



Key points:

- **Recognize when pattern of behavior points to need for FBA, PWN**
- **Implement de-escalation techniques to retain student in classroom**
- **Interview parents, student about behavior**

Don't catch parents off guard when it comes to child's removals

Educators removed a seventh-grader with fetal alcohol syndrome from general education a number of times for an average of nearly four hours a week for self-calming, intervention, conduct, and discipline. These removals added up to about 30 hours during the school year.

The student's parents claimed that the removals amounted to a placement change and that they should have received prior written notice.

But the district prevailed in *Lake Oswego School District*, [66 IDELR 293](#) (SEA OR 2015). The state ED found that, while not "ideal," the removals didn't rise to the level of a change in placement that would require PWN.

Your district may not succeed in a similar situation. Ensure your teams strive to prevent a student with disabilities from accumulating so many removals from general ed before investigating whether she needs a change in supports and placement. Investigate what comes before, during, and after the removals. Then implement strategies aimed at retaining the student in class. Be sure to maintain ongoing communication with parents and recognize when to give them PWN so they understand why you want to conduct a functional behavior assessment and discuss changes in the student's placement and services.

"Having a bad day is one thing," said Sue Homrok-Lemke, assistant superintendent of pupil services at [Simsbury \(Conn.\) Public Schools](#). "But if the student is having many bad days and, over time, it's enough to constitute some sort of pattern, the team should try to find out more."

Otherwise, your district is liable to deny the student FAPE, said Pete Maher, a school attorney at [Shipman & Goodwin LLP](#).

"You run the risk of the removals ultimately constituting a change in placement if the student's not able to benefit from the services in her IEP," he said.

Take these steps:

- **Investigate purpose of behavior:** Look at what precipitates and follows the student's removals, Homrok-Lemke said. If the student is trying to avoid an assigned task, for example, he may act out so he can leave class and not have to admit he needs help with his work. Or he may seek the attention he receives when he leaves and returns. "The removal would be just what he wants," she said.

Talk with the student's parents to find out if anything outside of school may be bringing on the behaviors that necessitate his removals, Homrok-Lemke said. The student may have recently experienced a change in his medical condition. He may have started medication or changed his diet. The student may be experiencing the onset of puberty.

Also ask the student when possible what he thinks about the situation, Homrok-Lemke said. "Depending on their intellectual functioning, kids are often pretty spot-on," she said. "They know first."

- **Implement de-escalation strategies:** Explore whether you can implement strategies to alleviate the need for the student to leave her classroom, Homrok-Lemke said. For instance, teach the kid to associate feelings with colors, such as green for feeling calm, yellow for feeling on edge, and red for feeling out of control. Encourage her to use a predetermined hand signal or draw a picture on her worksheet if she's becoming frustrated and stressed before she reaches the point of needing to leave the classroom, she said. Equip her with self-calming strategies she can use at her desk or in the classroom so she may not need to leave.

Be sure to offer positive reinforcement whenever the student successfully uses strategies and prevents herself from having to leave the classroom, Maher said.

- **Share data on ongoing basis:** School-based team members should collect objective, quantitative data on the student's behavior, Maher said. Share what you are seeing on a regular basis with parents. "Depending on the severity of the behavior, you may not need to communicate daily with parents," he said. "You may send home a behavioral sheet with an area for the teacher to comment on a weekly basis, then have more formal meetings biweekly or every four or five weeks based on how the student is doing."

If the student continues to require removals at a high frequency and for a long duration, and your team is considering conducting a more detailed FBA and changing his services and placement, you should give parents PWN, Homrok-Lemke said. "It could be more restriction needs to happen for the student and he needs to learn more within the learning lab or resource room setting," she said. "We need to share with the parents why we would be making those recommendations. They should not be caught off guard as to why."

See also:

- Quick tip: [Watch out for inconsistencies between IEP, PWN](#) (Feb. 23)
- [Ensure your prior written notice has enough detail to maintain parents' trust](#) (Dec. 9)
- [Choose your words carefully in prior written notice](#) (Aug. 26)

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