



A Union of Professionals

## Special Information for All Educators School Climate and Discipline

### Background Information

School climate and discipline are two areas that impact on educational practices related to all students. It is believed that a safe, orderly learning environment, with clear expectations and positive behavioral supports will positively affect attitudes, behavior and achievement. NABSE & ILIAD, 2002 found that establishing a positive school climate that respects individual differences may contribute to the decline of over-representation of students from diverse backgrounds being referred to special education, and Townsend, 2000 points out that implementing culturally responsive instructional and management strategies as part of the school culture reduced the disproportionate number of African American students being suspended or expelled from school.

IDEA addresses the impact of positive school climate in at least three ways:

- Focusing on the role of the IEP team in determining strategies and positive behavioral interventions that decrease or prevent behaviors that impede the student's or other's learning
- Requiring a functional assessment and behavior management plan that focus on providing support to students with challenging behaviors, and that work to establish the student's behavioral competence.
- Focusing on due process procedures that address how and when a change in placement resulting from behavior may occur.

### Connections to the Law

School climate and discipline are addressed in IDEA provisions on challenging behavior. Some of these provisions deal specifically on how

prevention and supporting positive behavior may foster achievement for students with disabilities. To learn more about the regulations, use the **Discover IDEA CD 2002** or visit ASPIIRE/ILIAD website at [www.ideapractices.org](http://www.ideapractices.org).

The IDEA regulations that deal with the prevention of challenging behavior are listed here, organized in a question format.

- **What responsibilities do IEP teams have with regard to a child with challenging behavior?**  
**34 C.F.R. §300.346**--Development, review, and revision of IEP  
(Authority: **20 U.S.C. 1414(d)(3)** and **(4)(B)** and **(e)**)
- **Does the regular education teacher participate in the determination of appropriate positive behavioral interventions and strategies?**  
**34 C.F.R. §300.346(d)**--Development, review, and revision of IEP  
(Authority: **20 U.S.C. 1414(d)(3)** and **(4)(B)** and **(e)**)
- **What related services are available to assist with the development of positive behavioral interventions and the functional behavioral assessment of a student with challenging behavior?**  
**34 C.F.R. §300.24(b)**--Related services  
(Authority: **20 U.S.C. 1401(22)**)
- **When must a behavioral intervention plan and functional behavioral assessment be conducted to support a child?**  
**34 C.F.R. §300.520**--Authority of school personnel  
Authority: **20 U.S.C. 1415(k)(1), (10)**

- **Do children with disabilities who have been suspended or expelled from school have a right to a free appropriate public education?**  
**34 C.F.R. §300.121**--Free appropriate public education (FAPE)  
(Authority: **20 U.S.C. 1412(a)(1)**)
- **When do removals for disciplinary purposes constitute a change in placement?**  
**34 C.F.R. §300.519**--Change of placement for disciplinary removals  
(Authority: **20 U.S.C. 1415(k)**)
- **When may school personnel remove a child from his or her current placement? When must services be provided?**  
**34 C.F.R. §300.520**--Authority of school personnel  
(Authority: **20 U.S.C. 1415(k)(3)**)
- **What must be considered when determining if there is a relationship between the child's behavior subject to the disciplinary action?**  
**34 C.F.R. §300.523**--Manifestation determination review  
(Authority: **20 U.S.C. 1415(k)(4)**)
- **What happens if the IEP team determines that the behavior in question was not a manifestation of the disability?**  
**34 C.F.R. §300.524**--Determination that behavior was not manifestation of disability  
(Authority: **20 U.S.C. 1415(k)(5)**)
- **What if parents do not agree with the decisions regarding placement under the discipline provisions of IDEA or a manifestation determination?**  
**34 C.F.R. §300.525**--Parent appeal  
(Authority: **20 U.S.C. 1415(k)(6)**)
- **Where does a child receive services during appeals?**  
**34 C.F.R. §300.526**--Placement during appeals  
(Authority: **20 U.S.C. 1415(k)(7)**)
- **Do IDEA protections extend to a child who has not yet been determined eligible for**

**special education and related services, who engages in challenging behavior?**

**34 C.F.R. §300.527**--Protections for children not yet eligible for special education services  
(Authority: **20 U.S.C. 1415(k)(8)**)

- **Are school personnel prohibited from reporting crimes committed by children with disabilities to the appropriate law enforcement authorities?**  
**34 C.F.R. §300.529**--Referral to and action by law enforcement and judicial authorities  
(Authority: **20 U.S.C. 1415(k)(9)**)

### **Relevant Materials**

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Detailed ordering information of selected materials related to school climate and discipline can be found on [www.ideapractice.org](http://www.ideapractice.org)

- **Annotated Materials**
  - *IDEA Requirements for Preschoolers with Disabilities: Challenging Behavior*
  - *Overview of the Major Discipline Provisions in the 1999 IDEA Regulations*
  - *Prevention Research and the IDEA Discipline Provisions: A Guide for School Administrators,*
- **Other Resources that Address School Climate and Discipline**
  - *Safe Schools--Safe Students: Guidelines for Implementing Discipline Procedures Under New Individuals with Disabilities Education Act,*
  - *Every Single Student PEER Project*
  - *Discover IDEA CD 2002Implementing IDEA: A Guide for Principals*
  - *Addressing Over-Representation of African American Students in Special Education: The Prereferral Process--An Administrator's Guide*
  - *Mental Health ,Schools and Families Working Together For All Children and Youth: Toward a Shared Agenda--A Concept Paper*
  - *Young Exceptional Children: Practical Ideas for Addressing Challenging Behavior*

- *The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions*

## **Web-Based Resources**

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### *Discover IDEA documents*

- [www.ideapractices.org](http://www.ideapractices.org)
- [www.fape.org](http://www.fape.org)
- [www.ideapolicy.org](http://www.ideapolicy.org)
- [www.ed.gov/offices/OSERS/OSEP/](http://www.ed.gov/offices/OSERS/OSEP/)
- [www.nichcy.org](http://www.nichcy.org)

### Center for Effective Collaboration and Practice

- [www.air-dc.org/cecp/](http://www.air-dc.org/cecp/)

### Council for Children with Behavioral Disorders

- [www.ccbd.net](http://www.ccbd.net)

### National Association of School Psychologists (NASP)

- [www.nasponline.org](http://www.nasponline.org)

### National Center on Education, Disability and Juvenile Justice (EDJJ)

- [www.edjj.org](http://www.edjj.org)

### OSEP Center on Positive Behavioral Interventions and Supports (PBIS)

- [www.pbis.org](http://www.pbis.org)

### Rehabilitation Research & Training Center on Positive Behavioral Support (RRTC-PBS)

- <http://rrtcpbs.fmhi.usf.edu/>