

SCHOOL DISCIPLINE FOR STUDENTS WITH ADHD

SPEDNET WILTON
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SESSION OVERVIEW

- Understanding ADHD
- How ADHD & Co-Occurring Conditions Impact Behavior
- The Impact of COVID-19
- School Discipline in New York
- Discipline for Students with Disabilities - Manifestation
- Codes of Conduct/Report Cards
- Practical Examples
- Discipline & Prosecution
- Discuss Proactive Strategies to Navigate this Minefield

WHAT IS ADHD

- ADHD is Neuro-Biological Disorder affecting the Pre-Frontal Cortex of the brain which is responsible for EXECUTIVE FUNCTIONING
- Neuro-Transmitter Dysfunction
 - Dopamine
 - Serotonin
 - Norepinephrine

EXECUTIVE FUNCTIONING

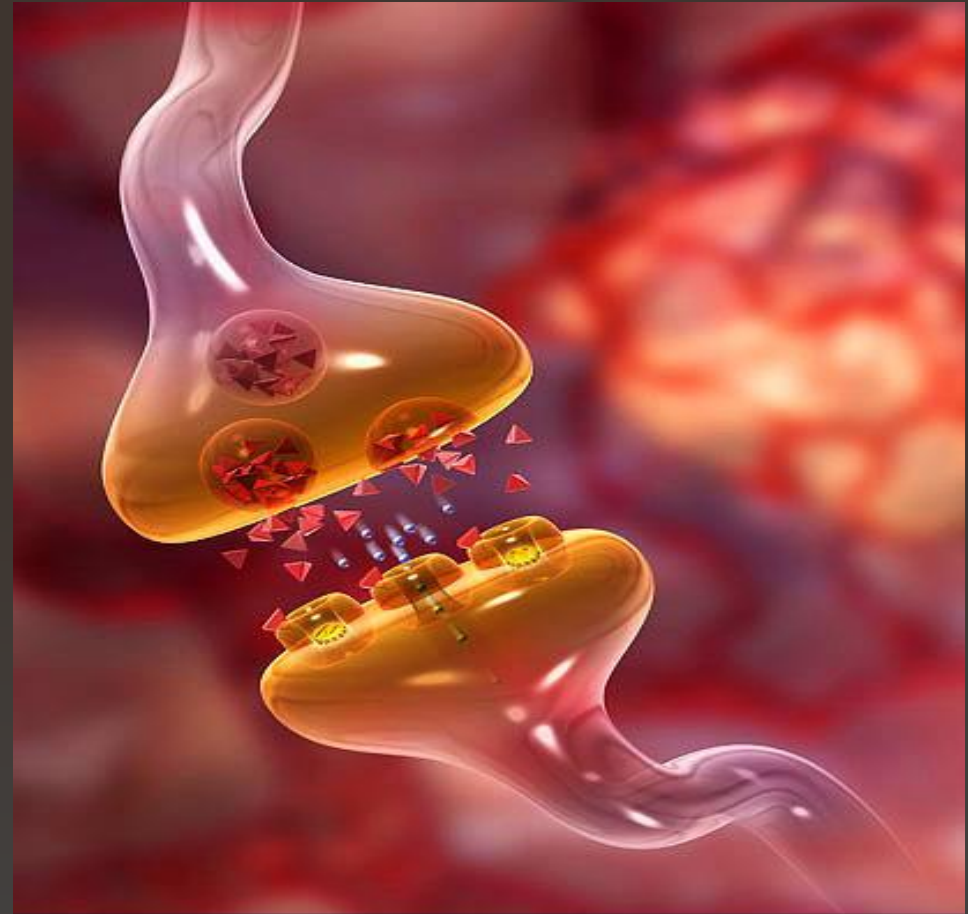
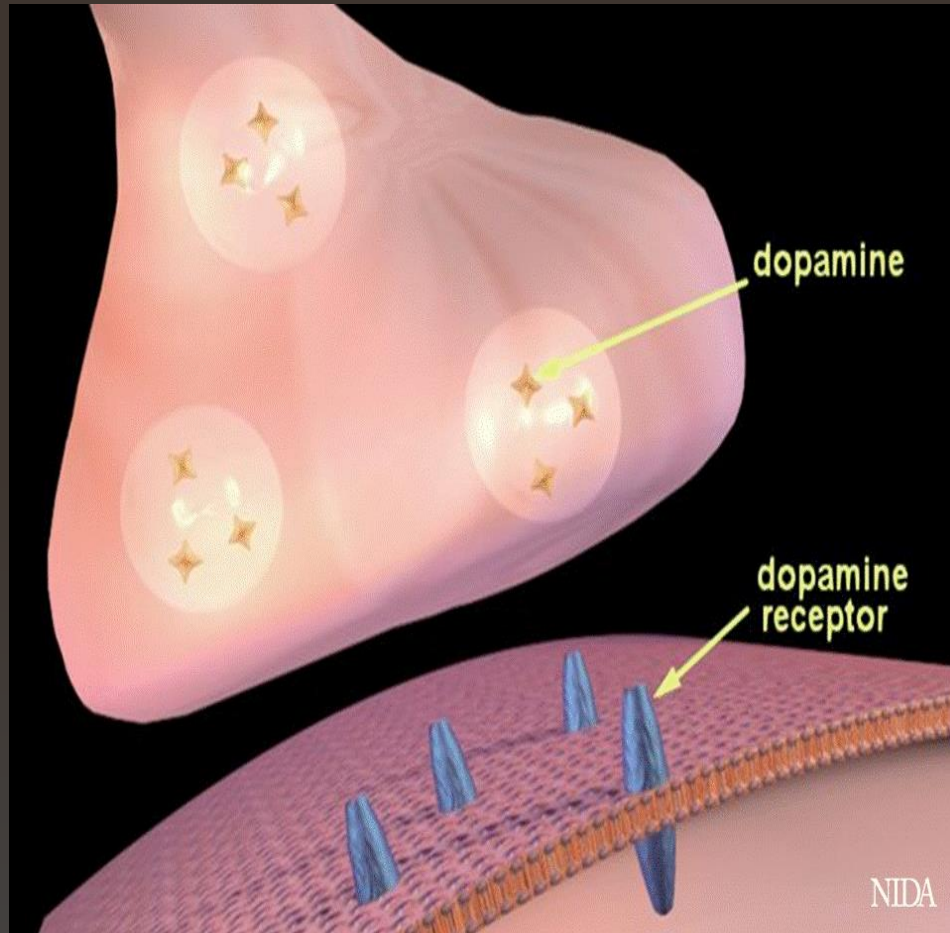
- Organization
- Prioritization
- Time Perception
- **Impulse Control**
- **Hyperactivity**
- Attention Regulation
- Short Term Memory





