

Preventing the Deviancy Role Through Advocacy

R3PTAC Conference

Leslie Lipson, JD
Lipson.Advocacy@gmail.com

1. Students' Experience
2. Values-Based Approach as a Strategy
3. Advocacy Tools

Red Flags

When a student cast into role of deviant,
problem, behavior....

What is the impact?

**Criminalization of Disability
Contributing Factors:**



Failure of Child Find Mandate

School personnel push students with disabilities out of schools.

Suspension = exclusion

Poor education = exclusion

Segregated schools and settings = exclusion

Overrepresentation Happens When...

Schools file criminal charges rather than design and implement effective behavior plans.

Schools and justice system fail to accommodate and serve students already in the justice system, resulting in deeper entrenchment.

Outcomes of School to Prison Pipeline:

- 👉 Counter productive placements of students with emotional disabilities in prisons where aversive behavior modifications and fighting are commonplace
- 👉 School personnel work against efforts to reintegrate students from prison

Advocacy Strategies using Interpersonal Identification:

- Advocate must **identify with the student**, not with the agency of education or the source of funding.
- Advocate must **help school personnel make an identification** with the student.

Advocacy Strategies through the Power of Education:

- Make education a **point of urgency**
- Increase a student's competencies through:
 - High** expectations
 - Rigorous** academics
 - Access to **valued** teachers
 - Specialized** instruction, if needed

Advocacy Strategies through the Power of Imitation:

Imitation of **Peer Models** vs. Special Pedagogy

Model "rich" environments

Protect the person living in devalue status from exposure to **bad models** and model starved environments.

Advocacy Strategies:

Reframe the **image** of the student through valued social roles.

Push forward the **Least Restrictive Environment**

Shift focus from behavior to **instruction, including reading.**

Make **the school the actor**, not the student

What are questions you might ask a family about a student who is cast into the role of "problem student?"

1. May I see a copy of the most recent FBA and the BIP on which it was based?
2. Is the student a fluent reader?
3. What research based instruction did the school use to teach the student to read?
4. What research based behavior approach was implemented?
5. Does the student have a receptive or expressive language disorder?
6. What are the most recent PLAAFP scores?
7. How was the school code of conduct explained to the student?

What are Positive Behavior Supports (PBS)?

- Developed as an alternative to the use of aversive behavior modification
- Based on determining what, where, when, how and why challenging behavior occurs
- Assumes that behavior is not random; it has meaning
- Prevention oriented supports

Positive Behavioral Supports

PBS assume that what a student “gets” from a behavior is avoidance and/or attention.

A PBS goal is to understand the purpose of behavior and to replace it with pro-social behavior that achieves the same response.

Are Positive Behavior Supports supported by law?

✓ Yes, in the development of the IEP






Check state law and local school board rules

Advocacy Strategies:

The right to an **Independent Educational Evaluation**

- All instruction, including behavior, shall be **research-based**.
- Document student's conduct in detail in **present levels of performance** in the IEP
- Request an **FBA/BIP**

When is it appropriate to ask for an FBA?

-  Early, when problems first occur
-  Initial evaluation and/or re-evaluation
-  After 10th day of exclusion from regular placement
-  Anytime a change of placement is proposed
-  After a Manifestation Determination Review

A Functional Behavioral Assessment...

- 🔍 is based upon a professional observation of a student in their typical environment
- 🔍 is a recording of observed data over a period of time
- 🔍 identifies the underlying causes of a student's behavior
- 🔍 results in an awareness of what a student "gets" or "avoids" through behavior

The Essential Components of an FBA...

- ✓ Identifies the "target" behavior
- ✓ Observes the student across settings
- ✓ Collects data on the target behavior
- ✓ Records data on antecedents
- ✓ Records data on consequences
- ✓ Formulates hypothesis about the cause of the behavior
- ✓ Develops an intervention to test the hypothesis
- ✓ Collects data on the effectiveness of the intervention in changing the behavior

A FBA is not sufficient if it is...

- ⊘ Performed by a teacher alone
- ⊘ Based upon teacher anecdote
- ⊘ Based upon a record review
- ⊘ Violates professional standards

It must show an understanding of the causes of behavior

Advocate's Role

If school instruction and intervention is unsuccessful, ask for an IEE.

It is your job to make sure the analysis is based upon data.

? Where is the data ?

A Behavior Intervention Plan (BIP)...

- It is a proactive plan to **teach** replacement behaviors that match the function of problem behaviors.
- It is based upon knowledge **gained** from an FBA.
- The approaches will reduce or eliminate the problem behaviors by **teaching new skills**.
- Interventions that result in humiliation, isolation, injury and/or pain are not appropriate.

The Essential Components of an BIP.....

- ✓ Must be based on assessment data
- ✓ Must be individualized to meet the child's needs
- ✓ Must include positive behavioral change strategies
- ✓ Must be consistently implemented as planned and monitored




What about a BIP without a FBA?

- ✗ Suspension and expulsion are red flags that a school's programming is ineffective
- ✗ Meaningful progress/FAPE standard
- ✗ BIPs not based upon FBAs are punishment and control oriented and not individualized

Advocate's Role...

- Return a student to school in his/her **regular placement** as quickly as possible
- Ensure student receives **FAPE** during exclusion
- Students need **accommodations in every forum**, from the principal's office to the courtroom
- Use LRE as an **alternative to incarceration, a mechanism for habilitation, and as a defense strategy**

Resources:

-  OSEP website offers extensive information on positive supports: <https://ccrs.osepideasthatwork.org/>
-  <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>
-  *Beyond Discipline: From Compliance to Community* by Alfie Kohn. A book exploring the idea of community as a solution.
