



Educational Champion Training

MODULE 9:

Behavioral and School Discipline Issues

Why Focus on Behavioral and School Discipline Issues?



- Foster youth experience **higher rates of school suspension and expulsion** than their peers.
- It is crucial for educational champions to be aware of school discipline processes and know how to support the child in the event of discipline issues.
- Behavioral problems in school can often be tied to the stress and instability that many foster youth experience.



Understand what “school discipline” is and what it shouldn’t be.



School discipline can take many forms, such as:

- Loss of privileges (i.e. attending field trips or dances),
- Detention,
- Behavior contract,
- In-school or out-of-school suspension, or
- Expulsion.



Are restraints or seclusion allowed in schools?



- Except in rare situations when there is an imminent risk of serious physical harm, **restraining or secluding a child** (using physical force to manage a child's behavior or putting a child in a room by himself/herself) is typically not allowed.
- Be sure to ask to meet with the school **immediately** if this happens to your child so that you can discuss the situation and establish a plan in case of future problems.
- Talk to the **child's attorney** if you have any concerns about the school's use of restraint or seclusion techniques.

Know the rules for suspensions and expulsions.



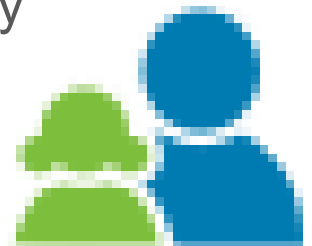
- To be suspended or expelled, the student must have committed a “**prohibited act**” that is related to school activities (including traveling to/from school and lunch periods when the student may be off-campus).
- A school is **not required** by law to suspend or expel a student (except for “zero tolerance” offenses).
- The school can choose to recommend alternatives such as **counseling, anger management training, or community service.**

What is a suspension?



A suspension is a **short-term removal** from a classroom or school, usually for just a few days.

- A school may not suspend a student for tardiness, truancy or other absence from school. The school must use other methods to change this behavior.
- When a school suspends a child, it must make a reasonable effort to contact the student's educational rights holder by phone or in person.



How much notice is required?



- When a school suspends a child, it must make a reasonable effort to contact the ed rights holder by phone or in person.
- The school must also give the education rights holder written notice of the suspension.
- The ed rights holder is allowed to request a meeting with school officials.
- A school can request you attend a conference, but they CANNOT punish the student if you fail to attend the conference.

How is an expulsion different from a suspension?



An **expulsion** is a long-term removal from an entire school district.

- There are some offenses, called “**zero tolerance**” offenses. **Those require expulsion.**
- If a student is expelled, the school district must provide for an **alternative education placement** and a **rehabilitation plan.**
- Expulsions are very serious. **Notify the child’s Adult & Child educational advocate or attorney.** The child may need an attorney or advocate to help with the expulsion.

Some tips if you are the Ed Rights Holder.



You must be given **written notice** of the expulsion hearing at least **10 calendar days** before the hearing.

- The notice must include:
 - The date and place of the hearing,
 - A statement of the specific facts and charges,
 - A copy of the district's discipline rules, and
 - A list of the student's rights and your rights as the education rights holder.

More tips if you are the Ed Rights Holder.



You also have the right to:

- Bring a lawyer or other advocate to the hearing,
- Get copies of the documents that will be used at the hearing,
- Question all witnesses and evidence at the hearing,
- Bring witnesses and evidence to the hearing,
- Ask the school board to subpoena witnesses, and
- Receive the school board's written decision within 10 school days of the hearing

What if the child gets expelled?



- If you are the ed rights holder and the child is expelled, you have the right to receive notice of:
 - The right to appeal, and
 - The student's right to be educated at an alternative placement while s/he is expelled.
- Don't hesitate to ask the Court, a social worker or your attorney if you have questions about your right to advocate!

What if the child has a disability?



- Within 10 days of any decision to change the placement of a student with a disability because of a violation of a code of school conduct (except for suspensions for not more than 10 days), a "**manifestation determination**" IEP meeting must be held.
- The purpose of this IEP meeting is to determine whether the misbehavior of the student is a “manifestation” (or an expression of) of the student’s disability.

Don't let minor incidents go unresolved.



Address the issue **before** the consequences become more serious.

- Ask to meet with the child's teachers and school officials to learn about what caused the incident.
- Create a plan with the school staff for preventing more incidents.
- Keep a contact log (write down the name, title, and contact information of all the people you contact).
- Find out if the child is being bullied or going through any other social problems at school.

Other ideas and suggestions to prevent further incidents.



- Ask the school for regular updates so that you know whether or not the child's behavior is getting better.
- Ask the school for copies of any incident reports, and review them. It is important to make sure the school's records accurately reflect what happened.

Don't forget to include the child as you problem-solve.



- When an incident occurs, talk to the child about it.
- Ask the child what happened and who was involved. Write this down.
- Talk to the child to better understand why he/she is behaving this way.
- Stay calm and open to the child's point of view.
- Talk to the child about your expectations for appropriate behavior, and the consequences of inappropriate behavior.

My Goals:



What I will do:

How often I will do this:

Resources.



This PowerPoint, Tip Sheets, Mentoring Modules, and supporting materials can be found at: www.foster-ed.org.

If you have questions about the materials, please contact: info@fostered.org

Other Resources:

- *School Discipline and Special Education Discipline Factsheets*, written by the California Foster Youth Education Task Force, available at www.cfyetf.org/
- *Factsheets on School Discipline: What Are My Rights and Special Education Students & School Discipline*, written by Legal Services for Children and available at www.lsc-sf.org