THIS IS NOT HOW THE BRAIN WORKS

NEUROTRANSMITTERS





ADDITIONAL FACTS/SYMPTOMS

- Poor Sense of Self Esteem
- Life Span Disorder (65 – 70% of cases)
- Present in girls as well as boys
- **Low Frustration Tolerance**
- **Difficulty learning from consequences**
- Rarely Present Alone (65% co-occurring or LD)
 - Bipolar Disorder
 - Oppositional Defiant Disorder ODD
 - Conduct Disorder

IMPACT OF COVID-19

- Transition in and out of STRUCTURE – No Transition Plan
- ADHD Symptoms Magnified
 - Low Frustration Tolerance
 - High Stim Seeking Activity
- Statistical Vulnerability
 - Traditionally 50% of all Students
 - Much Higher for Students with Disabilities and of Color

SOBERING STATISTICS

- **Disabled Students** (IDEA) are more than 2x as likely to be suspended out of school
- **Disabled Students Of Color** - 25% of disabled students - suspended or expelled
- **African American Students** – 27% of students referred to law enforcement (only 16% of student population)
- **Disabled Students** (IDEA) – 25% of students arrested and referred to law enforcement from school incident (only 12% of student population)
- **ADHD** - 4-5 times more prevalent in jail than in a classroom
- **Incarcerated Juveniles** - 28% have Active IEPs (OSEP) (Does Not Factor Undiagnosed, or 504 Plans)

SCHOOL DISCIPLINE

- Initial Suspension by a Principal (Up To 5 Days)
- Beyond 5 days – Superintendent MUST Serve Notice of a Hearing (w/in 5 days)
- Conducted by Superintendent or Hearing Officer
 - HO – Opinion Advisory
- Hearing – 2 parts
 - Guilt – Violation of Code of Conduct
 - Punishment
- Unless Disability - MANIFESTATION

DISCIPLINE FOR STUDENTS WITH DISABILITIES

➤ Suspension Less than 10 Days (cumulative) Disabled Students are treated as “regular” education students. (i.e., no protections, no recourse)

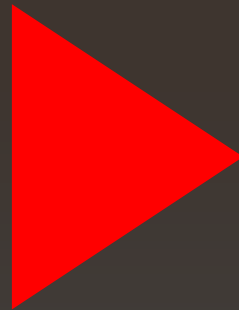
➤ CHANGE IN PLACEMENT

➤ Suspension More than 10 Days (cumulative) Disabled Students have an *additional layer of protection.*

SUSPENSION HEARING ALL STUDENTS

Factual Determination

- What Happened?
- Did what happened violate the School Code of Conduct



Punishment

- Nature of Allegations
- Record as a Student

IMPORTANCE OF CLASSIFICATION

MANIFESTATION

MANIFESTATION DETERMINATION

- Conducted by the IEP Team
- IEP team shall determine whether the conduct in question was
 - Caused by or had a direct and substantial relationship to the child's disability,
OR
 - A direct result of the LEA's failure to implement the IEP or 504 Plan, or whether either was appropriate

MANIFESTATION

It is important to note that neither classification, nor manifestation, should be looked at as an EXCUSE for Inappropriate, Antisocial or Illegal conduct.

