



Council for  
Exceptional  
Children



Council for  
Children with  
Behavioral  
Disorders

The voice and vision of special education

# **BEHAVIORAL NOTES**

**ILLINOIS COUNCIL FOR CHILDREN WITH  
BEHAVIORAL DISORDERS**

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# BEHAVIORAL NOTES

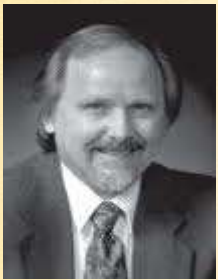
## KEY ISSUES IN EBD

## ASK BEV

**2013 WINTER DRIVE-IN CONFERENCE  
LISLE, IL FEB. 1-2**

**ARE SCHOOLS ABUSING THE 10 DAY  
SUSPENSION RULE?**

Attend the ILCCBD Winter Drive-In to get the latest news about best practices in working with students with emotional/behavioral disorders, network with colleagues, and visit exhibits that feature materials for working with students with behavioral problems.



Dr. Sheldon Braaten, Executive Director of the Behavioral Institute, will deliver the keynote address Friday night. His topic will be *Bullying--What It Is and What You Should Do*.



The Saturday luncheon keynote speaker will be Kristine Melloy, President of the Council for Children with Behavioral Disorders (CCBD).

If you are interested in learning the *Talking Together Strategy* (Vernon, Deshler, & Schumaker, University of Kansas Center for Research on Learning), register to attend Dr. Michael Hardman's workshop Friday afternoon. There is an additional fee of \$15 to attend this workshop that covers the cost of participants' instructor manuals.

The Conference will convene at 4:00 Friday afternoon with a business meeting. All members are urged to attend this meeting and, if you are not a member but would like to become one, Dr. E. Paula Crowley, membership chairperson, will be present to tell you how you can join.

Register today if you have not already registered. You won't want to miss the fun. For the complete program visit the website: [www.ilccbd.org](http://www.ilccbd.org) and click on the ILCCBD wiki at the top to see the program. Speakers handouts and presentations will also be posted on the ILCCB Wiki. For additional information, contact Drive-In Chairperson, Beverley Johns (bevjohns@juno.com).

An exciting weekend is planned for you. Come and bring a friend and have a great time as you network with others in our profession.

By Michael Geiger

Students with emotional disturbance (ED) often present challenging behavior problems in addition to learning deficits. Federal statute supports access to the general education classroom for all students with disabilities through the Individuals with Disability Education Improvement Act (IDEIA, 2004) and limits the removal of a student with ED from the mainstream learning community to no more than 10 days. After 10 days, the student's IEP must be reviewed and revised as needed.

A recently reported incident that alerted me to a possible abuse of the 10 school day limit for removing a student with ED from the mainstream learning community. A general education student, who was not receiving special education services, was referred to four days of in-school suspension for misbehaving in class. The student was given an alternative assignment to complete in the in school suspension room during those four days. The student's parents found out about the suspension from their son and were quite concerned about the amount of instructional time their child would lose as a result of the suspension. They contacted the principal the next day to inquire about the need for such a severe punishment and the principal responded that neither he nor the assistant principal knew anything about the student's referral to in-school suspension. Thus it seems that the disciplinary action was taken without the knowledge or permission of the parents or school administrators.

In a meeting with the principal and assistant principal, the parents were informed that the student was sent to in-school suspension for the purpose of student supervision only and that there would be no written record of the disciplinary action. Upon further inquiry, the parents discovered that the person who supervised in-school suspension was not a certified teacher.

The parents appealed to the principal, expressing their concerns about the loss of valuable instruction time, and the principal agreed that a four-day removal from class was a little too much. Following a few terse emails and phone conversations between the parents and the teacher who made the referral, the student was allowed back into the classroom after only two days of suspension instead of four.

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# PROFESSIONAL DEVELOPMENT SCHOLARSHIPS

Check out the links below if you are interested in obtaining a scholarship to one of our events.

- The CCBD Foundation collaborates with local and national events to provide admission free of charge to EBD-related professional development opportunities for a limited number of qualified applicants. Visit <http://www.ccbdoundation.org/> to find out more about this opportunity.
- Are you a student who wants to attend the ILCCBD drive in conference at no cost? If you agree to work 4 hours you can receive a free registration. You must contact Bev Johns at [bevjohns@juno.com](mailto:bevjohns@juno.com) no later than January 18. Scholarships are awarded on a first come first serve basis.

Join us Friday night at the Winter Drive-In for Table Talk, featuring Meet, Greet, Reflect on Key Issues. Learn more about the ILCCBD 2012 Mini Grant projects and other topics.

