In recent years, there has been a significant increase in the incidence of aggressive student behavior. This trend has been most noticeable at the elementary level, including pre-kindergarten. Teachers often describe a young student who is experiencing repeated outbursts in class that sometimes are violent and often disruptive to not just that student’s education but the education of other students in the class. In fact, teachers cite a significant increase in the number of times they have to clear their classrooms of all other students to ensure children’s safety while a disregulated student engages in a violent outburst. In situations where this becomes a pattern, it is imperative that the aggressive student is evaluated for possible special education identification. But in some cases, those referrals don’t happen, thus depriving students of their right to a free appropriate public education (FAPE).

**What’s the law?** State special education regulations clearly require a referral to a planning and placement team (PPT) whenever a student engages in behavior that is unsatisfactory or at a marginal level of acceptance. Specifically, Section 10-76d-7(c) of the regulations of the Connecticut State Department of Education state:

Provision shall be made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance, including truant behavior, or progress in school is considered unsatisfactory or at a marginal level of acceptance (emphasis added).

Moreover, the U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS) issued guidance on August 1, 2016, that reiterated that the Individuals with Disabilities Education Act (IDEA) requires PPTs to consider the use of positive behavioral interventions and supports for any child with a disability whose behavior impedes his or her learning or that of others. Thus, OSERS found a district’s failure to “consider and provide for needed behavioral supports through the IEP process is likely to result in a child not receiving a meaningful educational benefit or FAPE.” This position was only strengthened in the recent U.S. Supreme Court decision in *Endrew F. v. Douglas County School District*, which held that a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances. This case has since been interpreted to require a district to address not just academic needs but also behavioral problems that were negatively impacting the student’s ability to make meaningful progress.

**Your obligation** So in cases where a student has been repeatedly removed from class for disruptive behavior, it is imperative that the teacher make a referral to a PPT for a special education evaluation. This process allows the PPT to obtain formal and informal information about the student’s functional performance, including classroom behavior. The IDEA also requires the PPT to consider positive behavioral interventions and supports and other strategies to address the behavior of a student when his or her behavior is impeding his/her learning. The teacher’s input into the PPT process is invaluable since he/she spends the most time with the student and can share a wealth of information about specific incidents, including repeated outbursts and violations of classroom rules, and equally importantly, recommended supports. This meeting also allows the student’s parents an opportunity to raise questions or concerns and provide input on what supports they believe would be beneficial.

In its August 2016 memorandum, OSERS outlined certain interventions that may be beneficial to a student in these situations, such as “instruction and reinforcement of school expectations, violence prevention programs, anger management group, counseling for mental health issues, life skills training, or social skills instruction.” Clearly, the sooner these types of behavior supports are provided, the sooner the student can begin progressing academically, thus ensuring his/her receipt of the requisite educational benefit.

**Supports for teachers** OSERS also reaffirmed the need for the PPT to consider program modifications or supports for school personnel that could serve to support both the student and teacher. Personnel supports could include training, paraprofessional support, or collaboration time. In its IEP Manual, the Connecticut State Department of Education outlines the following examples of personnel supports that could be included on page 8 of the IEP:

With respect to Frequency and Duration of Supports Required for School Personnel to Implement this IEP, the following are examples of supports that might be specified in this section: (1) “All staff who will work with [student’s name] should receive ten hours of disability-specific training in the area of Autism. This
training should be provided during the first two weeks of school by [title, role, or competency area of person providing training].

(2) “An instructional assistant (paraprofessional) to be provided to assist the teacher of each general education class which the student attends between now and the next PPT scheduled for January 15, 2007”;

(3) “The school psychologist will collaborate with [child’s name] teacher for 20 minutes per week for the first six weeks of school to cooperatively plan activities which will encourage [child’s name] to establish and maintain friendships with classmates”;

or (4) “All staff who require [student’s name] to complete written assignments or provide [student’s name] with support during the completion of written assignments will receive at least 4 hours of training in the use of text to speech and work prediction software. Follow-up support will be provided throughout the school year.”

Typically, these supports are in the form of teacher training, paraprofessional support in the classroom, or consultation by a special education teacher or related services provider. See page 21 Responsible Staff and Service Implementer for a discussion of paraprofessional support.

Thus, the need to advocate for personnel supports is yet another example of why classroom teachers must be active participants in PPT meetings.

**When a general education classroom is not appropriate** It is worth noting that once all of these steps are taken and properly documented, if the student’s behavior does not improve and he/she continues to be highly disruptive or dangerous, it may be appropriate for the PPT to consider a more restrictive placement. Several recent cases have found that the general education classroom is not appropriate if, despite the provision of necessary supports, the student fails to make progress due to ongoing behavioral incidents and that continued placement in the general education classroom would be harmful to the student’s educational needs.

In short, the law is clear that a student engaging in repeated behavioral outbursts must be evaluated for special education services. This allows the PPT to ensure that the student’s behavioral needs are considered and supported in order to allow him/her to succeed in the most appropriate placement and to ensure that every classroom is a safe environment for all students and staff.