Like in a criminal case, the goal is to understand where the behavior came from, so that steps can be taken to prevent the behavior from reoccurring.

SUSPENSION HEARING DISABLED STUDENTS

Factual Determination

- **What Happened?**
- **Did what happened violate the School Code of Conduct**

MANIFESTATION DETERMINATION REVIEW (MDR)

Punishment

- **Nature of Allegations**
- **Record as a Student**

MANIFESTATION DETERMINATION REVIEW

**If No
Manifestation**

**Treated like
Non
Disabled**

**If Disagree
w/ MDR**

**Can Request
a Impartial
Hearing**

MANIFESTATION

➤ If **NO** Manifestation

- Treated like **NON**-Disabled Student

➤ If Manifestation

- 10 School Days Max Suspension
- 45 School Days Max Suspension if Drugs, Weapon, or Injury
- **MUST**
 - Review IEP or 504
 - Functional Behavioral Assessment (FBA)
 - Behavioral Intervention Plan (BIP)

UNCLASSIFIED/UNIDENTIFIED STUDENTS

- If a parent believes that an unclassified student should have been classified, they can request an evaluation and are entitled to an expedited evaluation and CSE meeting to discuss classification.

- Caveat: If a student has not been classified previously, the school will typically be less inclined to do so after the fact due to
 - Desire to remove the student
 - School security
 - Public Pressure
 - Perception that manifestation is an excuse

UNCLASSIFIED/UNIDENTIFIED STUDENTS

- US DOE - 34 CFR 300.534 (d)(2)(i) –
 - If a parent suspects that their child has a disability during the discipline process, they can seek an “expedited evaluation”.
 - (No Time Given)
 - Less than regular circumstances
- NY DOE 22 NYCRR 201.6
 - (a) If a request for an evaluation is made during discipline, it must be conducted in an expedited manner
 - (b) “shall be completed no later than 15 school days after receipt of parent consent for evaluation”

ESTABLISHING DISABILITY AFTER THE FACT

BUILDING A RECORD

- Letters/Emails/Observations
- Behavioral Reports
- School Code of Conduct
- Report Cards
 - “TALKS OUT OF TURN”
 - “DISRUPTIVE”
 - “AGGRESSIVE BEHAVIOR”

PROACTIVE STRATEGIES

- Have your child evaluated if you suspect behavior is OR WILL BE an issue
- Request an IEP or 504 Plan
- Neuro-Psych testing should provide outline of behavioral needs
- Investigate behavioral therapy if necessary
- Behaviors can only get worse if undiagnosed or treated
 - ODD – Personality Disorder
- Involve your clinician in the process

APPEALS

➤ ALL STUDENTS

1. Appeal to School Board – (Timing Varies – Check Code of Conduct)
2. Appeal School Board's Determination to State Department of Education
3. Litigation – State or Federal Court – (**Must Exhaust Admin Process First**)

➤ DISABLED STUDENTS

1. Same as Above – PLUS
2. Can Seek an Impartial Hearing on MANIFESTATION if Disagree

CODE OF CONDUCT

- Law of the School
- Students and Parents Expected to Know
- Either Given Out or On School's Website

KNOW WHAT IS IN IT BEFORE SOMETHING HAPPENS

CODE OF CONDUCT - DISORDERLY

1. Running in hallways
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of a classroom or the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate web-sites; or any other violation of the District's acceptable use policy.
8. Using cell phones during instructional time unless directed by the teacher as part of the instructional program.

CODE OF CONDUCT - INSUBORDINATE

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness to school or leaving school without permission.
3. Skipping detention.
4. Failing to follow rules as explained in the District Code of Conduct.
5. Lying to school personnel.

CODE OF CONDUCT - DISRUPTIVE

1. Inappropriate public displays of affection.
2. Excessive tardiness to class.
3. Visible and/or audible cell phones during instructional time.
4. Any conduct that is deliberately designed to disrupt, disturb, side-track, or otherwise interrupt instruction and learning. Examples include but are not limited to: excessive talking or whispering, noise-making, poking or touching others, tapping desk or floor, etc.
5. Misconduct on a school bus - It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

CODE OF CONDUCT - VIOLENCE

1. Committing an act of violence (such as **hitting, kicking, punching, and scratching**) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. **Displaying what appears to be a weapon.**
5. Threatening to use any weapon.
6. **Intentionally damaging or destroying the personal property** of a student, teacher, administrator, and other District employee of any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school **District property.**

