

1 BEFORE THE GOVERNING BOARD OF EDUCATION  
2 OF THE OAKLAND UNIFIED SCHOOL DISTRICT  
3 ALAMEDA COUNTY, STATE OF CALIFORNIA

4 In The Matter Of  
5 Justina Ogbu, a permanent certificated  
6 employee of the Oakland Unified School  
7 District,  
8 Respondent.

**RESOLUTION OF INTENT TO SUSPEND  
WITHOUT PAY AND DISMISS**  
Resolution No. 2021-0025

8 WHEREAS, Tara Gard, Deputy Chief of Talent, has filed with the Board of Education written  
9 charges alleging that cause exists for the immediate suspension without pay and dismissal of Justina  
10 Ogbu (“Respondent”), a permanent certificated employee of the Oakland Unified School District;

11 NOW THEREFORE, BE IT RESOLVED by the Board of Education of the Oakland Unified  
12 School District that, pursuant to Education Code section 44939(b), Superintendent Kyla Johnson-  
13 Trammell, or her designee, is authorized and directed to notify Respondent that Respondent’s pay will  
14 be immediately suspended upon service of this notice;

15 BE IT FURTHER RESOLVED by the Board of Education of the Oakland Unified School  
16 District that Kyla Johnson-Trammell, or her designee, is authorized and directed to notify Respondent  
17 that thirty (30) days after service of notice upon her, she will be dismissed from service as an employee  
18 of the District unless, within such thirty (30) day period, Respondent demands a hearing by filing a  
19 written request for a hearing with the Superintendent;

20 BE IT FURTHER RESOLVED that if Respondent requests a hearing within thirty (30) days  
21 of service of the Statement of Charges, Superintendent Kyla Johnson-Trammell, or her designee, is  
22 directed to schedule a hearing on the matter pursuant to Education Code section 44943; and, to adopt  
23 any amendments or supplements to the Statement of Charges, Accusation, or any other document  
24

1 served on Respondent in this dismissal proceeding in order to effectuate the dismissal of Respondent  
2 from her employment as a permanent certificated employee of the District;

3 BE IT FURTHER RESOLVED that the foregoing notice shall be served upon Respondent  
4 personally or sent to the Respondent by U.S. registered mail (addressed to Respondent at her last  
5 known address pursuant to Education Code section 44936), immediately, together with a copy of the  
6 Statement of Charges and a copy of part 25, chapter 4, article 3, of the California Education Code  
7 sections 44932, *et seq.* through 44988, and Government Code sections 11507.5, 11507.6, and 11507.7.

8 Passed by the following vote:

9 PREFERENTIAL AYE: N/A

10 PREFERENTIAL NOE: N/A

11 PREFERENTIAL ABSTENTION: N/A \

12 PREFERENTIAL RECUSE: N/A

13 AYES: None

14 NOES: Aimee Eng, Jumoke Hinton Hodge, Gary Yee, Roseann Torres, James Harris

15 ABSTAINED: President Jody London, Vice President Shanthi Gonzales

16 RECUSE: None

17 ABSENT: None

18 I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted at a  
19 Meeting of the Governing Board of the Oakland Unified School District held October 14, 2020.



---

Kyla Johnson-Trammell, Secretary  
Board of Education



TALENT DIVISION

---

*Via U.S. Mail – Registered*

August 14, 2019

Justina Ogbu  
2400 109th Ave.  
Oakland, CA 94603

**Re: Suspension/Dismissal Recommendation and Pre-Termination Conference**

Dear Ms. Ogbu:

This letter is to inform you that I am recommending to the Governing Board of the Oakland Unified School District (“District”) that you be immediately suspended without pay and dismissed from your employment as a permanent certificated employee pursuant to Education Code sections 44932, 44934, and 44939 for the following causes:

- Immoral conduct (Education Code § 44932(a)(1));
- Evident unfitness for service (Education Code § 44932(a)(6)); and
- Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board or by the governing board of the school district employing you (Education Code § 44932(a)(8)).

A copy of the Notice of Intent to Immediately Suspend without Pay and Dismiss and Statement of Charges is attached.

Prior to the Governing Board taking action, you are entitled to an informal pre-disciplinary conference to discuss the charges against you and review the evidence presented. If you wish to attend this conference, please complete the enclosed form by **August 21, 2020**. The conference will take place on **August 28, 2020 at 9:00 a.m.** via Zoom (<https://ousd.zoom.us/j/85947382180?pwd=ZzA0SUhVUDhza25LVlB5R3VYcVI3QT09>).

Should you have any questions regarding the process, please contact Ronald Morris at (510) 879-4048 or by email at [ronald.morrisjr@ousd.org](mailto:ronald.morrisjr@ousd.org).

Sincerely,

Tara Gard  
Deputy Chief of Talent

Enclosure

Cc: Dr. Kyla Johnson-Trammell, Superintendent  
Josh Daniels, General Counsel  
Jenine Lindsey, Executive Director, Labor Relations & ADR  
Jennifer Blake, Executive Director, Special Education  
Lucia Moritz, Network Superintendent

---

---

I hereby deny some/all charges that have been made against me in the Notice of Intent to Immediately Suspend without Pay and Dismiss and Statement of Charges and hereby request a pre-termination conference on those charges, which I understand will take place on **August 28, 2020 at 9:00 a.m.** via Zoom (<https://ousd.zoom.us/j/85947382180?pwd=ZzA0SUhVUDhza25LVIB5R3VYcVI3QT09>).

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Return to [ronald.morrisjr@ousd.org](mailto:ronald.morrisjr@ousd.org) by **August 21, 2020**.

---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**BEFORE THE GOVERNING BOARD OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
ALAMEDA COUNTY, CALIFORNIA**

In the Matter of the Immediate Suspension  
Without Pay and Dismissal of:  
JUSTINA OGBU,  
A Permanent Certificated Employee.

**NOTICE OF INTENT TO  
IMMEDIATELY SUSPEND WITHOUT  
PAY AND DISMISS; STATEMENT OF  
CHARGES**

Ed. Code §§ 44932, 44934, and 44939

**TO: JUSTINA OGBU, A PERMANENT CERTIFICATED EMPLOYEE OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT:**

Pursuant to Education Code sections 44932, 44934, and 44939, attached hereto as **Exhibit A** and incorporated herein by reference, you are hereby notified that the undersigned, Kyla Johnson-Trammell, Superintendent at the Oakland Unified School District (“District”), does hereby file with the Board of Education of the District (“Board”) the following Notice of Intent to Immediately Suspend Without Pay and Dismiss (“Notice”) and Statement of Charges (“Charges”) against you, a permanent certificated employee of the Oakland Unified School District (“District”). The undersigned has read the Notice and Charges and certifies, under penalty of perjury under the laws of the State of California, based on information and belief, that the contents are true.

The causes for your dismissal, any one of which is sufficient under Education Code section 44932, are set forth below in the Notice and Charges that follows.

**I. CAUSES FOR DISMISSAL AND IMMEDIATE SUSPENSION**

Under Education Code section 44932, there exists cause to dismiss you from your employment with the District for:

- i. Immoral conduct (Education Code § 44932(a)(1));
- ii. Evident unfitness for service (Education Code § 44932(a)(6)); and
- iii. Persistent violation of or refusal to obey the school laws of the state or reasonable

1 regulations prescribed for the government of the public schools by the state board or by the governing  
2 board of the school district employing you (Education Code § 44932(a)(8)).

3 Under Education Code section 44939(b), there exists cause to immediately suspend you from  
4 your employment without pay for:

5 i. Immoral Conduct (Education Code § 44939(b)).

6 **II. BACKGROUND**

7 1. You are a permanent certificated employee of the District and currently assigned as  
8 a Teacher on Special Assignment at Castlemont High School. You hold a multiple subject credential  
9 and an education specialist instruction credential issued by the California Commission on Teacher  
10 Credentialing (“CTC”).

11 2. You have been employed by the District for over 25 years. Your employment as a  
12 certificated employee with the District commenced in or around 1999, prior to which you worked  
13 as a classified employee.

14 3. As a certificated employee of the District, you are required to maintain the highest  
15 ethical standards, behave professionally, follow District policies and regulations, abide by state and  
16 federal laws, exercise good judgment, and engage in conduct that enhances the integrity of the  
17 District, advances the goals of the District’s educational programs, and contributes to a positive  
18 school climate. (**Exhibit B.**)

19 4. During your time in the District, and specifically over the past school year, you have  
20 received extensive training regarding positive behavior interventions, implementation of behavior  
21 intervention plans (“BIPs”), sensory supports, and reinforcement systems. (**Exhibit C.**)

22 **III. STATEMENT OF CHARGES**

23 The specific acts or omissions which constitute the Charges against you include the  
24 following:

25 5. On January 16, 2020, you removed one of your students, L.S., from your class and  
26 secluded him in a neighboring classroom with the door shut and without a supervisor present, which  
27 engendered his safety and violated your duty to supervise him. (**Exhibit D.**)

28 a. The video depicts L.S., who was wearing a protective helmet, sitting on the

1 floor of the classroom, facing the closed front door, screaming, hitting his head against the  
2 door, and hitting his hands against his face. According to a school psychologist interviewed  
3 by Talent Partner Jeff Dillon, L.S. was screaming for at least fifteen minutes before she  
4 intervened. When she checked on him, she found L.S. in the room without you or his one-  
5 to-one aide present. A recording of the incident shows that L.S. was in the room with the  
6 door closed for at least six minutes before you returned to check in on him.

7 b. Further, you were aware that L.S. engages in self-injurious behavior.  
8 Although L.S. was wearing a helmet at the time, this was not enough to ensure his safety.  
9 During the District’s investigation of the incident, two staff members reported that L.S.  
10 regularly attempts to remove his helmet. Given this history, isolating him in a room  
11 unsupervised increased the risk of harm he could have caused himself.

12 c. When Talent Partner Jeff Dillon interviewed you about the incident on March  
13 5, 2020, you defended your response to L.S.’s behavior, stating that when L.S. reaches this  
14 level, there is “nothing you can do to make him stop.” However, neither you nor any of the  
15 staff members interviewed by Mr. Dillon reported any examples of unsuccessful attempts to  
16 deescalate the behavior.

17 6. Your response to L.S.’s behavior was in direct violation of your legal obligations  
18 under both federal and California law.

19 a. Education Code section 49005.8 prohibits teachers from “using seclusion or  
20 a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.” It  
21 further requires teachers to “keep constant, direct observation of a pupil who is in seclusion  
22 [such that they are] able to make direct eye contact with the pupil.” Further, Education Code  
23 section 56521.1 requires teachers to notify parents or guardians within one schoolday if the  
24 teacher secludes a student, and the teacher must “immediately . . . complete[] [an] emergency  
25 report, [which must] immediately be forwarded to, and reviewed by, a designated  
26 responsible administrator.” (**Exhibit E.**) There is no record that you satisfied these  
27 obligations.

28 b. Further, California law imposes a duty on the District to supervise students

1 at all times. *Dailey v. Los Angeles Unified Sch. Dist.*, 2 Cal. 3d 741, 747 (1970). Although  
2 you stated that a one-to-one aide was standing next to the door, teachers retain “the  
3 responsibility for the instruction and supervision” of their pupils. (Education Code §  
4 45344(a)). By isolating L.S. in another classroom without an adult present, you failed in your  
5 duty to supervise him.

6 c. In addition, your conduct violated the BIP contained in L.S.’s Individualized  
7 Education Plan (“IEP”). (**Exhibit F.**) The BIP lists self-injurious behaviors, attempts at self-  
8 injurious behaviors, and loud vocalizations as problem behaviors impeding his learning.  
9 Thus, the behaviors that L.S. exhibited on January 16, 2020, were behaviors that his IEP  
10 team was aware of, and for which the team had planned strategies for deescalating. You have  
11 received training directing you to consider where the student is in the escalation cycle and  
12 respond accordingly. L.S.’s BIP states that during early escalation, the appropriate response  
13 to the problem behavior is to redirect L.S. back to his ongoing activity with minimal eye  
14 contact and verbal attention and to use simple and direct instructions. During the problem  
15 behavior, the appropriate staff response includes guiding L.S. to soft areas to reduce potential  
16 for injury.

17 c. By removing him from his ongoing activity and placing him in a separate  
18 classroom, you failed to incorporate the strategies listed in the BIP, and thereby exposed the  
19 District to liability for potential violation of his IEP. Moreover, during the District’s  
20 investigation, a paraprofessional reported that similar incidents have occurred a “couple of  
21 times” in the past. The District is concerned that the likelihood of recurrence of this type of  
22 behavior is high.

23 7. During the District’s investigation of this incident, it received reports from several  
24 staff members regarding your history of excluding students with severe disabilities from instruction.  
25 For example, a speech language pathologist reported that you regularly separate and exclude  
26 nonverbal students. An assistive technology specialist stated that you do not believe that severely  
27 handicapped students belong in your class. She described an incident in which you directed a student  
28 with Down Syndrome to sit in the corner while you taught higher-level students. Because the District



1 governing board of the school district employing you. The above charges support, separately or in  
2 any combination, your immediate unpaid suspension and dismissal from employment with the  
3 District.

4 **VI. NOTICE OF RIGHT TO DEFEND AND REQUEST A HEARING**

5 YOU ARE HEREBY NOTIFIED that, pursuant to Education Code section 44939, you will  
6 be immediately suspended without pay effective upon Board approval of this Notice. You will have  
7 thirty (30) days from the date of service of the Board-approved Statement of Charges to demand a  
8 hearing. If you do not demand a hearing, you will be dismissed forthwith. If you demand a hearing,  
9 it shall be commenced pursuant to Education Code section 44944 *et seq.*, and conducted in  
10 accordance with Government Code section 11500 *et seq.*

11 Pursuant to Education Code Section 44031, this document and its attachments will be placed  
12 in your personnel file in ten days or shortly thereafter. You have a right to submit a written response  
13 to be attached and included in your file.

14 DATED: \_\_\_\_\_ By: \_\_\_\_\_  
15 Kyla Johnson-Trammell  
16 Superintendent  
Oakland Unified School District

- 17 Exhibits: A – Education Code §§ 44932, 44934, 44939  
18 B – BP 4119.21, 5137, and 5142  
19 C – Training presentations and records  
20 D – Video recording of incident  
E – Education Code §§ 49005.8, 56521.1  
21 F – Excerpts from IEP and BIP  
22  
23  
24  
25  
26  
27  
28

# **Exhibit A**

Education Code Section 44932

(a) A permanent employee shall not be dismissed except for one or more of the following causes:

(1) Immoral conduct, including, but not limited to, egregious misconduct. For purposes of this chapter, "egregious misconduct" is defined exclusively as immoral conduct that is the basis for an offense described in Section 44010 or 44011 of this code, or in Sections 11165.2 to 11165.6, inclusive, of the Penal Code.

(2) Unprofessional conduct.

(3) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188 of the Statutes of 1919, or in any amendment to that chapter.

(4) Dishonesty.

(5) Unsatisfactory performance.

(6) Evident unfitness for service.

(7) Physical or mental condition unfitting him or her to instruct or associate with children.

(8) Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board or by the governing board of the school district employing him or her.

(9) Conviction of a felony or of any crime involving moral turpitude.

(10) Violation of Section 51530 or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.

(11) Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children.

(b) The governing board of a school district may suspend without pay for a specific period of time on grounds of unprofessional conduct a permanent certificated employee or, in a school district with an average daily attendance of less than 250 pupils, a probationary employee, pursuant to the procedures specified in Sections 44933, 44934, 44934.1, 44935, 44936, 44937, 44943, and 44944. This authorization does not apply to a school district that has adopted a collective bargaining agreement pursuant to subdivision (b) of Section 3543.2 of the Government Code.

## Education Code Section 44934

(a) This section shall apply to dismissal or suspension proceedings based on charges as specified in Section 44932 or 44933, including proceedings based on charges of egregious misconduct in combination with other charges. Section 44934.1 shall apply to dismissal or suspension proceedings based solely on charges of egregious misconduct described in paragraph (1) of subdivision (a) of Section 44932.

