, the Office of Special Education and Early Learning (OSEEL) is focusing on IDEA discipline procedures and tiered, positive behavioral supports.

IDEA and Discipline:

The reauthorized IDEA is intended to address the needs of local school districts for flexibility as well as balancing school safety issues with the need to ensure that schools respond appropriately to a student's behavior that was caused by, or directly and substantially related to, the student's disability. The provisions address important disciplinary issues such as: the consideration of unique circumstances when determining the appropriateness of a disciplinary change in placement; expanded authority for removal of a child from his or her current placement for not more than 45 school days for inflicting a serious bodily injury at school or at a school function; the determination on a case-by-case basis as to whether a pattern of removals constitutes a change of placement; and revised standards and procedures related to the manifestation determination.

The accompanying *PowerPoint* presentation provides a glimpse into the requirements of the IDEA but is not intended to be a replacement for careful study of the Act and its implementing regulations. Kentucky incorporated the IDEA amendments at 707 KAR Chapter 1.

As part of its *General Supervision* requirements, the IDEA charges states to implement a focused approach to monitoring aimed at improving results and outcomes for students with disabilities. After a careful review of statewide IDEA discipline, the Kentucky Department of Education's (KDE's) Office of Special Education and Early Learning chose to concentrate on the implementation of appropriate discipline procedures and effective behavioral supports for students with disabilities as its focus for consolidated monitoring. The OSEEL staff conducted onsite reviews of hundreds of IDEA due process folders, interviewed dozens of school and district personnel, and examined local discipline policies, practices and procedures. The data from these onsite reviews revealed the need for further statewide training and support in the area of discipline under the IDEA. The accompanying *PowerPoint* presentation also outlines the trends from the 2018-19 monitoring season as well as the ongoing support offered by OSEEL.



SPDG Project Link Teaming:

If a district is cited for any noncompliance of the IDEA, OSEEL and the district works jointly to develop a corrective action plan (CAP). The OSEEL also reaches out to the district with an offer to provide training, support, and coaching through the use of implementation science aimed at improving the selection and implementation of evidence-based practices in the field of positive behavioral supports through the State Personnel Development Grant (SPDG). The SPDG was awarded in October, 2017 by the U.S. Education Department's Office of Special Education Programs (OSEP). This grant provides funding that enables the KDE to support and partner with local districts to strengthen systems that will improve student outcomes. The work of the SPDG is known as *Project Link* and focuses on the implementation of multi-tiered, evidence-based interventions for positive behavior and supports.

- Additional support is also available through the special education regional cooperatives.
- Offers technical assistance following the KDE-approval of the CAP
 - The level of support is based on the district's need.
 - Technical assistance will continue for the duration of the one-year CAP timeline
 - *Optional:* technical assistance can be extended beyond the one-year CAP timeline
- Encourages collaboration with the KDE CAP lead, the district's Director of Special of Education, and Director of the Regional Special Education Cooperative
- Offers technical assistance on addressing systemic issues through the use of implementation science.
 - Support districts on effective team development
 - Supports data analysis by including positive behavior intervention and supports (PBIS) fidelity and discipline data
- Provides training and coaching at school level for the development, implementation, and evaluation of PBIS

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