

Discipline and the Role of Law Enforcement in Special Education



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Discipline



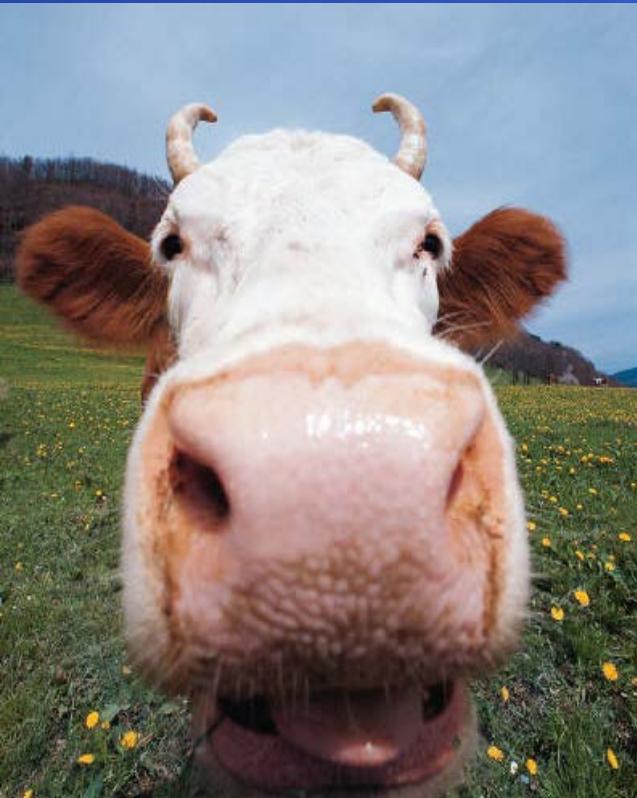
- ❖ Discipline is a *general* education process
- ❖ Discipline is a collaboration between the school district (general education) and the BOCES (special education)
- ❖ The regulations in IDEA are premised on the principle that students should not be penalized for conduct that is a result of their disability, or the public agency's failure to properly implement the students' educational programs

Discipline



- ❖ **What is a manifestation determination meeting?**
- ❖ **A Manifestation Determination** is a process which is conducted when considering the exclusion of a student with a disability that constitutes a change of placement.
- ❖ **When do I have to hold this meeting?**
- ❖ Anytime the discipline will result in a change of placement

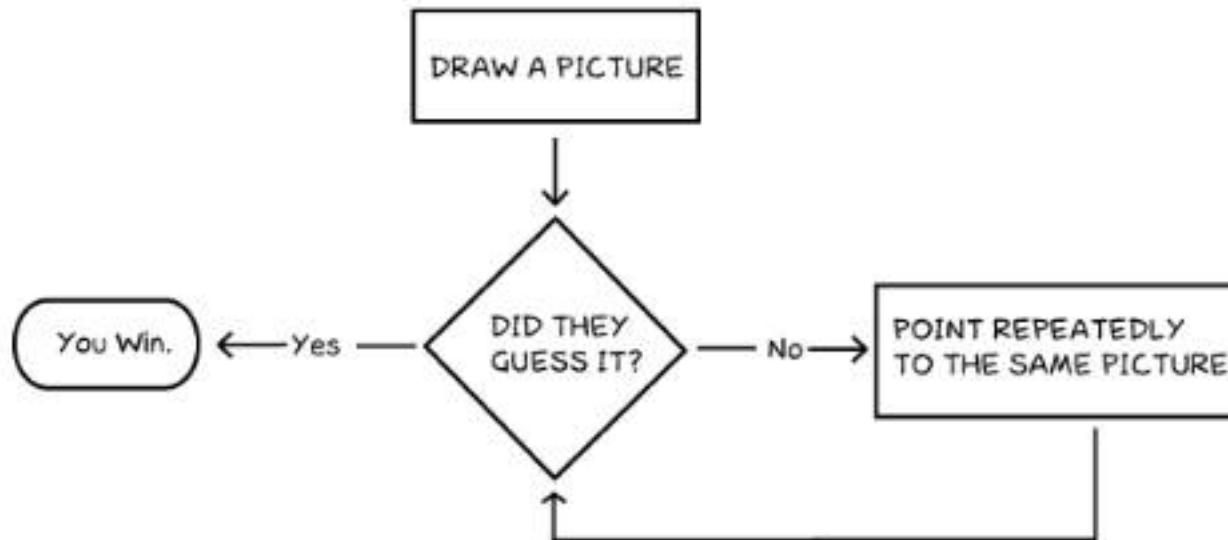
Discipline



- ❖ Who schedules, facilitates and submits paperwork for this meeting?
 - ❖ Case Manager or Designee
- ❖ Who should attend this meeting?
 - ❖ IEP Team
 - ❖ In the herd!

Flowcharts

How To Play Pictionary



Doghouse Diaries
"Where pennies are a dime a dozen."

Law Enforcement and Confidentiality



- ❖ Can I speak to the SRO or other Law Enforcement Officials?
- ❖ Should I give them educational records?
- ❖ If the school administration also reported the crime to law enforcement, then yes....but only after we have received consent from the parent

Educational Records and FERPA

- ❖ **What exactly are educational records?**
 - ❖ Anything directly related to the student AND
 - ❖ maintained by the school or the BOCES, or by a party acting for the school or BOCES
 - ❖ Examples: Health records, transportation records, cumulative file, special education file, attendance, discipline, Enrich, SIS systems like IC, case manager file, recording of meetings, transcripts, report cards, work samples kept in a file, etc.

Educational Records and FERPA

❖ What documents are *NOT* educational records?

- ❖ Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- ❖ FERPA generally prohibits the improper disclosure of personally identifiable information derived from education records. Thus, information that an official obtained through personal knowledge or observation, or has heard orally from others, is not protected under FERPA. This remains applicable even if education records exist which contain that information, unless the official had an official role in making a determination that generated a protected education record.

Memorandum



This just happened...now what?

- 1) May the 5-day suspension be imposed?
Who decides?
- 2) Do you think this is a manifestation of
her disability? Why?
- 3) Can you release educational records to
the SRO or Law Enforcement?
- 4) What education/IEP measures would you
take moving forward?