(b) Upon the filing of written charges, duly signed and verified by the person filing them, with the governing board of the school district, or upon a written statement of charges formulated by the governing board of the school district, charging that there exists cause, as specified in Section 44932 or 44933, for the dismissal or suspension of a permanent employee of the school district, the governing board of the school district may, upon majority vote, except as provided in this article if it deems the action necessary, give notice to the permanent employee of its intention to dismiss or suspend him or her at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article. Suspension proceedings may be initiated pursuant to this section only if the governing board of the school district has not adopted a collective bargaining agreement pursuant to subdivision (b) of Section 3543.2 of the Government Code.

(c) Any written statement of charges shall specify instances of behavior and the acts or omissions constituting the charge so that the employee will be able to prepare his or her defense. It shall, where applicable, state the statutes and rules that the employee is alleged to have violated, and it shall also set forth the facts relevant to each charge.

(d) If the governing board of the school district has given notice to a certificated employee of its intention to dismiss or suspend him or her, based upon written charges filed or formulated pursuant to this section, the charges may be amended less than 90 days before the hearing on the charges only upon a showing of good cause. If a motion to amend charges is granted by the administrative law judge, the employee shall be given a meaningful opportunity to respond to the amended charges.

(e) A notice of the governing board of the school district to an employee of its intention to dismiss or suspend him or her, together with written charges filed or formulated pursuant to this section, shall be sufficient to initiate a hearing under Section 11503 of the Government Code, and the governing board of the school district shall not be required to file or serve a separate accusation.

(f) This section shall also apply to the suspension of probationary employees in a school district with an average daily attendance of less than 250 pupils that has not adopted a collective bargaining agreement pursuant to subdivision (b) of Section 3542.2 of the Government Code.

Education Code Section 44939

(a) This section applies only to dismissal or suspension proceedings initiated pursuant to Section 44934.

(b) Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a school district, or upon a written statement of charges formulated by the governing board of a school district, charging a permanent employee of the school district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing school district, or with violation of Section 51530, the governing board of the school district may, if it deems that action necessary, immediately suspend the employee from his or her duties and give notice to him or her of his or her suspension, and that 30 days after service of the notice of dismissal, he or she will be dismissed, unless he or she demands a hearing.

(c) (1) An employee who has been placed on suspension pursuant to this section may serve and file with the Office of Administrative Hearings a motion for immediate reversal of suspension. Review of a motion filed pursuant to this section shall be limited to a determination as to whether the facts as alleged in the statement of charges, if true, are sufficient to constitute a basis for immediate suspension under this section. The motion shall include a memorandum of points and authorities setting forth law and argument supporting the employee's contention that the statement of charges does not set forth a sufficient basis for immediate suspension.

(2) The motion shall be served upon the governing board of the school district and filed with the Office of Administrative Hearings within 30 days after service upon the employee of the initial pleading in the matter. The governing board of the school district has the right to serve and file a written response to the motion before or at the time of hearing.

(3) The hearing on the motion for immediate reversal of suspension shall be held no later than 30 days after the motion is filed with the Office of Administrative Hearings.

(4) The administrative law judge shall, no later than 15 days after the hearing, issue an order denying or granting the motion. The order shall be in writing, and a copy of the order shall be served by the Office of Administrative Hearings upon the parties. The grant or denial of the motion shall be without prejudice to consideration by the Commission on Professional Competence, based upon the full evidentiary record before it, of the validity of the grounds for dismissal. The ruling shall not be considered by the commission in determining the validity of the grounds for dismissal, and shall not have any bearing on the commission's determination regarding the grounds for dismissal.

(5) An order granting a motion for immediate reversal of suspension shall become effective within five days of service of the order. The school district shall make the employee whole for any lost wages, benefits, and compensation within 14 days after service of an order granting the motion.

(6) A motion made pursuant to this section shall be the exclusive means of obtaining interlocutory review of suspension pending dismissal. The grant or denial of the motion is not subject to interlocutory judicial review.

(d) A motion for immediate reversal of suspension pursuant to this section does not affect the authority of a governing board of a school district to determine the physical placement and assignment of an employee who is suspended or placed on administrative leave during the review of the motion or while dismissal charges are pending.

# **Exhibit B**

## OAKLAND UNIFIED SCHOOL DISTRICT

### Board Policy

#### Personnel

#### BP 4119.21

#### Professional Standards

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

(cf. 0200 - Goals for the School District)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. 0450 - Comprehensive Safety Plan)

(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information

(cf. 3580 - District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.4 - Dismissal)

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### BP 5137 - Positive School Climate

#### Students

The Board of the Oakland Unified School District aims to provide a learning environment for every student that is safe, orderly, caring, respectful and equitable. A positive school climate is one that builds student attachment to school, a factor shown by research to correlate closely with academic and life success.

We define a positive school climate as one in which adults work together to provide the following environmental factors established by current research as necessary for the development of student success and resiliency:

- \* Caring and support from adults and peers
- \* Meaningful participation in their own education along with participation in the classroom and school community
- \* Positive, high expectations supported by equitable structures for achieving those expectations

The goals of creating a positive school climate are:

- \* To support the academic achievement of every student
- \* To ensure educational equity for all students
- \* To create an environment that supports excellence in teaching
- \* To ensure the physical and emotional safety of all staff and students\* To contribute to the resiliency of

every student, the characteristics of which are a sense of autonomy, belonging, social competence, ethical

problem solving skills, and a sense of purpose and future.

- \* To include parents and guardians as full partners in the student's education

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### BP 5142 - Safety

#### Students

The Governing Board recognizes the importance of providing a safe school environment in order to help ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including practices relative to school facilities and equipment, outdoor environment, and educational programs and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3320 - Claims and Actions Against the District)

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3530 - Risk Management/Insurance)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.1 - Accidents)

(cf. 5142.1 - Identification and Reporting of Missing Children)

(cf. 5142.2 - Crossing Guards)

(cf. 5143 - Insurance)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 6145.2 - Athletic Competition)

(cf. 6161.3 - Toxic Art Supplies)

(cf. 7111- Evaluating Existing Buildings)

Staff shall be responsible for the proper supervision of students during school hours, while at school-sponsored activities and while students are using district transportation to and from school.

The principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy and administrative regulation. Copies of the rules shall be sent to parents/guardians and be readily available at the school at all times.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, injury prevention and disease prevention.

# **Exhibit C**

---

# Behavior Intervention Plans (BIPs)

— Secondary SpEd PD 10/9/19 —  
Tori Partridge

---

# Objectives

- Understand the purpose of a behavior intervention plan
- Be able to locate behavior intervention plans in SEIS
- Understand how to define behavior and determine functionally equivalent replacement behaviors
- Understand the escalation cycle and how it intersects with behavior intervention plans
- Understand how to implement a behavior intervention plan
- Begin writing a behavior intervention plan for a focus student

Note - you can find this slideshow in the SpEd teachers Drive -> Professional Learning folder -> Secondary folder

# What is a Behavior Intervention Plan?

A plan for teaching and reinforcing a positive replacement behavior that's meant to take the place of challenging behavior.

Created when a student is regularly engaging in moderate to high intensity challenging behavior that is impacting the education of the student and/or peers.

Written using the "Behavior Intervention Plan" on SEIS after collecting a variety of data on the behavior. In order to implement, need to hold an IEP meeting.

Should be communicated to all adults who work with the student, to allow consistency.

# Select a focus student

Think about a student on your caseload who may need a BIP. Get onto SEIS and locate that student.

---

# How can I tell if my student already has a BIP?

Go to the student's current IEP, look for

		Interim Placement w/out Parent Consent
		Behavior Intervention Plan 
		Assessment Plan w/ PWN w/ Medi-Cal
		Manifestation

You can also look in the student's past IEPs to see if they've had a BIP in the past.

# Focus Student

Take a minute and look into your student's current IEP and past IEPs. Determine if the student has a BIP that perhaps was not affirmed/attested (i.e. is not bold in their current, but does have content), or if the student has a BIP attached to a prior IEP.

---

# What do I need to do before writing a BIP?

Collect data! Use an [ABC chart](#), get info from the student's other teachers, talk to the family, check in with the student.

Goal of data collection:

Define the challenging behavior, determine the function of the behavior.

Observer: \_\_\_\_\_

ABC Chart

Student: \_\_\_\_\_

Date	Time & Location/Activity	Antecedent	Behavior <sup>*</sup>	Consequence <sup>**</sup>	Possible function? <sup>***</sup>

<sup>\*</sup>Observable and objective: "Defiant" is NOT a behavior. "Threw three books four feet across the room" is a behavior.

<sup>\*\*</sup>What happened immediately following the behavior: Could be "seven peers laughed" or "was asked to go to office," for example. This is not necessarily a consequence that he was given in terms of a punishment.

<sup>\*\*\*</sup>Main functions are: attention seeking, access to something someone, escape something someone, sensory



# Start writing your BIP!

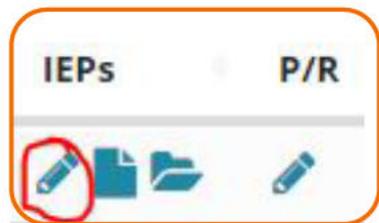
Depending on the situation, either start an amendment in SEIS or edit in the student's future IEP.

If the student has an upcoming tri/annual, edit the form titled "Behavior Intervention Plan in the student's future IEP.

If the student does not have an upcoming tri/annual, create an amendment

# If you're writing into the student's future IEP:

IEPs P/R



A navigation menu with two tabs: 'IEPs' and 'P/R'. Below the tabs are four icons: a pencil (circled in red), a folder, another folder, and another pencil.

			Interim Placement w/out Parent Consent
			Behavior Intervention Plan
			Assessment Plan w/ PWN w/ Medi-Cal
			Manifestation



## Behavior Intervention Plan



---

Behavior Intervention Plan



Showing 1 to 1 of 1 entries

# If you're creating an amendment:

IEPs P/R



Affirmed/Attested Forms Attachments (7) Amendments (1)



Affirmed/Attested Forms Attachments (7) Amendments (1) Comments (1)

+ Add Amendment

View/Print	Edit	Amendment Date	Date Added	Affirmed By / Date	Signed	Attachments
------------	------	----------------	------------	--------------------	--------	-------------



Does this Amendment require additional forms?  Yes  No

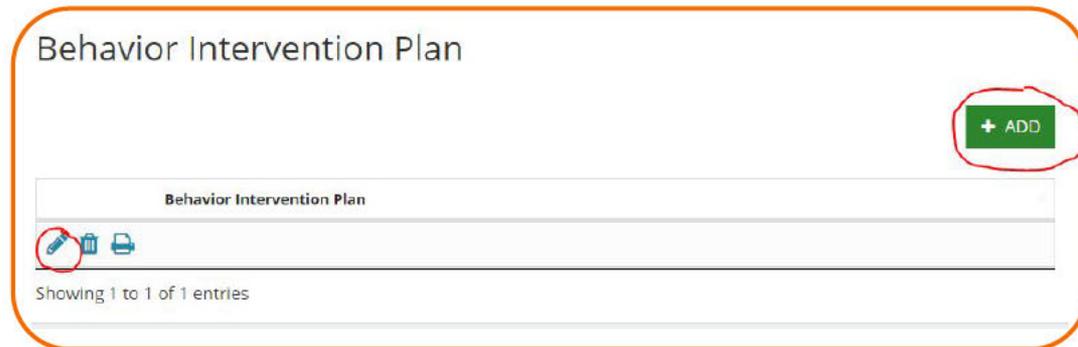
- Interim Placement w/out Parent Consent
- Behavior Intervention Plan
- Assessment Plan w/ PWN w/ Medi-Cal
- Manifestation



## Behavior Intervention Plan

+ ADD

Behavior Intervention Plan



Showing 1 to 1 of 1 entries

# Behavior Intervention Plan

## Date of BIP

## This Behavior Intervention Plan is based on the following (check all that apply):

Functional Behavior Assessment from report dated

Data Collection (may include observations, interviews, records review, etc.)

Social Emotional Assessment from report dated

Other (describe):

# Focus Student

## Behavior Intervention Plan

### Date of BIP

### This Behavior Intervention Plan is based on the following (check all that apply):

Functional Behavior Assessment from report dated

Data Collection (may include observations, interviews, records review, etc.)

Social Emotional Assessment from report dated

Other (describe):

If your focus student has an upcoming annual IEP, edit their BIP page in their future IEP. If they do not have an upcoming annual IEP, start an amendment and edit their BIP page there.

# Define the Behavior

In writing your definition, make sure it is objective and observable. An outsider reading the BIP, having not met the student, should be able to picture the behavior.

***NO: Student feels angry and hits himself.***

***YES: Student engages in self-injurious behavior such as hitting his head against the wall at a distance of more than 6 inches and hitting his head with a closed fist.***

Avoid using adjectives to describe the student, instead use action verbs and descriptions of body language.

The problem behavior impeding learning is *(describe what it looks like)*:

**Frequency**

**Intensity**

**Duration**

**Reported By**

**Observed By**

# Focus Student

The problem behavior impeding learning is *(describe what it looks like)*:

Frequency

Intensity

Duration

Reported By

Observed By

Turn to a partner and describe, objectively, the challenging behavior. Make sure your partner can picture that behavior. Work with your partner to craft a good description to include in your BIP draft.

---

# What leads up to the behavior?

Thinking about the antecedents to the behavior will be helpful for determining the function of the behavior. Consider the following:

- Time of day
- Certain environments - physical and social
- Styles of instruction
- Activities and expectations
- Level of independence
- Social interactions
- Sensory input
- Physical factors such as hunger or sleepiness

# What could be helpful in the environment?

Think about what we could change within the student's environment that might help reduce engagement in challenging behavior.

- Clear expectations
- Visual supports
- Non-fluorescent lighting (or lighting covers)
- Reduced noise (or sound blocking earmuffs)
- Printed schedules
- Pre-planned breaks or access to preferred items/people
- Build in student choice
- And many more!

## PREVENTION, PART I: ENVIRONMENTAL FACTORS AND NECESSARY CHANGES

**What are the antecedents for the problem behavior?** (Situations in which the behavior is likely to occur: physical setting, social setting, instructional strategies, curriculum and activities, scheduling factors, degree of independence, degree of participation, social interaction, degree of choice, etc.)

**What environmental structure and supports are needed to reduce the problem behavior?** (Provide specific examples)

# Focus Student

## PREVENTION, PART I: ENVIRONMENTAL FACTORS AND NECESSARY CHANGES

**What are the antecedents for the problem behavior?** (Situations in which the behavior is likely to occur: physical setting, social setting, instructional strategies, curriculum and activities, scheduling factors, degree of independence, degree of participation, social interaction, degree of choice, etc.)

**What environmental structure and supports are needed to reduce the problem behavior?** (Provide specific examples)

Think about what triggers your focus student's challenging behavior, and write those antecedents into the first box. Then think about what interventions have worked well for your focus student, and make a list in the second box.

---

# Function of Behavior

There are three main functions of behavior:

- Access - includes access to preferred adults, peers, activities, food, tangible items
- Avoid - includes avoiding adults, peers, activities, interactions
- Automatic Reinforcement - sensory stimulation or sensory experiences, feels good to engage in the behavior, includes self-soothing

# How can I tell what the function is?

Consider when the behavior happens, what leads up to it, and what follows. Using that [ABC chart](#) helps you see the antecedent and consequence to the behavior. Approach from a questioning perspective, let the data drive your answer.

- Access: Does the behavior lead to attention? Does the behavior lead to the student getting to engage in a preferred activity or to use a preferred item?
- Avoid: Does the behavior lead to the student getting out of an activity or an interaction?
- Sensory Reinforcement: Does the behavior often happen when the student is worried or anxious? Are the consequences inconsistent?

