

# Negotiated Settlement Agreement

Legal Aid Society of Palm Beach County, Inc.

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&

School Board of Palm Beach County

Laura Pincus, Special Education Director

Who?

# Parties

Petitioners	Respondent
Student Complainants	Palm Beach County Public Schools (PBCS)
National Association for the Advancement of Colored People (NAACP)	

Counsel: Legal Aid Society of Palm Beach County, Inc., Southern Poverty Law Center, Southern Legal Counsel

# Student Complainants “Class”

- P.R., N.S., B.J.S.F and K.R., on behalf of all students with emotional/behavioral disabilities (EBD) or students who:
  - have behavior problems **AND**
  - Who have had or currently have repeated disciplinary removals totaling more than **10** schools days (including in-school suspensions, court referrals, out-of-school suspensions and undocumented, illegal removals from school (e.g. “cool-off removals”))

What?

# Negotiated Settlement Agreement

- Students P.R., N.S., B.J.S.F., K.R. and the NAACP filed a State Complaint with the Florida Department of Education
- The Palm Beach County Public Schools wanted to work with the “Class” and the schools to improve the outcomes for EBD students – higher grades, better behavior, better graduation rate – and less suspensions and arrests at school
- All of the parties came together and signed a comprehensive agreement to settle the State Complaint

Why?

- Too many students with disabilities, and students of color, miss school because they are suspended or arrested at school without getting the help they are supposed to get to change their behavior
- The State Complaint asks the School District to provide the students with the help they need to improve their behavior and learn more, as well as have the opportunity to be in more regular education classes

How?

# Terms of Agreement

- School-wide & District-wide PBIS
- Increased related services
- Increased access to the Least Restrictive Environment (regular class)
- Discipline changes – focus on positive
- Educational Benefit – focused on reading and math
- Transition Services – for youth with disabilities ages 16 and older

# Positive Behavioral Intervention and Support (PBIS)

- PBCS has hired Dr. Tim Lewis from the University of Missouri to train all schools in the District to implement PBIS
- All principals, assistant principals, teachers, student support staff, paraprofessionals, school resource officers, bus drivers, cafeteria workers and all other educational service providers working in the schools will be trained
- Each school will develop and implement a positive plan to improve behavior at the school

# Other Positive Behavior Supports

- Dr. Lewis is also going to train the schools in how to develop meaningful:
  - Functional behavioral assessments (FBAs)
  - Behavior intervention plans (BIPs) and
  - improve the process for conducting appropriate manifestation determination reviews (MDRs)

# Request for Dr. Lewis' Help

- The lawyers for the class and the ESE Director can ask Dr. Lewis to help with an Individual Behavior Plan for a student in the class
- If you think your child needs Dr. Lewis' help, please call Barbara Briggs at 822-9786 or Laura Pincus at 434-8626. They will help you with the request.

# Related Services are:

- Services that help students benefit from special education
- therapies – speech and language, occupational, physical, recreational and psychological;
- parent counseling and training; social work services; and transportation

# **Related services may need to be increased when a student keeps getting into trouble at school**

- Dr. Lewis and his team will review the IEP of every student in class who is getting less than one (1) hour of related services a week
- Dr. Lewis and his team will make recommendations about the type and amount of related services each week for the students
- Parents will receive notification of the recommendations for related services
- If the parents agree, the recommended related services will be added to the child's IEP
- If parents object to recommendation, an IEP meeting will be held to discuss it

# Least Restrictive Environment (LRE)

- The more times a student has trouble at school, the farther away the student may get from a regular classroom
- PBCS and Dr. Lewis are going to develop a plan during the 2009-2010 school year to:
  - Increase the targeted students' access to regular education class settings - with specific strategies, objectives and timelines
  - Measure the success of the plan

# Discipline

- Dr. Lewis and PBSC will keep a lot of information about discipline for the targeted students' and schools implementing PBIS
- The goal is to reduce the number of suspensions for students in the class
- PBSC will send a Superintendent's Bulletin to all Principals reminding them that they have to follow all state and federal laws for disciplining students, particularly students with disabilities
- The Superintendent's Bulletin will tell Principals they cannot send students with disabilities home to "cool off" or "parent pick-up" for the day because the student was "having a bad day" or having difficult behavior

# Code of Conduct

- The revised Code of Conduct will:
  - Have a section detailing IDEA’s disciplinary protections and procedures
  - Use reasonable alternatives to suspension and expulsion when applicable
  - Exclude expulsions (as it does now) and seclusion rooms for students with disabilities
  - Use multi-disciplinary teams to evaluate and recommend solutions to behavior problems
  - Be consistent with PBIS

# Educational Benefit

- Students in the class who are more than 2 years below grade level in reading or math (or both) or who score Level 1 or 2 on FCAT must be provided with individual or small group intensive reading and math remediation during the school day.
- If your child is in the class, and meets the above definition, and still needs help, talk to the ESE Contact at your school. If they cannot help, call Barbara Briggs at 822-9786 or Laura Pincus at 434-8626 for help.

# Transition Plans

- PBCS and Dr. Lewis are also going to develop a plan during the 2009-2010 school year for students in the class who are sixteen (16) years of age or older to receive appropriate transition services, including vocational education
- Dr. Lewis will also review some of the transition IEPs to make sure the plan is working