



# What Probation Officers Need to Know About School Discipline and Special Education When Students Have Academic and Behavioral Disorders

## Overarching Issues

The probation officer (PO) is not a school social worker, county worker, or a teacher. He/she has the responsibility to ensure that the youth complies with the orders of the court. However, those orders do not always take into account the disability or mental health needs or the requirements of state and federal law.

Students must be accountable, but schools are also accountable, to follow the laws.

Probation officers are not there to ensure that special education law is followed, but they need to know the requirements and any relationships between the behaviors and access to appropriate services.

Optimally, the probation officer should work with the school to enable the youth to comply with the court orders.

These services must also be provided in any placement to which the youth is referred.

## Example

**Truancy:** “Joe” is ordered to have no unexcused absences or those will be considered a violation of his probation.

**Challenge:** Joe has been having problems for two years. He is labeled EBD. His behaviors include “attitude” in class, defiance, not handing in his work, and not showing up or cutting out early. He has many suspensions and is failing most of his classes

Joe goes to court due to suspension for repeated unexcused absences and is returned to school, but there is no change in addressing the root of the problem.

## What Should You Be Asking?

1. Why is the school always suspending this kid? Is it for the same behavior? Has the school:
  - developed a behavior intervention plan?
  - conducted what is called a functional behavior assessment?
  - ever tested him or her for any learning needs? Does he have a long history of school difficulties?
2. Does he or she receive special education services (IEP) or have a 504 plan?
3. Has the school tested his IQ?
4. What do his or her reading and comprehension scores indicate?
5. Has the parent met with the school about Joe’s lack of progress in learning? If so, what has been the response?
6. When you meet with him, do you think he understands what you are saying? What does he tell you about his school experience? Are you able to engage him in a reasonable discussion?
7. Do you know if he has strengths that have been identified by teachers or in an IEP?

## Other Questions That Should Be Asked

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8. Should this behavior be charged or should we look at whether his needs have been met in school?
9. Should we suggest that the parent get assistance from an advocate?
10. Are there resources available in the community that we can link this student with (mentors, anger management programs, cognitive therapy,) etc?
11. Have you observed a pattern about the youth who are being charged in this particular school (How many are kids with disabilities? Children of color?)?
12. Do you feel the placement is providing appropriate services?
13. How can you engage parents or surrogates more effectively?

Refer online to Discipline Guide at: [PACER.org/discguide.html](https://www.pacer.org/discguide.html)