Theresa Quitshaw--Changing Perspectives: Not Disabilities but Our Abilities

Nicole Martin and Beverly Gatewood-Hall--Teaching Self-Monitoring and Self Management of Behavioral Skills to Young Children

Danielle Welch--The DREAMSS program

Bobbi Kearney and Brian Kearney--Music with Character: Using iPads with Students with ED

Penny Richards--Working Positively with Parents

## ARE SCHOOLS ABUSING THE 10 DAY SUSPENSION RULE?

(continued from p.1)

My concern is that a general education teacher was able to remove a student from the classroom for four days without any written record or any official notification to the parents or school administrators. If the student had not told his parents about the incident, his parents would have never known about it or been able to advocate for him. This incident involved a general education student, but it is disturbing nonetheless, because it seems to reveal a way in which schools can circumvent the law and remove students with ED from the learning community to an alternative setting where they will be only supervised by noncertified school staff without the knowledge of parents or administrators.

The question is how many parents of students with ED know the legal requirements that limit the suspension of students with disabilities to any alternative setting for more than 10 days? Furthermore, what are the chances that a student with ED would notify his parents himself if he or she were sent to in-school suspension? What is the general education teacher's responsibility with respect to referring students with and without disabilities to in-school suspension? What should a special education teacher do when a student with ED is referred to in-school suspension? (see Bev's response on page 3.)

Michael Geiger is a special education teacher for the Illinois Department of Juvenile Justice at IYC-Warrenville. His professional experiences include 23 years as a certified classroom teacher in both general and special education in alternative, correctional, private, and public school settings. Michael completed his terminal degree in Instructional Technology at Northern Illinois University. His research interests focus on using technology and learning theory to improve school performance of students with emotional disturbance.





## FROM THE EDITOR

By Libby Hardman

Welcome to our second year of publishing *Behavioral Notes*. This issue contains much information of interest to our readers.

Michael Gieger posed a most interesting question to Bev Johns about how schools might be abusing the rights of students with and without disabilities using in school suspension to restrict access to high quality instruction. Please read this thought provoking case study, Bev's response to it, and consider submitting a question yourself.

Readers are invited to contribute to the *Ask Bev* column by sending questions about the instruction of students with EBD, behavior management, professional ethics, legal issues, and policies and procedures. Questions that might be of interest to others will be shared in this column along with a response prepared by Beverley Johns and the *Behavioral Notes* Editorial Board. Please email your questions to the editor at [ehardman@depual.edu](mailto:ehardman@depual.edu). If you need to conceal your identity to protect yourself, your students, and your school, we will accommodate your request and give you final approval of the article before it is published.

I would also encourage Mini Grant winners to submit the final report of the results of their projects for publication in our newsletter. Some of you may remember that Dr. Paula Crowley and Dena Bonnike, a doctoral student, published an article about *Research in Progress* on video modeling. Brief research updates are always welcomed. Whether you submit to *Ask Bev*, *Inside the Classroom*, or *Research in Progress*, please feel free to contribute if you have something to share. Let's keep the conversation going about the things that matter to us and our children.

### ILCCBD Board of Directors

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## RESPONSE TO MICHAEL GIEGER

By Beverley Johns

You have raised a very important point. Staff should never act unilaterally in the case of suspension, especially when it concerns changing the placement of the student. In this case, the teacher referred the student to in school suspension without any type of notice to the parents or administrators which, in effect, changed his placement without due process. In addition, since in school suspension was supervised by noncertified personnel, this student was clearly denied an education for four days without proper notice. When a teacher takes any such action, it should be documented in writing and notice provided to the parent and the school administration. It sounds like there are communication issues in that school that should be addressed.

If a student who is in special education has his or her placement changed, parents have the right to notice. The situation described is considered a suspension because of the change of placement and because the services are being delivered by a noncertified teacher. These days would count in the 10 days of suspension limit that are allowed per year. Any change in placement in special education cannot occur unilaterally and must be documented in writing.

Special education teachers are also prohibited from taking unilateral action with respect to the use of suspension of any kind. If a general education teacher suspends a student with a disability, the special education teacher is obligated to inform the general education teacher that such action is prohibited without the involvement of the IEP team. It is the IEP team's responsibility to make all placement decisions and to determine the supports necessary to facilitate the student's instruction in the least restrictive environment. If the general education teacher continues with the disciplinary action, the special education teacher must report it to the administrator and document in writing, throughout the process, everything he or she has done to protect the student's rights.

If I were the parent, I would request a meeting with the building principal and voice my concerns. If my child were in special education, I would document in writing the number of days my child's placement had been changed and let the principal know that when the 10 day mark was reached, the IEP team must be convened to determine the need for a new IEP. I would also ask the school to conduct a functional behavioral assessment and develop a behavior intervention plan if the behavior problems continued.