# Let's Practice

*Across the school day, when given any kind of paper, STUDENT will rip up that paper, put it in his mouth, and chew it.*

Turn and talk - what do you think the function of this behavior might be? What further information might you need?

Share out

# Let's Practice

*During her math class, STUDENT leaves her seat and disrupts other students by yelling for <1 second into other students' ears at a distance of less than 6 inches.*

Turn and talk - what do you think the function of this behavior might be? What further information might you need?

Share out

## ANALYSIS, PART II: FUNCTIONAL FACTORS

Team believes the behavior occurs because:

**Access**

**Avoid**

**Automatic Reinforcement**

**Other**

# Focus Student

## ANALYSIS, PART II: FUNCTIONAL FACTORS

Team believes the behavior occurs because:

Access

Avoid

Automatic Reinforcement

Other

Turn to a partner and brainstorm the function of your focus student's challenging behavior. Type your thoughts into the BIP.

---

# Functionally Equivalent Replacement Behavior

Find some other way for the student to meet the same function. It needs to be as easy or easier to engage in than the challenging behavior (after teaching).

- Access: Determine an appropriate way for the student to request the preferred item or person. Create a reinforcement system for the student to work towards this.
- Avoid: Figure out what the student wants to avoid and why. Are they having trouble understanding work? Teach them an appropriate way to ask for help. Are they feeling overwhelmed? Teach them an appropriate way to ask for a break.
- Automatic Reinforcement: Determine an appropriate way for the student to get the same sensory stimulation. Are they hitting their head because they need deep pressure? Teach them some scalp massage techniques.

# Make a plan to teach the FERB

How will the student learn this behavior? Maybe they'll need to practice in a one-on-one setting with lots of reinforcement before they can use the FERB across their school day. Do they need visual supports to engage in the FERB? Do they need a signal that all of their teachers will understand? What strategies, plans, or materials are needed?

How will engagement in the FERB be reinforced? What kind of reinforcement will work with this student? Do they need a token system? A daily/weekly behavior tracker?

# Let's Practice

***STUDENT hits other students with an open hand for the purpose of obtaining peer attention.***

Turn and talk - What's a potential functionally equivalent replacement behavior that you could teach this student?

Share out

## FERB, PART III: FUNCTIONALLY EQUIVALENT REPLACEMENT BEHAVIOR

**What team believes the student should do INSTEAD of the problem behavior?** (Replacement behavior that meets the same identified function of problem behavior)

**List teaching Strategies/Necessary Curriculum/Materials that are needed** (List successive teaching steps for student to learn replacement behavior/s)

**List reinforcement procedures needed for 1) establishing, 2) maintaining, and 3) generalizing the replacement behavior(s)**

**Selection of reinforcer based on:**

# Focus Student

## FERB, PART III: FUNCTIONALLY EQUIVALENT REPLACEMENT BEHAVIOR

What team believes the student should do **INSTEAD** of the problem behavior? (Replacement behavior that meets the same identified function of problem behavior)

List teaching Strategies/Necessary Curriculum/Materials that are needed (List successive teaching steps for student to learn replacement behavior/s)

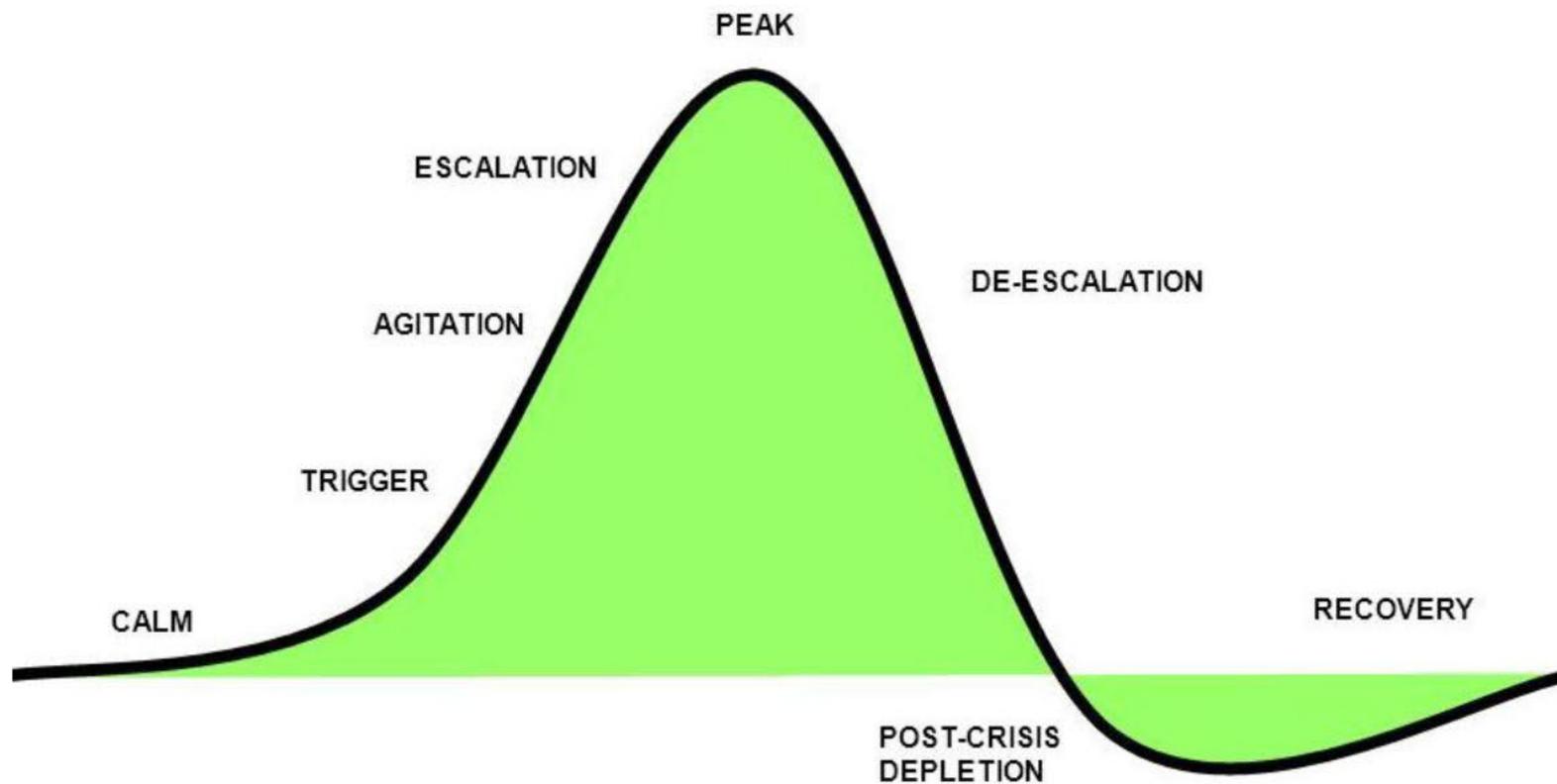
List reinforcement procedures needed for 1) establishing, 2) maintaining, and 3) generalizing the replacement behavior(s)

Selection of reinforcer based on:

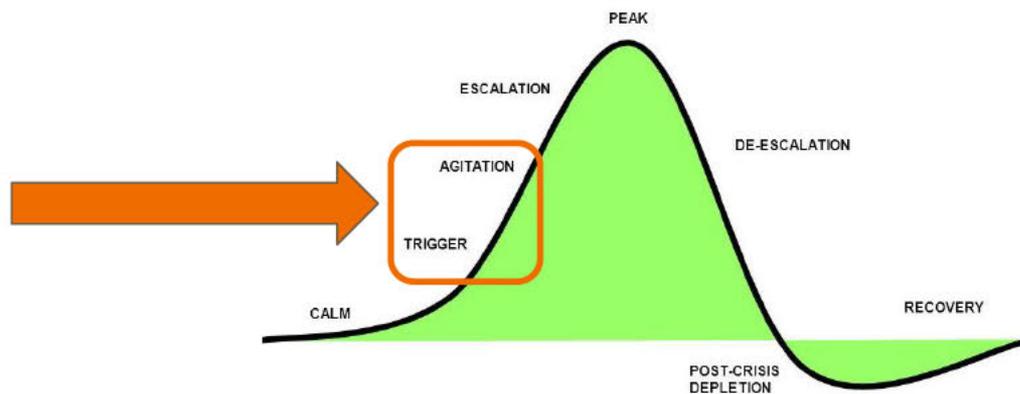
Turn to a partner and brainstorm a functionally equivalent replacement behavior. Type your thoughts into the BIP.

---

# THE ESCALATION CYCLE



# THE ESCALATION CYCLE



## RESPONSE TO PROBLEM BEHAVIOR, PART IV: STRATEGIES

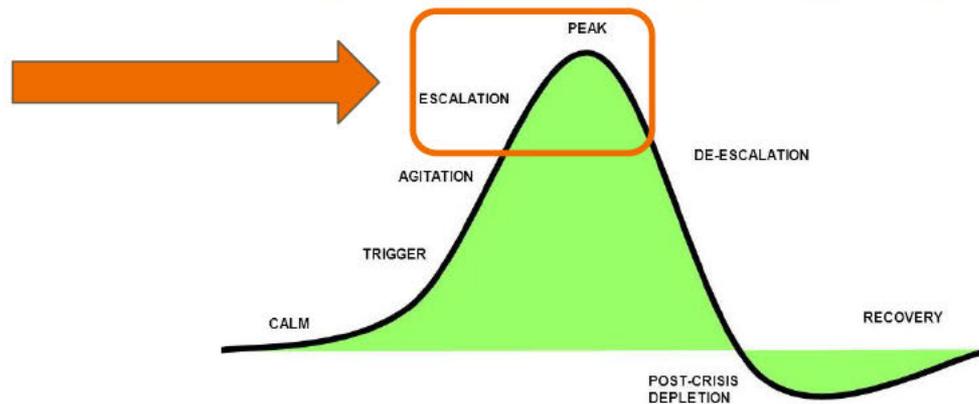
**Student early escalation behaviors may include:**

What is the student doing as they start to escalate? What does it look like for them to be agitated? Hiding in clothing, eyes darting around room, muttering under breath, crumpling papers?

**Staff response to early escalation behaviors may include:** (e.g. prompting relaxation strategies, offering distractions)

What can we do to get the student out of the escalation cycle? Are there triggers we can remove? Coping strategies? Offer choice to a new activity?

# THE ESCALATION CYCLE



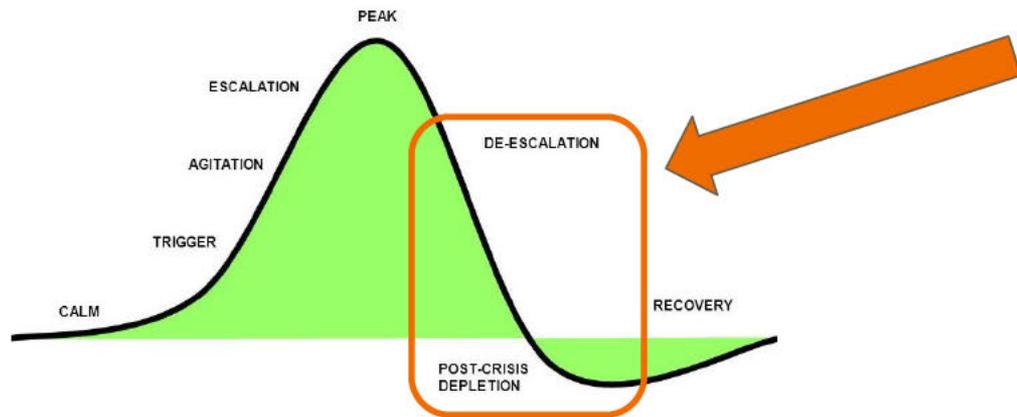
## Student behaviors during problem behavior may include:

What does the problem behavior look like? You've described it earlier in the BIP, you can just copy-and-paste into this box.

## Staff response during problem behavior may include: (e.g. monitor for safety, one step directions, neutral tone and affect)

What can we do during the challenging behavior? At this point in an escalation cycle, it's not helpful to threaten consequences or do any punitive actions. When students are in escalation and peak, their frontal lobes are not working as they typically do, which means students at this stage often have trouble with logical thinking and are acting more on instinct. You can provide simple neutral prompts towards getting the student to engage in the FERB, if appropriate. If they do engage in the FERB, provide reinforcement immediately.

# THE ESCALATION CYCLE



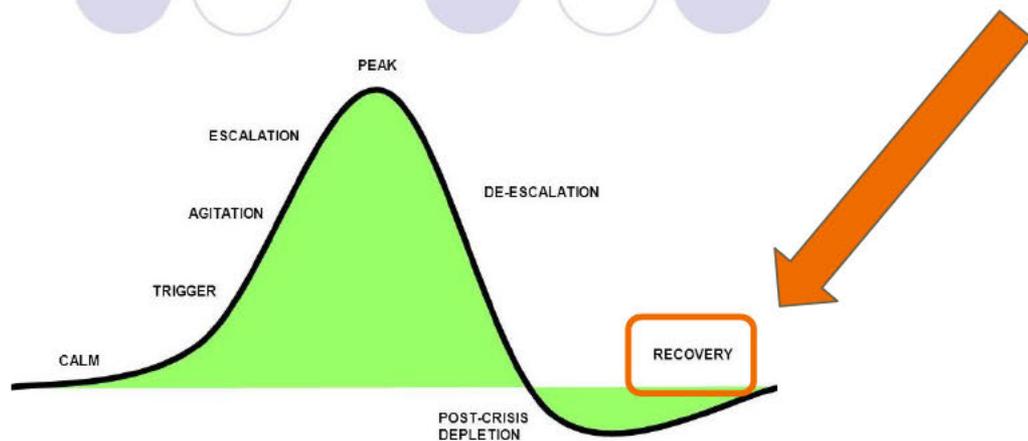
## Student behaviors during de-escalation may include:

What does the student do after engaging in the problem behavior? Students may feel embarrassed, ashamed, or angry with themselves, which leads to different behavior depending on the student. It may look like crying, wanting to leave the classroom, ripping up paper, negative self-talk, etc. Some students may experience a post-crisis depletion, where they have reduced energy levels.

## Staff response to promote de-escalation may include: (e.g. model deep breathing, encouragement)

What can we do to help the student approach how they are feeling at this time? This is again not the time to provide consequences or punitive measures.

# THE ESCALATION CYCLE



## Student behaviors during post incident may include:

What does the student look like as they are returning to baseline? How can we tell they are getting back into their typical way of being? Describe their usual behavior or affect.

## Post incident strategies may include: (e.g. offer choices, refrain from discussing consequences)

How can we support the student in rejoining the classroom community and getting back into the routine? Should we check in with the student to schedule a time for re-teaching the FERB?

# Writing a behavior goal

Behavioral Goal(s) are part of the student's IEP. See Goal(s) numbered:

Write the goal number here.

Now that you have a BIP, you should write the FERB into a behavior goal. This should be included in the goals page of the student's IEP.

***By 10/4/2020, when instructed to complete non-preferred work, rather than hitting other students for the purpose of avoiding work, STUDENT will hold up a break card and take a 5 minute break in a designated break area within the classroom, then return either to the given task or an alternative task on 3 of 5 opportunities as measured by teacher observation and data collection.***

# Hold an IEP meeting to discuss with the full team

Either at the student's annual IEP meeting, or at an amendment IEP meeting, discuss the behavior intervention plan you have drafted with the full IEP team (SpEd teacher, Gen-Ed teacher, Admin, Parent, Related Service Providers). Be sure to also discuss behavior goal that are attached to the BIP.

In order to implement the BIP and behavior goal, you must have consent from the student's family (or ed rights holder).

## Now what?

Need to teach the FERB while using extinction to reduce the challenging behavior. Use the teaching and reinforcement techniques you've already determined for the FERB.

Schedule time for this teaching to happen. If you have difficulty finding time for this, check in with your coach for some brainstorming help.

