

The law and special education (discipline)

Law



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Disciplining with Disability - the Guiding Regulations Three Reasons for Disciplining The first question to address is what discipline entails. Different scholars have given a variety of meanings, with the most common being the procedure adopted by teachers so as to maintain a suitable classroom environment for the purpose of learning. Discipline is used to contain and manage mis-behavior by students. However, discipline has many other uses. First, the teacher is obligated to teach the students that their behavior greatly affects the well-being of others. Second, discipline makes students learn how to manage and control their own behavior so as to minimize disruptions in school, and third, discipline ensures an effective classroom climate which positively impacts students.

The Dual Standard Principle

Whether or not the students are disabled, disciplinary action is necessary in learning institutions. Prescribed procedures however need to be adopted during discipline. The 4th and 14th amendments of the US Constitution state these regulations. Correct procedure includes fairness of the disciplinary actions, while substantive process ensures protection student rights from being violated by school officials and ensures that the discipline is reasonable, regardless of the physical condition of the student.

Procedures to protect students from discrimination

Disabled students are cushioned from discriminatory disciplinary action by Section 504 of the Rehabilitation Act (1973). Procedure ought to be followed to avoid such discrimination. First, there has to be same procedure for discipline, regardless of the child's condition. Second, school officials have to conduct the manifestation determination in order to assess any relations between student disabilities and their misconduct, before applying any

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actions such as long-term suspension, expulsion or placement changes.

Third, school officials have to ensure the teachers are conversant with the provisions under section 504.

Disciplinary Changes of the IDEA - Major Factors

The law categorically emphasizes on the adoption of positive behavioral interventions, support programs and provision of specialized services for students with disabilities. School officials and teachers are expected to discipline students in a non-discriminatory manner. The other underlying point is that discipline has to be addressed with the IEP process in mind.

How to address behavioral problems for IEP students

The student's IEP team shall consider the strategies such as support programs and positive behavioral interventions to address the problem of the student. If the problem is historical, has been persistent or is anticipated, then the student's IEP has to address the behavior.

Reasons for conducting Functional Behavioral Assessment

Student problem behaviors be addressed by conducting a functional behavioral assessment, and later on develop an education program based on the assessment's outcome. The assessment has the purpose of trying to determine the cause and hence an explanation behind certain behaviors that are problematic to the student. It is therefore a part of the processes used to address a student's behavior. The document developed after the FBA is the Behavior Intervention Plan (BIP), which is individualized to meet the student's needs in diverse environments of education.

Document developed in the IEP meeting that is based on the FBA

The Behavior Intervention Plans are developed forms. The forms are designed to meet the student's in a diverse environment of education. It is

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derived from the FBA forms. The BIP form is completed in order for the IEP to be finalized.

Removal without need for IEP Meeting

Student officials may in certain circumstances make a decision to remove a student from school on short term basis so as to maintain safety and keep order in and around school. In many instances students with disabilities may be removed from school immediately without convening IEP team meetings or conducting manifestation determinations.

Short Term Suspensions

First of all, when the number of days goes beyond ten, then this becomes a change of placement. Second is that the suspension days, if when cumulated equal 10 or more annually then the school is obligated to give education services. This then necessitates IEP meetings to determine the education services to be rendered, conducting of a FBA and then development of a BIP. The third aspect is that when the suspensions are multiple and the removals befit the ' pattern on removals' under the IDEA Regulations, then the suspensions are considered to be change in placement.

Points on Educational Services given

Two principles regulate receiving of educational services. The student should be able to progress and move on with the curriculum designed for them. Again, the student is to receive specialized education and related services which will assist the student to be educationally productive.

Excluding students with disability

Three reasons warrant exclusion of a disabled student. One, if the student possesses, brings or acquires a weapon at school, in the school premises, or at a school function. Second, when a student possesses or sells drugs which

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are illegal in school or in a school function, then the same punishment can be applied. Lastly is when the student causes grievous bodily harm to another while at school, in the school premises or in a function.

Request of Injunctions and Temporary Restraining Orders

When parents to students refuse to comply with decisions to change of placement, but the school officials deems that as the best move, the school is mandated to run to court and obtain an injunction (Honig injunction or a TRO), after which the student may be removed from the school environment.

Compliance Standards Governing Manifestation Determinations in 2004 IDEA

For the manifestation determinations to be compliant with the IDEA of 2004 two standards ought to be met, the first is whether or not the behavior was caused by the direct (or substantial) relationship with the disability of the student and whether the conduct or misbehavior is a direct result of the failure of school administrators and officials to effectively implement the IEP (Chapter 13, Course Textbook).

Reference

Chapter 13: Course Textbook. Disciplining Students with Disabilities. Cam Scanner