



Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

Discipline Policy & Procedure Review

Checklist Items

- School superintendent or designee selects the team members to conduct the review. The Self-Assessment team should include the school superintendent, the Director of Special Education, and others.
- Conduct an initial meeting of the Self-Assessment team to discuss timelines for the review and the process to collect the required information. Review the required district steps for the district's disproportionate determination (page 2).
- Gather applicable policies, procedures, and evidence of practices to complete the policy, procedure, and practice (PPP) review.
- Review and complete the applicable PPP items for each section (i.e., determine whether there is evidence that supports compliance or if not a regulatory requirement, whether the item evidence is appropriate and prevents disproportionality).
- Describe how the district implements the Policies and Procedures reviewed. Identify discrepancies between Policies and Procedures and Practices.
- Identify other sources of data and information that must be reviewed. Select appropriate samples to support documentation and evidence of components.
- Complete the required steps for disproportionate determinations (page 2)
- Discuss findings with the Self-Assessment team.
- Analyze the data and identify appropriate action steps to address improvement areas. Use an action plan to outline pertinent actions necessary to address disproportionality.
- Turn in required items (the PPP checklists for Disproportionality) and request any needed technical assistance from NDE. Districts shall maintain documentation of its review for a period of 7 years. This documentation is subject to additional review by NDE and, therefore, should be maintained in an easily retrievable and organized manner.

Nebraska's Rule 51: Regulations and Standards for Special Education Programs can be found here: <http://govdocs.nebraska.gov/epubs/E2000/R092.0051-2017.pdf>



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Disproportionality Determination(s)

Discipline

Disproportionality Determination(s)

Required steps for Findings

Significant Disproportionality

Removal(s): _____

Race/Ethnicity: _____

Indicator 4a and/or 4b: Discrepant Discipline

Race/Ethnicity: _____

Required steps for significant disproportionality and/or significant discrepancy

1. Review PPP for Discipline
2. Student Assistance Team (SAT) or comparable problem-solving team process
3. Student Record Review: Discipline

Additional required steps for significant disproportionality

4. Success Gaps Toolkit (required for all findings of significant disproportionality (SD))
5. Action Plan (for findings of SD only)



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Documentation to Support Compliance Rating	Evidence to Consider	Documentation or Evidence not to Include
Look at:	Look for evidence that:	Do not include:
<ul style="list-style-type: none"> • Policies and procedures to support this Rule • School-wide positive behavior interventions and supports (e.g., MTSS framework, PBIS framework) • IEP documentation to support placement discussion • School-wide discipline plan • District Code of Conduct • Discipline files/suspension records • Student Record Review Form: Discipline • Data Profile provided by state • Data Analysis of Student Referrals, disaggregated by race/ethnicity • Classroom observations (behavioral intervention plan implementation) • Manifestation determination paperwork 	<ul style="list-style-type: none"> • Personnel can outline a plan to review discipline data at varied levels • Implementation of positive behavior intervention and supports for all students • IEP development addresses behavioral challenges; revisions are made when strategies are ineffective • School personnel can explain rationales for educational program placement, which is individualized to meet the student's needs • Manifestation determination meetings are conducted in accordance with the implementation of the state and federal discipline rule and regulations, linked in the focus areas below. • Behavior Intervention Plans are developed and based on Functional Behavioral Assessments, as appropriate • Data are collected on frequency, intensity, and duration of behavior to track progress • Parents receive notification, in their native language, as outlined in the implementation of the state and federal discipline rule and regulations, linked in the focus area below. • Students with disabilities, suspended > 10 days, continue to receive services • All of these factors apply to the disproportionate group 	<ul style="list-style-type: none"> • Anecdotal evidence for individual children • Outdated policies and procedures or data • Informal policies and procedures that have not been formally adopted by the district • Personally Identifiable Information (PII)



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Provide a list of the evidence and documentation you will present to NDE to support the compliance rating:

A large, empty light blue rectangular area intended for providing evidence and documentation.