Do what you can to make sure the student does not access the function of behavior when engaging in the challenging behavior. If they are trying to access that function, prompt them to use the FERB instead.

If the student is engaging in the challenging behavior, consider where they are in the escalation cycle and respond accordingly.

# Be aware of extinction bursts!

When you first put a challenging behavior on extinction, many students respond by engaging in a whole lot of that challenging behavior to access the function. This DOES NOT mean that the BIP isn't working! This is typical and just means that you need to make sure the student is learning the FERB and contacting reinforcement when they engage in the FERB.

# Keep everybody informed

Anyone who may interact with this student during the school day should be aware of the BIP. This may include other SpEd teachers, gen-ed teachers, para/ISS staff, administrators, SSOs, front office staff, etc. Make sure that everybody knows how the team should be responding to challenging behavior, how to prompt and reinforce the FERB, what may trigger the challenging behavior, and what environmental supports are necessary.

It may be helpful to make a BIP cheat sheet and distribute that as well as the actual BIP to all parties involved.

# Work Time

Go back to your focus student's BIP. Work on filling in any areas that you were not able to finish during our turn-and-talks. If you have all of those filled out, work on the escalation cycle section and on creating a behavior goal.

---

**Thanks for being here!**

**We appreciate you being here and want to make sure that PDs are useful for you. Please share your feedback with us using this [feedback form](#).**

# Sensory Supports

**For SDC Classrooms**

**Presented by:**

**Maggie O'Reilly, OTR/L Chantal Guité, OTR/L, Jordan Song OTR/L**

# Sensory Processing: What is it?

“The organization of sensation by the brain for use in everyday life ” A.J. Ayres, OT, 1989

What are the 7 major sensory systems?

- The tactile, proprioceptive and vestibular sensory systems are foundational for ALL other brain development
- Sensory Motor skills stimulate cognitive processing
- Children with difficulty processing their daily senses can experience difficulties performing everyday occupations, leading to a tendency to avoid simple sensory motor tasks.



## Sensory Differences

Visual  
(sight)



Olfactory  
(smell)



Gustatory  
(taste)



Vestibular  
(balance)



Auditory  
(hearing)



Tactile  
(touch)



Proprioception  
(body awareness)



# How do you feel?

Observe your own behaviors through a sensory lens...

- What gives you energy ? What zaps your energy?
- How do you like to start your day ?
- Do you like crunchy, salty, sweet, chewy foods ?
- How do you feel in a noisy room vs. a quiet room?
- What music makes you feel good ?
- Do you like roller coasters or prefer to watch and cheer your friend on?



# It's Not All Sensory ...

Difficulties with Self-Regulation in the classroom are a result of many factors:

- Sleep
- Diet / Nutrition
- Social Emotional Regulation
- Cognitive Skills
- Environment (Home and Classroom)
- Sensory Processing Skills



# It's Personal!

- Sensory Strategies are not necessarily one size fits all!
- Individualized for everyone
- Children may seek/avoid different sensations, in an effort to feel calm and organized and/or protect themselves, in order to accomplish specific goals
- Over-reactive vs. Under-reactive
- *Example:*
  - Two different students are both bouncing, each is seeking input for different reasons...
  - One may be trying to “calm down” (over-reactive) while the other is trying to “calm up” (under-reactive)

# Low Cost Sensory Supports and Strategies

- Beach ball seat cushion (everyone takes one!)
- Theraband kickband on chair legs (ask the OT department)
- **Scheduled** movement breaks and heavy work tasks
- Flexible seating: seat cushion, cube chair, rocking chair, stadium chair, stool, ball chair, etc. (it's all individual !)
- Sensory Pathways for the hallway or classroom (ask your OT)
- Brain Break Visuals (on shared drive)
- Mouth Safe homemade playdoh, fingerpaint, cloud dough, etc.
- Sensory Rich Recess (structured and unstructured sensory play)
- Sensory retreat space in the classroom (ex quiet space with dangling lights, bean bags)



# Movement Strategies:

Releases histamine which is the primary orchestrator chemical to act on the brain stem

Supports attention to task, focus, cognitive abilities and overall academic achievement

**Sitting in a standard chair is actually the least effective way for the brain to learn. The brain needs movement to think! There are many, many options for this:**

- Take regular movement and stretch breaks, every 10-15 minutes. Make it a group activity! Even 1-2 minutes of stretching or jumping in place is enough to give the brain the boost it needs to get right back to work!
- Replace standard chairs with flexible seating chairs, to be used and rotated throughout the day.
- Offer the option to work standing at the board/easel or a standing height table.
- Offer the option to lay on their stomach on the floor to work or read.
- Place head below heart: toe touches, upside down bowling, side bends
- Yoga poses



# Proprioceptive/Heavy Work/Deep Pressure: Releases Serotonin and Dopamine

Supports self-regulation, soothing, organizing, and calming for the brain, improves mood, supports behavior and emotion, decreases the episodes of sensory overload or sensory meltdowns

- Depending on the population, provide stations with various fidget tools of various texture and resistance, such as stress balls, koosh balls, theraband, playdoh, and other objects to pinch, squeeze, and manipulate.
- Offer the use of weighted lap pads, weighted shoulder wraps, weighted blankets.
- Weighted medicine balls for either gentle tossing or for holding and rolling in the lap or over the body
- Provide vibrating pillows and hand held vibrating gadgets.
- If possible, set up a designated sensory retreat in the classroom such as a small tent with a bean bag chair inside or other soft cozy objects, pillows, blankets, lycra swing
- Chair push ups, wall push ups, jumping activities, yoga poses
- Erase whiteboards, Wipe off desk/tables, Stack Chairs, Door holder
- Resistance tunnel (lycra), best used as a group activity for younger children
- Joint Compressions
- Animal walks



# Oral Sensory:

Supports self-regulation, attention to task, thinking and processing information, focus, and overall behavior and mood

- Allow for all children to have a water bottle at their desk, preferably a spill proof one and with a resistive type straw and chewy mouthpiece, which is an excellent sensory tool in itself.
- Offer healthy chewy and crunchy snacks throughout the day.
- Encourage deep breathing throughout the day on a regular and frequent basis. Do it together as a class!
- Encourage the use of other oral sensory tools. There are so many effective options on the market now! Even pencils with an oral sensory tool on the end for chewing on!
- Vibration tools around the mouth, head and neck, arms etc.
- Joint Compressions



# Make and Take!

## Tactile Sensory Bags

- Large or medium sized freezer bag
- Add hair gel OR shaving cream
- Add food coloring
- Add glitter or sequins
- Remove air
- Seal
- Reinforce each side with duct tape



## Glitter Calm Down Jar

- Large sized plastic Voss water bottle (or other)
- 2 Tbsp colored glitter glue
- 2 Tbsp hair gel
- Add water to fill  $\frac{3}{4}$  of bottle, shake
- Add 1-2 drops food coloring or liquid watercolor
- Add large glitter and sequins
- Fill completely with water, duct tape or hot glue lid shut



# Resources

- East Bay Depot for Creative Reuse - free materials for teachers (bring your ID badge)
- Philanthropic Ventures Foundation - Special Education Resource Grants \$500, 2 per school, funds available NOW
- Donors Choose Grants
- OT Department has MANY visuals for brain break cards and movement/sensory breaks, ask your OT or sign up today get shared files
- Teachers Pay Teachers
- Brain Works App for sensory breaks/diets
- Pinterest sensory and motor breaks

# Websites

[www.braingym.com](http://www.braingym.com)

[www.sensationalbrain.com](http://www.sensationalbrain.com)

[www.theottoolbox.com](http://www.theottoolbox.com)

[www.inspiredtreehouse.com](http://www.inspiredtreehouse.com)

<https://www.pocketot.com/sensory-processing-disorder-resources-and-information/>

[www.funandfunction.com](http://www.funandfunction.com)

[www.schoolspecialty.com](http://www.schoolspecialty.com)

[www.yourtherapysource.com](http://www.yourtherapysource.com)

[www.sensorysmarts.com](http://www.sensorysmarts.com)

# Books

- What's Going On In There? How the Brain and Mind Develop in the First Five years - Lise Eliot
- Starting Sensory Integration Therapy- Bonnie Arnwine
- The Out of Sync Child- Carol Kranowitz
- Kids Beyond Limits- Anat Baniel
- The Brain that Changes Itself- Norman Doidge
- Reflexes, Learning and Behavior: A Window Into the Child's Mind-Sally Goddard
- Yoga for Children - Lisa Flynn
- Balanced and Barefoot- Angela Hanscom
- Raising a Sensory Smart Child- Lindsey Biel and Nancy Peske



# EVIDENCE-BASED PRACTICES

for students with moderate-profound special needs

# WELCOME!

our objectives and agenda...

## PWBAT:

Identify four types of evidence-based practices to support learners with moderate-profound disabilities...

Participate in classroom activities related to these EBPs...

Articulate one specific strategy and activity for each EBP that can be implemented in your classroom...

Reflect on the importance of student self-determination and your critical role in supporting our students with disabilities.

---

# WELCOME!

our objectives and agenda...

## Agenda:

9:00-9:30: **Welcome, introductions and logistics**

9:30-11:45: **EBP rotations**

11:45-12:30: **Additional resources and activities**

12:30-1: **Lunch**

1-3: **Film screening**

---



# STRUCTURED MOVEMENT AND SENSORY SUPPORTS

Evidence-Based Practices to Support Moderate-Profound  
Classrooms

# What we'll cover...

- What is **Total Physical Response**?
- How can you incorporate physical **exercise** into your classroom?
- What types of lessons and activities feature **structured movement**?

**Why is movement  
important?**

# Total Physical Response (TPR)

- Developed by James Asher at SJSU
- Started as a strategy for Language Learners
- Emphasizes coordination of speech and physical movement
  - Words are paired with repeated, simple movements
- Supports functional language acquisition



# Exercise (ECE)

- Structured, coordinated movement involving gross/fine motor
- Employed by people widely to release energy, improve mood, and improve motor planning and tone
- Important learning methodology for students with verbal and nonverbal cognitive delays
- Can be used by students with Autism to self-regulate and receive proprioceptive input



# Movement Breaks



# Roll a Brain Break!



Students have exactly one minute to hop on one foot as many times as they can. Students should count their hops. If a student touches the ground with the other foot, he or she must start over.



Students pair up into groups of two. Pairs face each other. As quickly as they can, in this order, they must: clap right hands, touch left toes, clap left hands, touch right toes. Repeat until time is called. Adjust the order to make it easier if needed.



Students mill around the room until the teacher calls, "House, Tree, Rock!" Students quickly get into groups of three. Within each group, one student poses as a house (hands joined in a point above head), one poses as a tree (arms out like branches) and one poses as a rock (crouched on the floor). Do several rounds. Students should group differently each time.



Divide the class into four groups. When the teacher says, "Go!" The students in each group must line up in order by height as quickly as they can without talking. Variations: line up: alphabetically by first name, by hair length, by age (may need to allow talking for that one)



Each student takes exactly five steps away from his or her desk. Then they all spin around five times. As soon as they finish spinning, the students must try to walk in a straight line back to their desks.



Students must walk six steps in each of these six ways: 6 backwards steps, 6 giant steps, 6 baby steps, 6 sideways steps, 6 tip-toe steps, 6 high-knee steps. If time allows, repeat, but reverse the order.





VISUAL SUPPORTS & ASSISTIVE TECHNOLOGY

# What we'll cover...

- What types of visual supports can support our students?
- How to access resources to make visuals and low tech tools for students?
- How can you implement assistive technology in the classroom?
- How can you get creative with making visuals for your students?

# VISUAL SUPPORTS

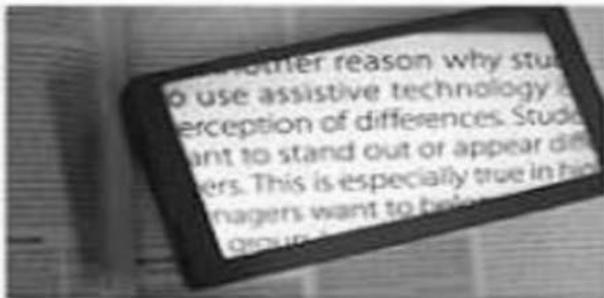
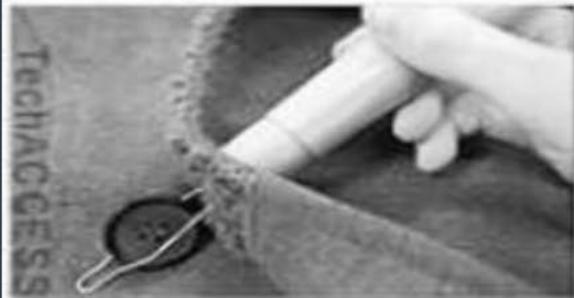
Daily Schedule	
8:15-8:30	Homeroom
8:30-9:00	Social Studies
9:00-9:30	Mathematics
9:30-10:00	Individual Tasks
10:00-10:15	Recess
10:15-10:45	Science
10:45-11:00	Health Education
11:00-11:30	Lunch
11:30-12:00	ELD/Communication
12:00-12:30	Language Arts
12:30-12:50	Adapted Physical Ed
12:50-1:20	Visual/Performing Arts

	Monday	Tuesday	Wednesday	Thursday	Friday
8:00	Personal Hygiene				
8:30	Monday Circle				
9:00					
9:30	Math Concepts	Math	Math	Math	Math
10:00	Math Concepts	Math	Math	Math	Math
10:30	Math Concepts	Math	Math	Math	Math
11:30	Lunch Time				
12:00	Free Time				
12:30	Language Arts	Social Studies	Science	Science	Science
1:00	Language Arts				
1:30	Bus Time				

OUR DAILY SCHEDULE	
8:00a.m.	Bus
8:15a.m.	Personal Hygiene
8:45a.m.	Monday Circle
8:55a.m.	Flag & Anthem
9:00a.m.	Math Concepts
9:20a.m.	Math
10:30a.m.	Math
11:00a.m.	Lunch Time
11:15a.m.	Free Time
12:30p.m.	Language Arts
12:50p.m.	Adapted Physical Ed
1:00p.m.	Visual/Performing Arts
1:30p.m.	Bus Time

# Assistive Technology

Any device, equipment, or service that improves the learning and capabilities of students with disabilities.



**Explore possible solutions needed to meet goals**

**Low Tech Tools**



Pencil grips  
Color coding  
Highlighters  
Slanted surfaces  
Reading and writing guides  
Enlarged worksheets

**Mid Tech Tools**



Books on tape  
Talking spell checker, dictionary  
Word processor  
Tape recorder  
Adaptive eating utensils  
Switch controlled toy, light, blender

**High Tech Tools**

Text readers  
Voice recognition  
Environmental control devices  
Augmentative communication device  
Software for manipulation of objects  
Electronic books

# For More EBP Information...

→ The AFRIM Modules [[afirm.fpg.unc.edu](http://afirm.fpg.unc.edu)] are free, comprehensive practice guides that feature evidence-based practices for students with Autism and related disabilities.

→ The What Works Clearinghouse [[ies.ed.gov/ncee/wwc](http://ies.ed.gov/ncee/wwc)] has specific interventions and strategies that have been research-proven to be effective based on specific populations and disabilities.

→ Peabody's IRIS [[iris.peabody.vanderbilt.edu](http://iris.peabody.vanderbilt.edu)] modules are self-paced guides that cover a variety of instructional topics and provide links to further research and resources.





# Scripting and Social Narratives

Welcome!



# You will be able to ...

1. Identify ways to use scripting in your context
2. Identify ways to use social stories in your context
3. Think about your current practice and work to identify ways to implement interventions to support your students.