CODE OF CONDUCT – ENDANGERS, SAFETY, MORALS, MENTAL HEALTH, WELFARE

1. **Stealing** the property of other students, school personnel or any other person lawfully on school property or attending a school function.
2. Selling, using or possessing **obscene or indecent material**.
3. Using **vulgar or abusive language**, cursing or swearing.
4. Possessing, selling or distributing **cigarettes**, cigars, pipes or using chewing or **smokeless tobacco, electronic cigarettes, vape pens, hookah sticks, or other “smokeless” devices**.
5. Possessing, consuming, selling, distributing or exchanging **alcoholic beverages** or **illegal substances**, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, **marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances** commonly referred to as "designer drugs" or "substances that are used to intentionally influence mood, thinking, and behavior and are not prescribed by a physician".
6. Inappropriately **using, sharing or selling prescription** and over-the-counter drugs.
7. **Gambling**.
8. **Indecent exposure**, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
9. **Initiating a report warning of fire or other catastrophe** without valid cause, misuse of 911, or discharging a fire extinguisher.
10. **Processing or distributing pornography**.

PROACTIVE STRATEGIES

- Read the code BEFORE something happens
- Understand your child's vulnerability
- Request a FBA & BIP PROACTIVELY
- Involve your clinician PROACTIVELY and REACTIVELY
- INVOLVE YOUR CHILD to understand their behaviors and triggers

MEDICATION DIVERSION

- Diverting ADHD Medication to Others Without a Prescription
- Stimulant Medication is a Schedule II Controlled Substance - GIVING IS SELLING
 - Prosecution
 - Expulsion
 - Feeding Social Stigmas

ADHD & ADDICTION

10 Year Follow Up Study at Harvard

- Adolescents with ADHD alone had a 50% higher risk of Substance Use Disorder (SUD)
- When ADHD co-occurs with Conduct Disorder (CD), that risk **TRIPLES**

Wilens T, Martelon M, Joshi G, et al. Does ADHD predict substance-use disorders? A 10-year follow-up study of young adults with ADHD. J Am Acad Child Adolesc Psychiatry. 2011;50(6):543–553.

COMMON BEHAVIORAL PROBLEMS

- Cell Phone Usage
- Hyperactive Disruptive Behavior
- Aggressive Behavior
- Inappropriate Texting/Sexting
- Sexual Content on Cell Phones
- YouTube Videos
- **Vaping**
- Fighting
- Alcohol, Tobacco, Drug Use

DISCIPLINE & PROSECUTION – THE PERFECT STORM

- Increased Police Presence at Schools
- Community Pressure
- Frightening Headlines – School Safety – School Shootings
- Police Involvement – Police Matter – Higher Suspension Times
- Parents Must Defend Suspension AND Prosecution
- Different Consequences
- IEP Services During Suspension, or Incarceration

SCHOOL POLICING

- SRO's & Off Duty Police Security (52% of Schools)
- Intent is to make students safer – but that is not the case
 - Constitutional Issues – The Blurred Blue Line
 - Ineffective – But Politically Popular
 - No Requirement of CIT (De-Escalation)
 - Should Not Be Enforcing Code of Conduct
 - Increase School to Prison Pipeline (4x more arrests) (5x more likely to be arrested)
- Restraint and Seclusion
 - Disproportionately impacts Students with Disabilities and of Color
 - **African American Students** – 27% of students referred to law enforcement (only 16% of student population)
 - **Disabled Students** (IDEA) – 25% of students arrested and referred to law enforcement from school incident (only 12% of student population)

CONCLUSIONS

- **STUDENTS WITH ADHD & CO-OCCURRING CONDITIONS ARE AT HIGH RISK FOR SCHOOL DISCIPLINE**
- **IMPORTANCE FOR PARENTS TO UNDERSTAND HOW ADHD IMPACTS THEIR CHILDREN'S BEHAVIOR AND HOW COVID-19 IMPACTS SYMPTOMS & RISKS**
- **IMPORTANCE OF A DIAGNOSIS AND DOCUMENTATION**
- **PARENTS NEED TO UNDERSTAND THE LAW AND SCHOOL DISCIPLINE PROCESS**
- **EXTREME CIRCUMSTANCES CAN ALSO LEAD TO POLICE INTERVENTION AND PROSECUTION**

STRATEGIES

- Understand your child's disability and how it impacts behavior
- Read, Understand, AND Question your school's Code of Conduct
- Have your child evaluated early if behavior could be an issue
- Seek an IEP or 504 Plan to Protect them
- Seek an FBA – BIP
- Request transition planning post-COVID
- Talk to your Child about their Triggers
- Question the Parameters of Police at Your Child's School
 - CIT Training
 - Not to enforce Code of Conduct

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Q&A



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