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Focus Area | Discipline

Directions: Review your district’s written procedures for Discipline. Determine if administrators and teachers are complying with all the components of the state and federal discipline rule and regulations (i.e., Parent Notification, manifestation determinations, change of placement). Determine if students with disabilities of all racial and ethnic groups, and particularly students of the identified group(s), are disciplined equitably. Upon completion of your self-assessment in this area, NDE will examine all documentation supporting your ratings and will make a final decision regarding compliance. Complete the following checklist in the applicable district columns/row pertaining to Discipline procedures and gather the evidence to support your answers.

Discipline: 92 Neb. Admin. Code § 51-016 ; 34 C.F.R. §§ 300.530, .531, .532, .536 .		District response: There is evidence of compliance
1*	The district has written discipline policies that are consistent with the state and federal discipline rule and regulations, linked above.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2*	The district has written procedures for implementation of the state and federal discipline rule and regulations, linked above	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	The district has written policies and procedures for the implementation of positive behavioral supports for all students across all schools	<input type="checkbox"/> Yes <input type="checkbox"/> No
4*	The district ensures IEP teams consider the use of positive behavioral interventions and supports and other strategies to address that behavior in the IEP or behavior intervention plan	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	The district’s policies and procedures provide clear and consistent responses for behaviors leading to disciplinary action (e.g., disciplinary matrix)	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	The district policies and procedures help schools respond to misbehavior with age-appropriate consequence that fit the infraction.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	The district has policies and procedures to support students in order for them to stay in class for minor infractions	<input type="checkbox"/> Yes <input type="checkbox"/> No
8	The district provides professional learning, training, or support to district staff to help them become more effective at responsive discipline.	<input type="checkbox"/> Yes <input type="checkbox"/> No

*Compliance item.



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Discipline: 92 Neb. Admin. Code § 51-016 ; 34 C.F.R. §§ 300.530, .531, .532, .536 .		District response: There is evidence of compliance
9*	The district provides high quality, sustained professional learning activities on the written procedures for appropriate district and school personnel to assist with the implementation of the state and federal discipline rule and regulations, linked above.	<input type="checkbox"/> Yes <input type="checkbox"/> No
10	The district provides sustained supervision to monitor the implementation of compliant practices for the state and federal discipline rule and regulations, linked above.	<input type="checkbox"/> Yes <input type="checkbox"/> No
11*	School personnel appropriately consider unique circumstances on a case-by-case basis when determining suspension of a child with a disability. Data shows that these considerations are equitably made by race/ethnicity.	<input type="checkbox"/> Yes <input type="checkbox"/> No
12*	Policy and procedures indicate the district notifies parents and provide procedural safeguards on the day that the decision is made to make a removal that constitutes a change in placement of a child with a disability because of violation of a code of child conduct.	<input type="checkbox"/> Yes <input type="checkbox"/> No
13*	Policy and procedures indicate for children with disabilities removed > 10 days, the district provides educational services to enable the children to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the Individualized Education Programs.	<input type="checkbox"/> Yes <input type="checkbox"/> No
14*	Policy and procedures indicate within 10 school days of any decision to change placement of a child with a disability because of a violation of a code of student conduct, the IEP Team (i.e., district, parent, and relevant members) reviews all relevant information in the file (e.g., IEPs, teacher observations, and parent information) to determine whether the conduct in question was caused by or had a direct and substantial relationship to the child's disability or the conduct was the direct result of the district's failure to implement the IEP.	<input type="checkbox"/> Yes <input type="checkbox"/> No
15*	Policy and procedures indicate that if the IEP Team makes a determination that the conduct was a manifestation of the child's disability, then the IEP Team conducts a functional behavioral assessment, unless the district conducted a FBA before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No

*Compliance item.



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Discipline: 92 Neb. Admin. Code § 51-016; 34 C.F.R. §§ 300.530, .531, .532, .536.

District response: There is evidence of compliance

15a*	Procedures indicate if the student already has a behavioral intervention plan, then the IEP Team meets to review the plan and its implementation and modifies the plan and its implementation, as necessary, to address the behavior that resulted in the disciplinary change of placement.	<input type="checkbox"/> Yes <input type="checkbox"/> No
16*	The district ensures that parents of children with disabilities who disagree with any decision regarding placement, or the manifestation determination have information about the appeal process.	<input type="checkbox"/> Yes <input type="checkbox"/> No

District response: If you answered “No” to any items above, provide explanation or relevant information:

State compliance review notes and items with potential findings of noncompliance:

*Compliance item.