# Why Scripting?

- We support students that experience deficits or challenges in expressive and/or receptive language
- These deficits make social interactions and personal connections with others difficult
- Students require consistent, individualized, and directed interventions to grow their skills

Early Intervention (0-2)	Preschool (3-5)	Elementary (6-11)	Middle (12-14)	High (15-22)
No studies	Social	Social	Social	Social
	Communication	Communication	Communication	Communication
	Joint Attention			
	School-Readiness			
	Play	Play		
	Cognitive			
		Vocational		

# What is Scripting?

- Research-based intervention
- Provides clear visual cues and structured models for language and/or social behavior to support the student as they engage in communicative interactions and/or activities or tasks
- Can be used in classrooms, across school environments, in the community
- All service providers, parent/ families/ support networks, and community partners can access



Check out that Reading

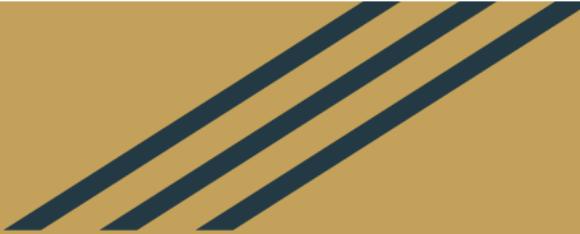
# Why Social Narratives?

- Social Narratives describe social situations by providing relevant cues, explanations of the feelings and thoughts of others, and descriptions of appropriate behavioral expectations
- Students require additional supports identifying appropriate choices and interacting with others in social situations and settings

Early Intervention (0-2)	Preschool (3-5)	Elementary (6-11)	Middle (12-14)	High (15-22)
No studies	Social	Social	Social	
	Communication	Communication		
	Joint Attention	Joint Attention		
	Behavior	Behavior	Behavior	Behavior
		School-Readiness		
	Play	Play		
	Adaptive	Adaptive		
	Academic	Academic		

# What are Social Narratives?

- Individualized, short, and written from the perspective of the learner
- Includes a reason for why it is being used
- Can include or feature the student or other motivator as the “hero” as they use the behavior
- Encouraging
- Includes pictures



Check out that Reading



Apply this to your Practice



# Reinforcement



# Objectives

Teachers will be able to:

- describe positive reinforcement and token economy behavior reinforcement evidence based practices in order to support students acquire and maintain behavioral and social skills
- collaborate with peers on specific reinforcement EBPs
- create or begin to develop a reinforcement strategy to implement in their classroom

# Reinforcement Procedures - Positive Reinforcement

<u>Procedure</u>	<u>Definition</u>	<u>When to Use</u>	<u>Example</u>
Positive Reinforcement	Delivery of primary (i.e. food) or secondary (verbal praise) after use of target skill or behavior.	<ul style="list-style-type: none"><li>• When teaching a new skill</li><li>• To increase appropriate behaviors</li></ul>	When Jordan completes their assignment, they can play a computer game for 5 minutes

# Reinforcement Procedures - Token Economy

<u>Procedure</u>	<u>Definition</u>	<u>When to Use</u>	<u>Example</u>
Token Economy	A type of positive reinforcement where student earns tokens which can be used to acquire desired reinforcers	<ul style="list-style-type: none"><li>• Help acquire target skills</li><li>• Tokens do not interrupt activities or plans</li><li>• Can maintain interest of student over time</li><li>• Can be used by multiple learners at once</li></ul>	Kayla is provided a ticket each time she meets her goal of asking a question which can be used on Fridays to buy a desired item in the class store

# Getting Started

1. Identify the target behavior
2. Collect baseline data through direct observation
3. Establish a goal that clearly states
  - a. When the behavior will occur
  - b. What the target skill is
  - c. How the team will know when the skill is mastered

**Julian will use his AAC device to request a 5 minute break during independent learning time with 80% accuracy as measured by staff observation.**



# Reinforcement Menus



# Reinforcement Menus

## Reinforcement Menu



Computer



DVD



MP3 Player



Video Games



Toys



Cards



TV



Book

# Reinforcement Menus

*Example of Picture Reinforcer Menu*

 <p><b>NEW COMPUTER GAME</b></p>	 <p><b>PLAY BASKETBALL FOR 10 MINUTES</b></p>
 <p><b>SIT IN ROCKING CHAIR FOR 10 MINUTES</b></p>	 <p><b>NEW TRAIN</b></p>

*Example of Written Reinforcer Menu*

<b>If I earn 10 tokens, I would like:</b>
Circle choice for this class
<ul style="list-style-type: none"><li>• Ten minutes of extra play time on the computer</li><li>• Extra recess time</li><li>• New comic book</li><li>• Jar of bubbles</li><li>• Erase the chalkboard</li></ul>

Adapted from Aspy and Grossman (2007)

# Reinforcement Charts



# Classwide Reinforcement



**Table Points**

Piggy  
Lukas  
Lebey

### How Do We EARN Marbles?

By working together as a class we can earn marbles. Filling the jar earns the class a **MARBLE PARTY!**



What can we do?	# of Marbles
Everyone is here on time!	2
All folders in Mailboxes (morning)	2
Good behavior from another teacher	3
Quiet walking in the halls	3
10 or less on bathroom log	5
All Markers are in the cup	2
Strong on Monday	2

\* Earning Marbles is a privilege. They can be taken away if the class is not working together.

**Class Marbles**



# Collaboration And Planning Time

Additional Resource: [pbisworld.com](http://pbisworld.com)

Using the visual organizer provided:

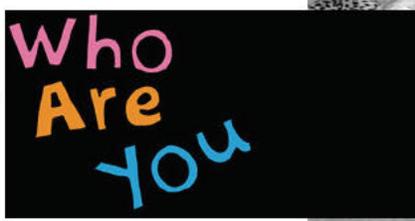
- 1) Identify one student or classwide target behavior to reinforce
- 2) Develop a behavioral goal
- 3) Brainstorm in group our individually a reinforcement strategy to use to support the goal
- 4) Create or develop plan to create reinforcement \_\_\_\_\_ materials



## Reinforcement Systems for Teachers

Using Easy and Effective Systems in the Classroom  
OUSD 9/27/19

Hello!



“  
*Properly used, positive reinforcement is extremely powerful.*  
-B.F. Skinner

3

# 1.

## What is Reinforcement?

4

### Reinforcement

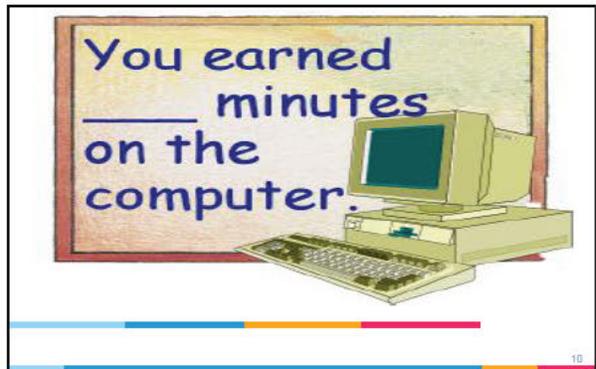
Anything that occurs **after** a behavior that increases the likelihood that the behavior will be repeated.



# "Good job!"



6





- ➔ Considerations
- ➔ Components
- ➔ Features
- ➔ Schedules

## Considerations

**Problem Behavior= Skill Deficit**

- Communication
- Social Skills
- Perspective Taking
- Self Regulation
- Large Group Learning
- Delaying Gratification

What Else?



# Considerations

Lack of effective reward schedules or systems.

Lack of internalized or inherent motivation.

A RECIPE FOR DISASTER  
JOHN MARROTT

# Components

Targets      Currency      Schedule

20

# Components

Menu      Time for Trade      Price

Dojo Reward Menu

- 100 Points - Secret Bonus Pass
- 50 Points - Take Your Pick Pass
- 50 Points - Special Lunch Pass
- 20 Points - Free Internet Time Pass
- 50 Points - Lunch with a Friend Pass
- 50 Points - Sit in a Preferred Seat
- 40 Points - No Homework Pass
- 20 Points - Treasure Box Visit
- 20 Points - Family Fun!
- 10 Points - Awesome Sticker

21

# Features

Individualized Rewards

consistency is key

Great Job!

Size = Effort

22

# Features

no take backs

23

# Schedules

frequent      intermittent

Every correct =      Or every few minutes =

24

## Schedules

**frequent**

For skills that are new, absent or weak.

**intermittent**

For skills that need maintenance or strengthening.

25

## Schedules

**frequent**

For students that are unable to connect behavior with delayed reinforcement.

**intermittent**

For students who are able to delay gratification for longer periods.

26

## Schedules

← Dense

→

Thin →

**The starting point**

27

## Schedules

← Artificial

→

Natural →

**I am working for**

**The goal**

28

## 2. Types of Reinforcement Systems

29

- ### Reinforcement Systems
- ▷ Individual-Individual
  - ▷ Group-Individual
  - ▷ Group-Group
- 30

# Individual-Individual

Individual System, Individual Reward

31

## Individual System-Individual Reward

- ▷ The student earns rewards that they chose based on only their own behavior.
- ▷ Not dependent on any other variables.

32

## Individual-Individual Examples

One Example of a Token Economy

*Chosen reinforcer is placed here*

I'm working for

*Earned tokens are placed into these spaces*

- ▷ Token Systems
- ▷ Contingency Contracts
- ▷ Behavioral Contracts

33

## Individual-Individual Systems

Pros	Cons
▷ Individualized	▷ Requires constant monitoring
▷ Can build or strengthen new behaviors very quickly	▷ Requires eventual thinning/fading

34

## Token Systems

- ▷ Student chooses what to work for.
- ▷ When target behaviors are displayed, tokens are awarded.
- ▷ When the board is filled or criteria is met, they exchange the tokens for the chosen reward.

35

## Making Token Systems

I am working for:

36

### Making Token Systems

- ▷ If the materials are cumbersome, you'll use it less consistently.
- ▷ Keep it simple.
- ▷ White boards, post it notes, or using non-removable token flaps may help!

37

### Making Token Systems

Visual or written choice boards should show what is available to work for.



38

### Contingency Contracts

**FIRST THEN**



- ▷ Staff places reinforcing activity/item after a demand.
- ▷ Called first/then or if/then
- ▷ Provides reinforcement frequently and interspersed throughout the day
- ▷ Requires facilitation by the staff for the student

39

### Using First/Then

- ▷ If managing visuals for all of the options is cumbersome, simplify it.
- ▷ Use a laminated piece of paper with hand written post it notes for the first and then if that's easier to maintain.

40

### Using First/Then




41

### Behavioral Contracts

- ▷ An agreement between student and staff
- ▷ Outlines expectations for behavior and goals
- ▷ Outlines the good things that will happen if the contract is met
- ▷ Has a date/plan for review

**Behavior Contract**

Goal: Alberto agrees to give 100% effort in Raising hand to get called on with no reminders for the whole day.

---

When this goal is reached, he or she will earn Movie with brother at home.

---

Student: Alberto Date: 9/9  
 Teacher/Parent: Mom Date: 8/9

Consequence: Not getting called on for blurt outs.

### Using Behavioral Contracts

- ▷ Requires the student to understand the agreement and the positive and negative consequences.
- ▷ Not appropriate for students who can't delay gratification or have very high frequency behaviors.

43

### Using Behavioral Contracts

- ▷ Would be too cumbersome for all class use.
- ▷ Best reserved for one or two students who comprehend the concept.
- ▷ Coordinate the agreement with parents when possible.

44

### Using Individual-Individual

- ▷ Pair each token with specific verbal praise.
- ▷ Rewards should be chosen by the student.
- ▷ Over time as behaviors strengthen, the schedule can be thinned or expectations can be increased.
- ▷ Reward options should be rotated frequently.

45

## Group-Individual

Group System, Individual Reward

46

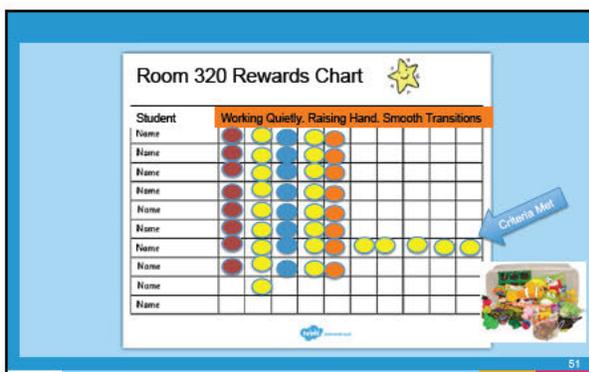
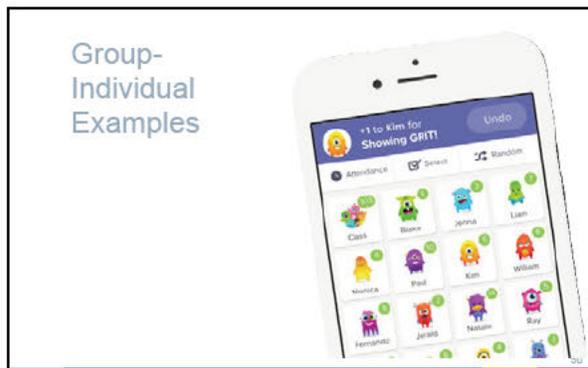
### Group-Individual Systems

- ▷ The target behaviors that are rewarded are typically the same or similar for the whole group.
- ▷ When a student achieves the criteria, they earn an individual reward.

47

### Group-Individual Examples

48



Date: 9/9/19

Period	Skills	All	Some	None	Comments
1	Worked Hard	100	50	0	
	Followed Instructions	100	50	0	
	Stayed Safe	100	50	0	
2	Worked Hard	100	50	0	Comments
	Followed Instructions	100	50	0	
	Stayed Safe	100	50	0	
3	Worked Hard	All	Some	None	Comments
	Followed Instructions	100	50	0	
	Stayed Safe	100	50	0	
4	Worked Hard	All	Some	None	Comments
	Followed Instructions	100	50	0	
	Stayed Safe	100	50	0	

All= for the entire period.  
 Some= for half or most of the period.  
 None= Multiple reminders needed

**1000**

- Varied Prices
- Consider Supply/Demand for pricing
- Frequent Purchase Opportunities
- Connected to Student Interests and Privileges

#### Coupon Store

<b>1000</b>	<b>500</b>
-Classroom Reward Prize -First to Class in a classroom job -Pick a new book -Pick a new desk book -Extra Classroom Help Sign	-Classroom Equipment Prize -Head Bling Award -Crazy Hair Day -Line Jumper -Wear your favorite hat -Choose your partner first
<b>1000</b>	<b>5000</b>
-Read to the Class -Homework Pass -Create an illustration for the white board -Wear cozy slippers to school	-No Noise Up Work -Show and Tell -Special Chair for the Day -Same Daily 5 Session as
<b>2000</b>	<b>8000</b>
-Work with a buddy -Work at the Book Table -Work with a peer for a day -Work in the Shared Space -SS Scholastic Book	-Play Time -Classroom for a Day -No Shoes in the Classroom (with sock) -In the Teacher's Chair
<b>10000</b>	
-Lunch with the Teacher and a Friend -Bring a Stuffed Animal to School -Choose your Sign -Extra Rewards, PJ Day, Pk Day, Wheelie Chair Game (Can be a class effort) -Recs with a friend in the Classroom	

Daily?

### Group-Individual Systems

## Pros

- Can be managed by the teacher more easily than individual-individual
- Element of competition
- Rewards are motivating because individualized

## Cons

- May not be frequent enough for all learners/ skills
- Element of competition

### Using Group-Individual

- ▷ Awarding points/tickets/stars should be paired with behavior specific praise from the start.
- ▷ Schedule can be thinned over time.
- ▷ Rewards should be chosen by the students.
- ▷ Reward options should be rotated frequently.

55

# Group-Group

Group System, Group Reward

56

### Group-Group Systems

- ▷ The whole group is working towards the same reward
- ▷ Earning the reward is contingent upon meeting a set upon criteria
- ▷ Whole group earns or doesn't together

57

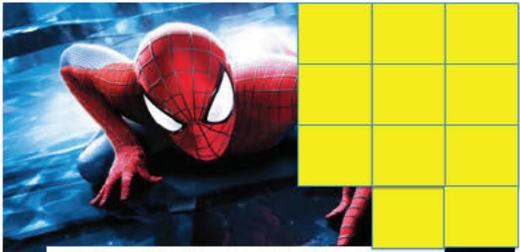
### Group-Group Examples

- Specific Behaviors are Outlined
- When specific behavior is demonstrated, one student is asked to put a piece of Mr. Potato Head in.
- When he's complete they earn a whole group prize.
- Can be made more age appropriate with larger puzzles.



58

### Group-Group Examples



We are Working On Quiet Transitions

59

### Group-Group Examples

Our 100 Square Chart.  
Working, Listening, Following Rules

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

Created by [ingest360.net](http://ingest360.net)      [www.ingest360.blogspot.com](http://www.ingest360.blogspot.com)

- ▷ Students are asked to color in a square when target behavior is observed
- ▷ Size of Rewards increases as Squares are Colored In

60

### Group-Group Systems

Pros	Cons
<ul style="list-style-type: none"> <li>▷ Can be managed by the teacher</li> <li>▷ A variety of behaviors can be worked on at once</li> <li>▷ Group works together</li> </ul>	<ul style="list-style-type: none"> <li>▷ May not be frequent enough or specific for all learners/skills</li> <li>▷ The group may earn despite episodes of misbehavior</li> <li>▷ The reward may be too delayed</li> </ul>

61

### Considerations with Group-Group

- ▷ Schedule should be thinned as behaviors improve.
- ▷ Expectations can increase as behavior maintains.
- ▷ Rewards should be chosen by students.
- ▷ Rewards should be rotated frequently!

62

### Reinforcement Systems

#### So how do I choose?

- ▷ Know your students!
- ▷ Will a group system be effective?
- ▷ What can they tolerate for delay?
- ▷ Do some or most need individual?

63

### Reinforcement Systems

#### Keep In Mind

- ▷ Any system will require recalibration throughout the year.
- ▷ Consistency is key, so don't start until you have all components in place

64

### Components of Effective Systems

<p><b>Targets</b> The behaviors you want to strengthen are well defined and will earn the currency you choose on a specific schedule.</p>	<p><b>Currency</b> What will be earned contingent upon the demonstration of the target behaviors? Tokens? Tickets? Coins? Stars?</p>	<p><b>Schedule</b> What is the most effective schedule of reinforcement for your student and the specific skill? Continuous? Intermittent?</p>
<p><b>Menu</b> What are the items that will be available for trade in once the criteria for earning has been met?</p>	<p><b>Time for Trade</b> When will students be able to trade in their currency? When the board is filled? When specific criteria is met? On a specific day?</p>	<p><b>Price</b> How much will items cost? Does the price reflect the value of the item? Does the price reflect the amount of effort to achieve?</p>

65

## You can have multiple systems in one classroom.

Just be sure you have a solid plan from the start, and enough helping hands to assist.

66



Rewards should be:

---

Tokens, points, tickets should always be paired with:

---

You know a behavior is being reinforced when:

---

The components of an effective system are:

---

Effective reinforcement systems are used:

\_\_\_\_\_ systems can be used in classrooms simultaneously.

## Resources to Take

- ▷ Example Token Boards
- ▷ Individual and Group Reinforcement Planning Sheets

75

Thanks!  
Any questions?

You can find me at:  
deanna@speechpath.com

76

## Credits

Special thanks to all the people who made and released these awesome resources for free:

- ▷ Presentation template by [SlidesCarnival](#)
- ▷ Photographs by [Unsplash](#)

77

## References

- Utah State Office of Education: Least Restrictive Behavioral Interventions (LRBI). Token Economy.  
Retrieved from the internet January 3, 2005 at  
<http://www.usu.edu/teachall/text/behavior/LRBIpdfs/Token.pdf>
- Maag, J.W. (1999) *Behavior Management: From theoretical implications to practical applications*.  
San Diego: Singular Press.
- Maag, J.W. (2001a) *Powerful struggles: Managing resistance, building rapport*.  
Longmont, CO: Sopris West.
- Maag, J.W. (2001b). *Reward by punishment: Reflections on the disuse of positive reinforcement in schools*. *Exceptional Children*, 67 (2), 173-88.
- Rhode, G., Jensen, W., & Reavis, H.K. (1996). *The tough kid book: Practical classroom management strategies*. Longmont, Colorado: Sopris West.

78

# Crisis Prevention and Verbal De-Escalation Strategies for the School Setting

Katelyn James, Program Specialist

Crystal Keith, Program Specialist



*★ If we are not differentiating instruction, we are creating the problem — we are creating the behavior*

## Welcome and Introductions

- What is a SELPA?
  - Special Education Local Plan Area
- Program Specialist Introduction
- Participant Introductions
- Housekeeping Items
  - WiFi
  - Restrooms
  - Break



## Verbal De-Escalation Training Objectives

*Participants will learn:*

1. The definition of crisis
2. Preventative techniques to avoid crisis, including how to identify the function of a behavior
3. How to identify the stages of behavioral escalation
4. Behavioral tools to verbally de-escalate crisis
5. Essential post-intervention elements

## Activity: 5 Minutes

Please use two post-its to answer the following:

**1. Define Crisis**

- compromises safety
- traumatic event, student's response
- levels different for every student
- loss of control - lost access to frontal lobe
- fleeing + reacting

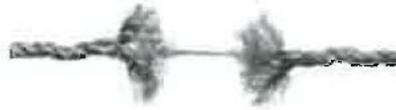
**2. One thing you'd like to learn more about in order to support students in crisis**

- re-establishing relationship w/ student

## Crisis: Defined

- Merriam-Webster defines crisis as:
  - An emotionally significant event
  - An unstable or crucial time in which a decisive change is impending; especially one with the distinct possibility of a highly undesirable outcome
  - A situation that has reached a critical phase
- The Crisis Prevention Institute (CPI) defines crisis as:
  - A moment in time when an individual in your charge loses rational, and at times even physical, control over her own behavior

tools are used to stabilize



## Verbal De-Escalation: Defined

- A targeted intervention for use with students who are at risk for aggression. Using calm language, along with other communication techniques, to diffuse, re-direct, or de-escalate a conflict situation.  
(Kerr & Nelson, 2010)

the one that leads naturally to you + your site



## Training Structure



Section One: Prevention



Section Two: Intervention



Section Three: Postvention

Section One:  
*Prevention*



## Prevention Topics



PBIS

MTSS

The Function  
of Behavior

Environmental  
Considerations

Cycle of  
Impact

Rational  
Detachment  
and Self-Care

Additional Prevention Tips and Tricks

“ I figure if I’m going to get in trouble,  
I’m going to annoy him as much as I can.  
I’m already going to get in trouble, he  
deserves it if he’s gonna keep singling me  
out, so I get on his nerves!...If you know  
you’re already in trouble, why shut up? ”

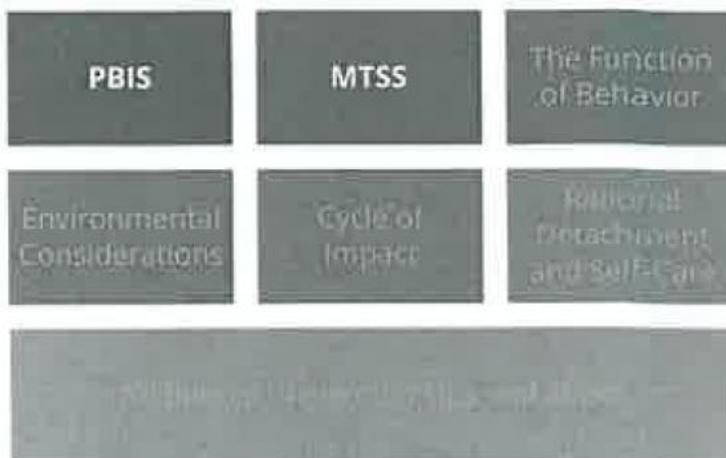
– STUDENT IN DETENTION



Prevention is important  
b/c once you're at  
escalation, you're just  
maintaining - no opportunity  
for growth there

(more towards  
recovery)

## Prevention Topics



## Positive Behavioral Interventions and Supports (PBIS): *What is PBIS?*



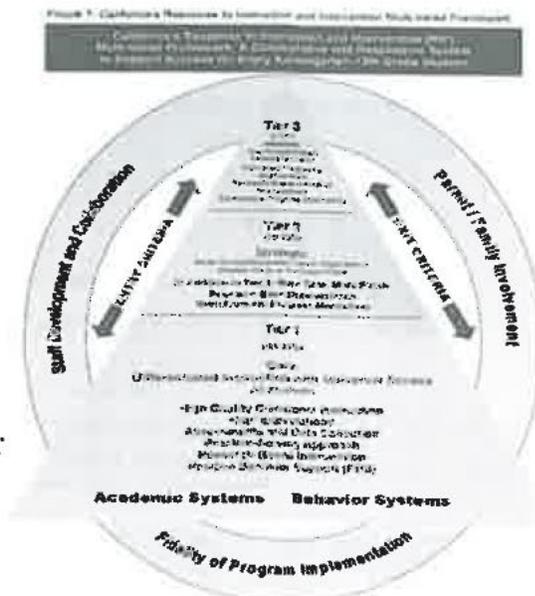
## Positive Behavioral Interventions and Supports (PBIS): *What is PBIS?*

- PBIS looks different in every school.
- PBIS is a collaborative, educative, proactive, and functional process that is individualized to develop effective behavioral interventions based on the specific needs of each school.
- It is a framework for establishing the social culture and behavioral supports needed for a school to achieve behavioral and academic outcomes for all students.
- Utilizes multiple tiers of support.
- Professional development on PBIS is offered through our SELPA.

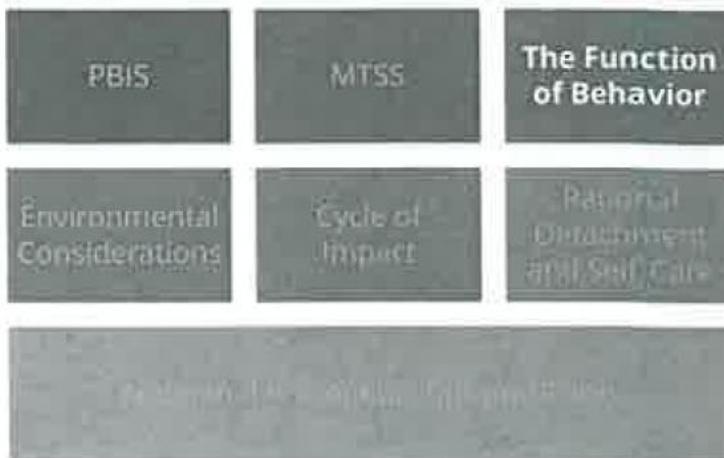


## Multi-Tiered System of Supports (MTSS)

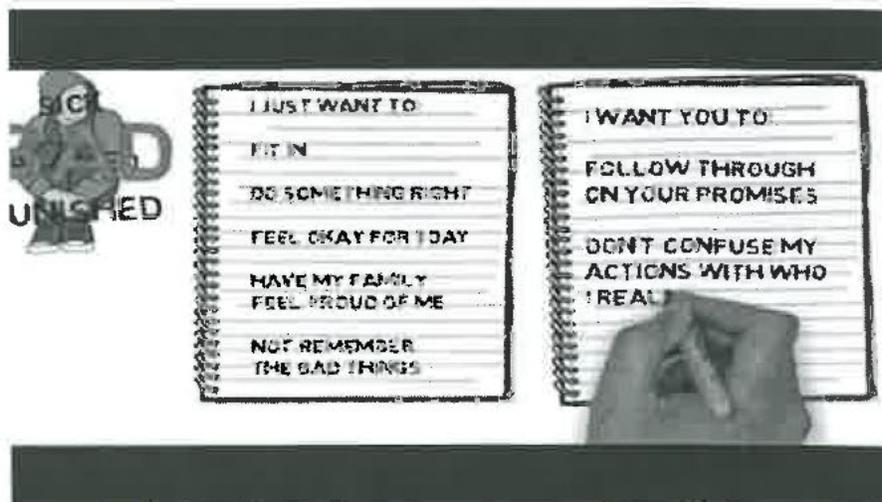
- A prevention-based framework of collaborative, data-based problem solving.
- Focus on alignment of support systems necessary for all students' academic, behavioral, and social success. (California Department of Education, 2016)



## Prevention Topics



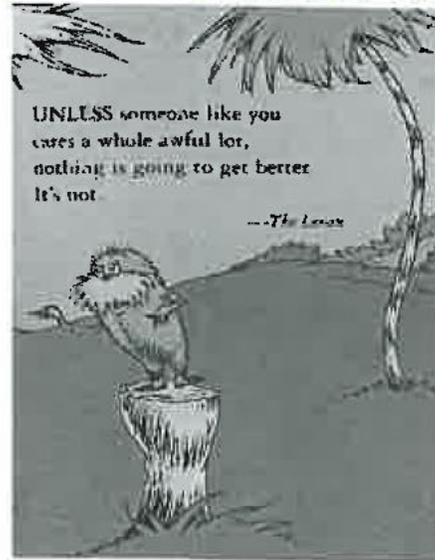
## Understanding the Function of Behavior



*Things I need you to know (Poem)*

*Book recommendation: Lost at School*

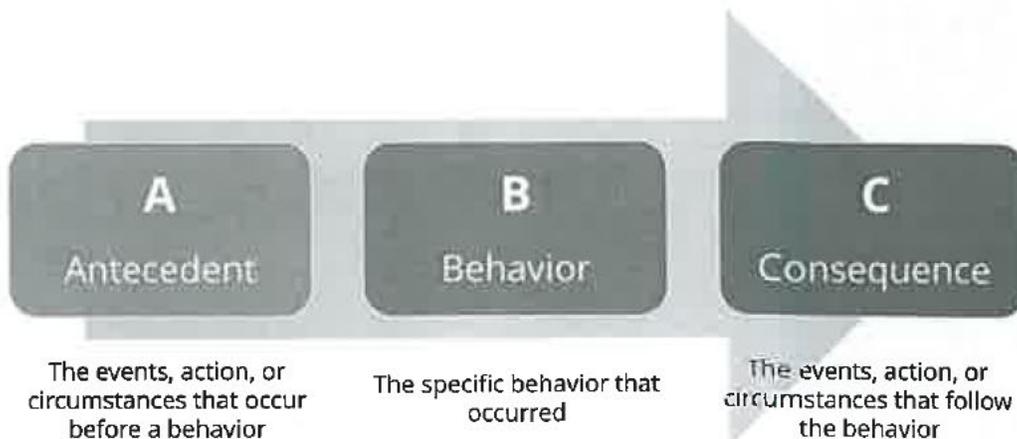
what we're seeing is a symptom of what the student is experiencing



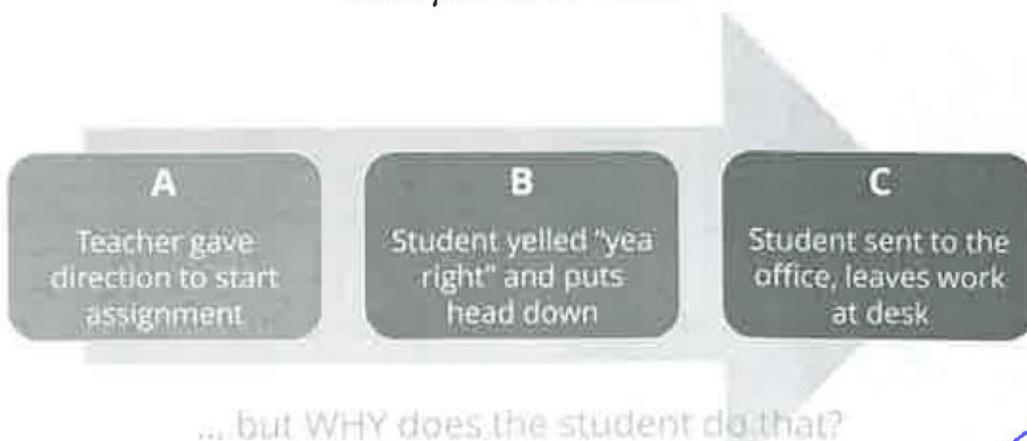
## Understanding the Function of Behavior

- The behavior a person displays may be a very small piece of what they are experiencing.
- In order to meaningfully intervene, we must look deeper to ensure that we're supporting the true need and not just a student's attempt to rectify that need.
- **Behavior is communication.**
- Ask: what is this behavior telling me? What does the student need?

## Understanding the Function of Behavior *The ABC's*



## Understanding the Function of Behavior *Sample ABC Data*



★  
see p 7 of resource packet

## Understanding the Function of Behavior

### *The Big Four*

-  Avoid, Escape or Protest
-  Obtain Something
-  Attention Seeking
-  Sensory Stimulation



*most often, more than one is happening*

### Avoid, Escape or Protest

- Function of behavior is to avoid, escape or protest a non-preferred activity, task or setting



### Obtain Something

- Function of behavior is to obtain a preferred item or activity



### Attention Seeking

- Function of behavior is a desire for attention from others, whether positive and/or negative



### Sensory Stimulation

- Function of behavior is to meet a physiological sensory need; behavior may be calming and/or stimulating

## Understanding the Function of Behavior

*Example*



## Understanding the Function of Behavior *Precipitating Factors*

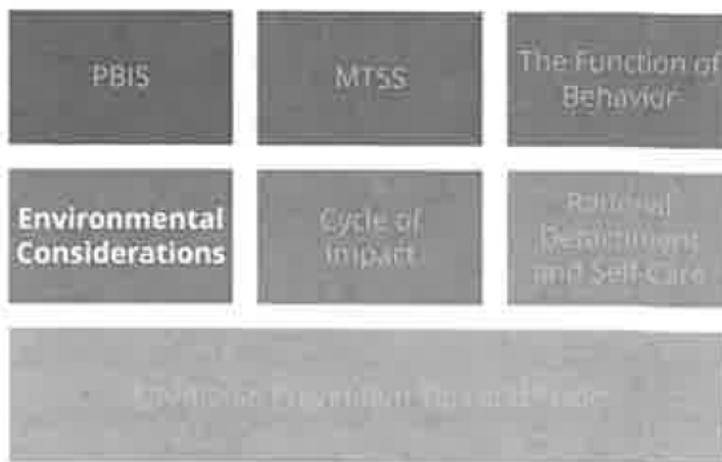
A precipitating factor is defined as a cause of behavior over which a staff member has little or no control.

*What are some examples of precipitating factors your students may be experiencing?*

*How did you gain information about those factors?*



## Prevention Topics



## Environmental Considerations

*First, set up the classroom environment for success of all students.*



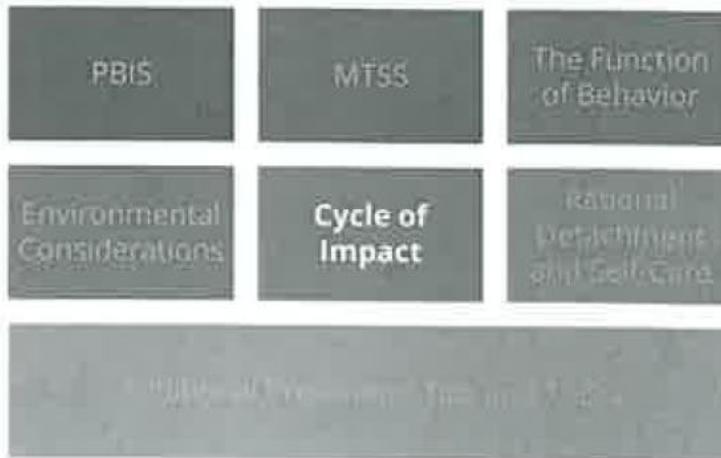
## Environmental Considerations

- For individual students, it is important to understand how the behavior is related to the environment in which it occurs.
- Does the behavior appear in certain environments?
  - Physical or social setting
  - Nature of instruction
  - Degree of participation
  - Transition or time of day
  - Degree of choice
- Can the environment be altered to prevent behavioral crisis?



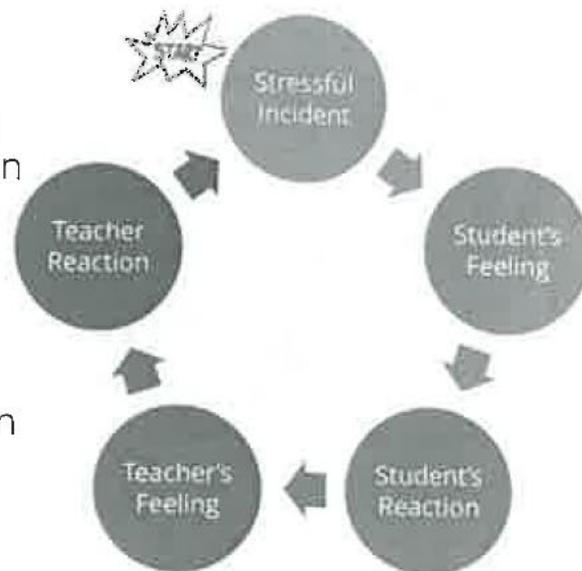
## Prevention Topics

PREVENTION  
MATTERS



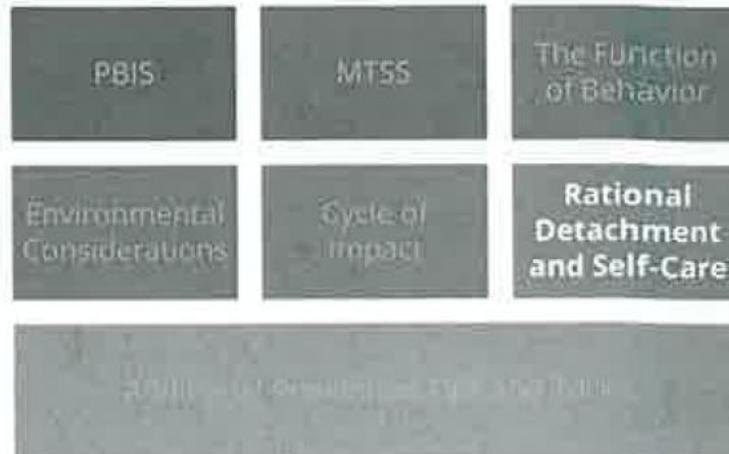
## Cycle of Impact

- Refers to the concept that the staff member's behavior has an impact on the thoughts, emotions and subsequent reactions of the student, and vice versa
- To avoid escalating a student further, it is essential to remain aware of this cycle when responding to challenging behavior.



*Know ahead of time what your triggers are,  
how to respond, how to take care of yourself*

## Prevention Topics



...remind yourself that the only thing you can truly control is you - and your reaction to what the world throws at you.

— Patrick M. Regan —

AZQUOTES

## Rational Detachment

According to CPI, Rational Detachment refers to:

*"The ability to stay calm, in control, and professional, even in a crisis moment. It means not taking things personally, even button-pushing comments that attack your appearance, race, gender, or competence."*

*Q: How is this accomplished?*

*A: Know your triggers, engage in intentional self-care and make a plan*

## Personal Triggers

*chaotic environments  
feeling overwhelmed  
being yelled at by authority  
figures or parents*

- An experience that causes someone to recall a previous traumatic memory or is directly related to personal fear/anxiety.
- Causes an immediate emotional and/or physical response.
- May limit our ability to respond professionally.
- By knowing our trigger(s) and collaborating with our team members, we are able to devise a plan for responding and for support from others.



## Intentional Self-Care



According to a January 2015 report from the Center for American Progress, approximately 30% of US teachers leave the profession within their first five years.

*Why?*

## Intentional Self-Care



## Intentional Self-Care

It's essential that educators engage in frequent and intentional opportunities to decompress, recuperate and rejuvenate.

*Which do you use?*

Go Outside	Pets	Exercise	Unplug from Technology	Listen to Music	Pay it Forward
Vacation	Take Deep Breaths	Practice Mindfulness	Cook	Dance	Talk to Loved Ones
Watch a Movie	Write	Community Organization Involvement	Volunteer	Eat Well	Get Adequate Sleep

## Make a Plan

- ✓ *Plan verbal and nonverbal responses across all staff members- be calm, brief and consistent.*
- ✓ *What are your personal triggers?*
- ✓ *How will you respond to possible triggers?*
- ✓ *Who will be called for support and how?*
- ✓ *What if staff isn't available? Plan B?*
- ✓ *Plan classroom safety procedures.*
- ✓ *What if a student leaves the classroom?*

## Prevention Topics



## Prevention Tips and Tricks

Interactions with Staff	Interactions with Self
<ul style="list-style-type: none"> <li>• Seek opportunities to collaborate for strategies</li> <li>• Collaborate with staff from last school year about what worked and what didn't</li> <li>• Be aware of assumptions and descriptions of the student and support in language shift</li> <li>• Include administrators or supervisors in planning</li> </ul>	<ul style="list-style-type: none"> <li>• Be kind and patient with yourself</li> <li>• Remember: challenging behavior is challenging</li> <li>• Stay positive, teaching is your strength</li> <li>• Stay focused on the function of behavior to avoid personalizing</li> <li>• Have a plan for intentional self-care</li> </ul>

## Prevention Tips and Tricks

### Interactions with Students

- Seek out and utilize rapport building opportunities
- Be a "talent scout"
- Use "start" requests instead of "stop" requests. Ask for the behavior you want to see
- Utilize strategic interventions\* (i.e. visual schedules, behavior contracts reinforcement system, CICO, etc.)

### Interactions with Families

- Inquire about behavior at home and in the community
- What motivates the student?
- Make a plan for two-way communication including discussion of how will families and staff communicate with each other
- Collaborate with families to plan for precipitating factors

For 2-5 give the right behavior

modules on website

## Strategic Behavioral Intervention Series

www.fordberg.org

CONTACT US ABOUT US

UNIVERSITY OF CHARTER BELLA

OUR SD PA

Leadership & Learning

We're APR 76



# Strategic Behavioral Intervention Series

Strategic Behavioral Intervention Series

Expand

Find by the following:

[http://www.edcoecharterselpa.org/what-we-do/online\\_learning\\_center](http://www.edcoecharterselpa.org/what-we-do/online_learning_center)

Recorded By:  
Crystal Keith,  
Program Specialist



## Activity: 5 Minutes

*importance of recognizing key triggers → bring to leadership mtg for session on self-care*



- Find 2-4 "aha" items from the previous section on prevention
- These may be items that you'd like to immediately try, change within your classroom or learn more about.
- Using post-its, tab the slide where the aha moment was found.
- Write at least one next step on the post-it for follow-up.

## Section Two: *Intervention*



### Intervention Topics



Nonverbal  
Strategies

Verbal  
Strategies

Movement  
Considerations

Assessing Risk

Stages of Escalation

## Intervention: *General Nonverbal Strategies*

<b>Do</b>	<ul style="list-style-type: none"><li>• Relax your shoulders and face</li><li>• Put arms to sides and show palms</li><li>• Practice neutral facial expressions</li><li>• Take slow breaths</li></ul>	
<b>Don't</b>	<ul style="list-style-type: none"><li>• Cross your arms, or place behind back</li><li>• Place hands in pockets or on hips</li><li>• Laugh or snile</li><li>• Roll eyes, glare or raise eyebrow</li><li>• Finger point, shoulder shrug or sigh</li></ul>	

## Tip for Nonverbal Strategies: *What to do BeFORE the Intervention*

Face	
Open Posture	
Relax Body	
Exhale	

Prior to intervening, think FORE!  
*Four Steps, One Motion*

## Intervention: *General Verbal Strategies*

*Do*

- Use calm tone, low volume and slow, even rate of speech
- Provide brief instructions or reminders
- Provide two appropriate choices\*



*Don't*

- Raise your voice or speak too quickly
- Overwhelm with verbal instructions
- Use sarcasm or jargon
- Minimalize (i.e. "this isn't a big deal" or "you were able to do this yesterday")



## Intervention: *Movement and Positioning Considerations*

*Do*

- Give adequate personal space, one leg length away at minimum
- Get down to student's level, if appropriate
- Remove the audience

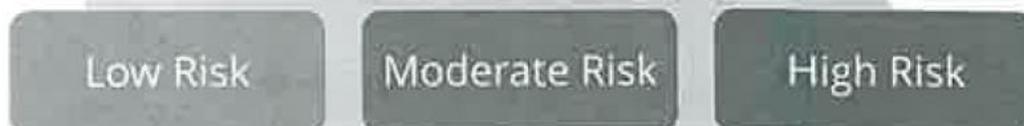


*Don't*

- Block exits\* or chase students
- Position your back to the student
- Unless required for safety reasons, avoid
  - quick and jarring movements, or
  - taking away a student's personal items



## Intervention: *A Note on Assessing Risk*



Low risk of harm to self or others

Reasonable potential of harm to self or others

Immediate risk of harm to self or others

The primary consideration when assessing the risk associated with a behavioral outburst is risk of immediate physical harm to self or others.  
*Accurately assessing risk can prevent staff over-reaction.*

## Intervention Topics



## Intervention: Stages of Crisis Escalation

*not every student goes through all of these stages in this order*



## Agitation: Pre-Escalation Warning Signs

*best stage for intervention  
→ know these signs, provide tools + choices here*

Examples may include: fidgeting with hands and/or mouth, anxious smiling or laughter, increased physical movement, ignoring, withdrawal behavior (i.e. hood up, head down), changes in breathing, talking to self, asking to leave the room.

## Intervention: *Agitation*

Listen and Hypothesize Function of the Behavior

Show Empathy Through Reflection and Offer Support

Change the Subject or Distract

Provide Opportunities for Movement

Use Proximity or Space, As Needed

Allow the Student to Take a Break

## Intervention: *Agitation*

Listen for Possible Functions of Behavior

- Be an active listener.
- Hypothesize the function of behavior by asking yourself, "what is the behavior communicating and what might the student need?"

Show Empathy through Reflection and Offer Support

- Recognize the student's problem and share compassion for his or her needs.
- "I understand that you're frustrated by this assignment, let's figure it out together" or "I understand that you're having a hard time getting started, this is a tricky one. Please read or draw quietly and I will be right back to help you"

## Intervention: *Agitation*

### Change the Subject or Distract

- Ask an unrelated question, i.e. "Have you seen the new \_\_\_ movie?" or one based on a preferred topic, i.e. "What did you do at baseball practice yesterday?"

### Provide Opportunities for Movement

- Ask the student to run an errand, i.e. "Can you take this to the office please?"
- Provide a job that requires movement like sorting or distributing materials.

### Use Proximity, If Needed

- Standing near a student may communicate support
- Be cautious to respect personal space of student and their items

## Intervention: *Agitation*

### Give Space, If Needed

- Leave the student alone to complete independent work, unless the assignment is the source of anxiety.
- Give instruction/offer to help, tell the student when you'll return, then walk away.
- Instruct the student on how to access help when he/she is ready to do so.

### Allow the Student to Take a Break

- Provide space in a quiet area and allow the student to disengage briefly, i.e. allow the student to put head down for a specified amount of time if requested.
- Provide a passive activity to engage in such as listening to a book or watching an educational video for a specified amount of time. Provide relaxation techniques.

Intervention:  
*Agitation*

Allow the Student to Take a Break



Pause and Reflect

*Importance of Prevention and Early Recognition*

IT'S NOT  
**WHAT**  
BUT WHY  
YOU DO IT



## Signs of Verbal Escalation



Examples may include: verbal defiance, name calling, asking challenging questions, yelling, swearing, making verbal threats.

## Signs of Physical Escalation



Examples may include: out of seat, physical venting without a specific target, breaking items, spitting, hitting/kicking/throwing items or pushing over furniture without immediate risk of harm to self or others, breaking items, ripping paper, eloping from room or school.

## Intervention: *Verbal or Physical Escalation*

Self-Monitor Verbal and Nonverbal Behavior

Respect Personal Space

Continue to Offer Support

Avoid the Power Struggle

Allow Venting, If Possible

Offer Choices and Set Limits

## Intervention: *Verbal or Physical Escalation*

Self-Monitor Verbal and Nonverbal Behavior

- Practice FORE approach to maintain calm and respectful nonverbal behavior.
- Use calm, firm, brief and supportive language. Be aware of tone and volume.
- Avoid jarring movements and be mindful of positioning in room- don't block exits.

Respect Personal Space

- At least one leg length away, including personal items. Also maintains safety.

Continue to Offer Support

- Use direct and empathetic language, i.e. "I understand you don't feel that was fair. When your body is calm (*or words*), then we can solve this together".

## Intervention: *Verbal or Physical Escalation*

### Avoid the Power Struggle

- Answer information-seeking questions.
- *Rule of thumb: If the question has a direct answer, provide the answer.*
- Do not respond to challenging questions: Ignore the challenge but not the student, stick to the topic, redirect and repeat.
- Maintain calm, brief and firm language; allow wait time and silence if needed.

### Allow the Student to Vent, If Possible

- Remove the audience whenever possible; i.e. validate the students concern and ask them to accompany you outside to discuss it further.
- Venting allows the student to expend energy; supports de-escalation.



## Intervention: *Verbal or Physical Escalation*

### Offer Choices

- Offering choices provides students with a sense of control.
- Try to limit to two available options, whenever possible.
- Match choices to the function of the child's behavior to maximize success.
- Avoid disguising an ultimatum as a choice, "Do your work or miss recess".
- Allow quiet time for the student to select an option.

### Set Limits

- Set limits that are clear, reasonable and enforceable.
- Reminder: use the students name and speak in a calm, firm tone.
- Use if-then/when-then statements. State the limit, allow wait time/walk away.



## Signs of High-Risk/Crisis Behavior



The student is experiencing a **complete loss of control** and is an **immediate risk of harm to self or others.**

Examples: hitting or kicking others, biting, choking, hair pulling, self-harm, running into a busy street.

## Intervention: *High-Risk/Crisis Behavior*

Do Not Engage Unless CPI Certified

Have a Plan to Contact CPI Certified Staff

Evacuate the Area and Evade Until Support Arrives

## Intervention: *High-Risk/Crisis Behavior*

### Do Not Engage Unless CPI Certified

- The SELPA provides CPI certification trainings throughout the year.
- Check to ensure your certification is current (attendance once per year).

### Have a Plan to Contact CPI Certified Staff

- Make plans in prevention stage include who will be called, when, and how.

### Evacuate the Area and Evade Until Support Arrives

- This may require removing students from the classroom. Do not block exits.
- Maintain safety of self and the student(s) without placing hands on the student.
- Avoid turning back to the student, evade to maintain safety as needed.

## Signs of De-Escalation and Recovery



Examples may include: reduced tension in body, crying, apologizing, exhaustion, sleeping, expressing hunger, requests to return to class/activity.

Intervention:  
*Supporting De-Escalation and Recovery*

Ensure that Basic Needs are Met

Display Unconditional Positive Regard

Listen and Empathize

Limit Discussion of Consequences

Schedule a Time for Follow Up

Intervention:  
*Supporting De-Escalation and Recovery*

Ensure that Basic Needs are Met

- Ask the student if he or she is hungry, thirsty or tired
- Allow the student to adjust clothing, hair or personal items if needed.

Display Unconditional Positive Regard

- Expresses that the student is respected and accepted without judgement.

Listen and Emphasize

- Do not debrief until student and staff have recovered.
- Listening and empathizing in this stage will prevent re-escalation.
- Do not assign consequences at this time, rather schedule a day/time for follow up.

## Intervention Activity: What Went Wrong?



## Section Three: *Postvention*

## Postvention: Defined

- Postvention refers to systematic support and assistance provided to those affected by a crisis.
- An essential step to provide support and prevent future crisis.
- In order to be effective in preventing crisis, it is vital that both staff and students participate in distinct postvention discussions.
- Opportunity to restore and/or strengthen relationships.



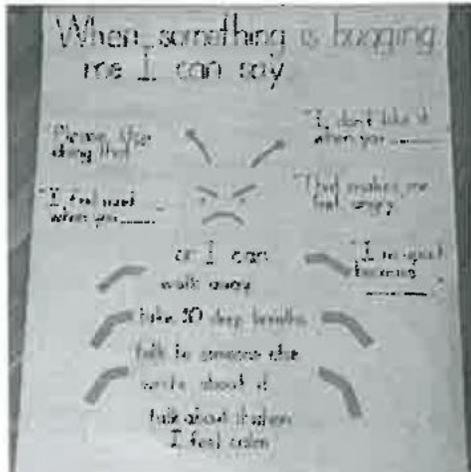
## Tips for Postvention: Student

- Allow the student to share their experience of the incident.
- Seek to clarify misunderstandings without conflict.
- Maintain empathetic approach and unconditional positive regard.
- Look for patterns and help the student identify signs of agitation.
- Explore tools to support in self-management.
- Consider writing a behavior contract and include discussion of consequences if needed.



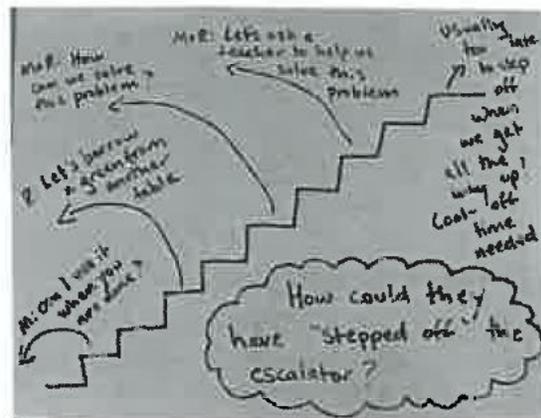
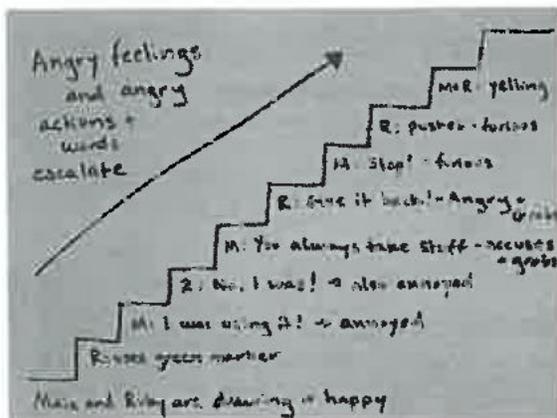


## Tips for Postvention: Student



## Tips for Postvention: Student

*Look for patterns of behavior and explore tools to support in change.*



## Postvention: Staff

- Wait until all team members have de-escalated before meeting.
- Allow staff to share their experience of the incident.
- Seek to clarify misunderstandings without conflict.
- Provide support to one another.
- Look for patterns in staff responses and opportunities to adjust your response plan, if needed.
- Look for patterns in student behavior and opportunities for prevention and early intervention.

## Free Resource for Additional Interventions

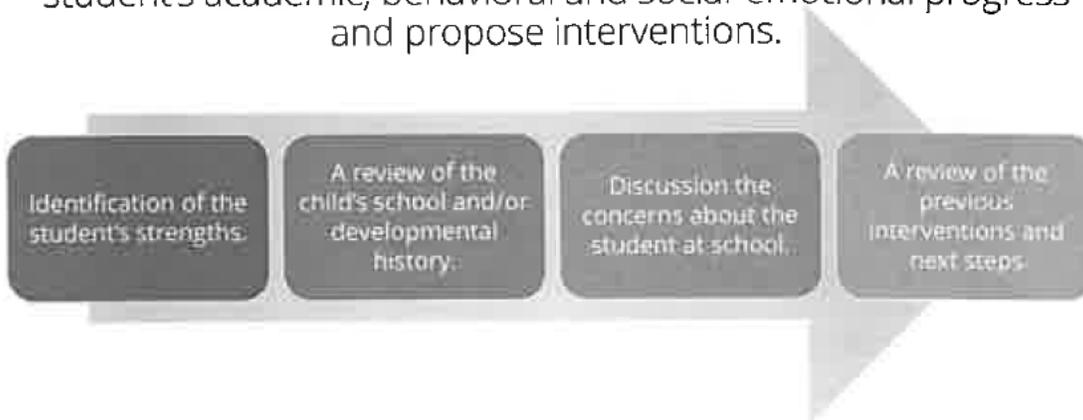


## Training Structure



## Student Study Team (SST) Meeting

The SST is a school-based team convened to examine a student's academic, behavioral and social-emotional progress and propose interventions.



## When to Consider Referral for Special Education Assessment

- When Tier 1 and Tier 2 interventions have been implemented with fidelity over time, however the student is still not able to access his or her education.
- Interventions and responses have been clearly documented.
- When SST members suspect that a disability may be impacting ability to access education.
- Upon parent request for assessment.

*If assessment is recommended, an assessment plan will be sent for parent permission. An IEP will be held within 60 calendar days of receipt of signature.*

## Activity Review

Reflect on the original activity, any additional questions?

*1. Define Crisis*

*2. One thing you'd like to learn more about in order to support students in crisis*



El Dorado County Office of Education SELPA  
Main Phone: (530) 295- 2462

# **Exhibit D**

Video recording included on accompanying flash drive.

# **Exhibit E**

**State of California**

**EDUCATION CODE**

**Section 49005.8**

---

49005.8. (a) An educational provider shall not do any of the following:

(1) Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.

(2) Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.

(3) Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.

(4) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil's face.

(5) Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil's back.

(6) Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the pupil or others.

(b) An educational provider shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation required pursuant to this subdivision shall not be through indirect means, including through a security camera or a closed-circuit television.

(c) An educational provider shall afford to pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.

(d) If prone restraint techniques are used, a staff member shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil.

(Added by Stats. 2018, Ch. 998, Sec. 1. (AB 2657) Effective January 1, 2019.)

**State of California**

**EDUCATION CODE**

**Section 56521.1**

---

56521.1. (a) Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

(b) Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.

(c) No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the schoolsite administrator or law enforcement agency, as applicable to the situation.

(d) Emergency interventions shall not include:

(1) Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.

(2) Employment of a device, material, or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in those procedures.

(3) An amount of force that exceeds that which is reasonable and necessary under the circumstances.

(e) To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one schoolday if an emergency intervention is used or serious property damage occurs. A behavioral emergency report shall immediately be completed and maintained in the file of the individual with exceptional needs. The behavioral emergency report shall include all of the following:

(1) The name and age of the individual with exceptional needs.

(2) The setting and location of the incident.

(3) The name of the staff or other persons involved.

(4) A description of the incident and the emergency intervention used, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.

(5) Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.

(f) All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.

(g) If a behavioral emergency report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (IEP) team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both.

(h) If a behavioral emergency report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.

(Added by Stats. 2013, Ch. 48, Sec. 42. (AB 86) Effective July 1, 2013.)

# **Exhibit F**

**OAKLAND SELPA  
BEHAVIOR INTERVENTION PLAN**

Student Name:

Birthdate:

IEP Date: 3/22/2019Date of BIP: 4/10/2018

This Behavior Intervention Plan is based on a Functional Behavior Assessment  No  Yes

**If marked no, Behavior Intervention Plan is based on the following:**

**The problem behavior impeding learning is (describe what it looks like)** *Self-injurious behaviors - Any behavior that results in injury to one's self that leaves a mark or bruising for more than 5 minutes after occurrence (e.g., hitting head, foot, body or hand on an object's surface or with hand). Attempts at SIB include slapping face or other body parts without leaving physical evidence on the skin for more than 5-min (e.g., throwing himself on the ground). • Elopement: Leaving, or attempting to leave the classroom. Leaving an immediate area of staff during community outings without permission. • Loud Vocalizations: Screaming, singing loudly, yelling or wailing (vocalizations louder than typical speech level).*

**Frequency** *85 times per minute and loud vocalizations an average of 1.29 times per minute. All other challenging behaviors included property destruction, aggression, elopement and were recorded together due to low rate of these challenging behaviors. All other challenging behaviors occurred at an average of .29 per minute.*

**Intensity** *SIB - moderate to severe hand banging to the point of producing small amounts of blood; Elopement - moderate; Loud Vocalizations moderate to severe. Loud enough to be heard two blocks away.*

**Duration** *SIB - 1 to 30 minutes; Elopement 1 to 20 minutes; Loud Vocalizations 2 to 8 seconds*

**Reported By** *Behaviorist, Staff and SET*

and/or  **Observed by** *Staff, SET, and Behaviorist*

**PREVENTION, PART I: ENVIRONMENTAL FACTORS AND NECESSARY CHANGES**

**What are the antecedents for the problem behavior?** (Situations in which the behavior is likely to occur: physical setting, social setting, instructional strategies, curriculum and activities, scheduling factors, degree of independence, degree of participation, social interaction, degree of choice, etc.)

*When is denied access to a request and directed to academic work.*

**What environmental structure and supports are needed to reduce the problem behavior?** (Provide specific examples)

*Visual Schedule; • A First-Then schedule; Timer;*

*Teacher and staff trained in Antecedent Manipulation & 3-Step Compliance Procedure (Stephenson & Hanley, 2010); Functional Communication Training (Ghaemmahami, Hanley, & Jessel, 2016); and Contingency-Based Delay Tolerance Training (waiting)*

**ANALYSIS, PART II: FUNCTIONAL FACTORS**

**Team believes the behavior occurs because:**

**Access:** *preferred tangible items*

**Avoid:** *academic tasks*

**Automatic Reinforcement:**

**Other:**

**FERB, PART III: FUNCTIONALLY EQUIVALENT REPLACEMENT BEHAVIOR**

**What team believes the student should do INSTEAD of the problem behavior?** (Replacement behavior that meets the same identified function of problem behavior)

*Ask for his requests and Wait for his requests to be fulfilled after complying with instructions*

**List teaching Strategies/Necessary Curriculum/Materials that are needed** (List successive teaching steps for student to earn replacement behavior/s)

- Provide attention when \_\_\_\_\_ is engaging in appropriate classroom behavior (e.g., working at his desk, keeping his hands to himself).
- Provide a minimal amount of attention to Lance when he is engaging in inappropriate classroom behavior (e.g., yelling, hitting, non-compliance).
- Redirect \_\_\_\_\_ back to his ongoing activity with minimal eye contact and verbal attention.
- Use simple and direct instructions, rather than using multi-step instructions.
- Require \_\_\_\_\_ to use his words when he is gaining access to items.
- Refrain from providing \_\_\_\_\_ with tangible items/attention when he is engaging in problem behavior.
- A First-Then schedule will also be provided to \_\_\_\_\_. On the left side of the schedule will be a timer that indicates the amount of time left during \_\_\_\_\_ academic work period. On the right side of the schedule will be a picture icon indicating what item or activity \_\_\_\_\_ is working for.
- o This schedule will be used to provide \_\_\_\_\_ with visual information regarding the amount of work he is required to complete before he is provided a 5 minute break. Before starting academic sessions \_\_\_\_\_ will be prompted to select a break time activity.
- Timer
- A visual schedule will be provided to \_\_\_\_\_ indicating his schedule for the day.

**List reinforcement procedures needed for 1) establishing, 2) maintaining, and 3) generalizing the replacement behavior(s)?**

Functional Communication Training (Ghaemmaghami, Hanley, & Jessel, 2016) will be conducted in an effort to teach a socially appropriate response to engage in to replace challenging behavior that currently has been engaging in.

- The Functional Communication Response will be taught and will be made systematically more complex. (e.g., "Break please" to raise hand, wait for acknowledgment, "May I have break, please?")
- Attention will be minimized for problem behavior during FCT sessions.

During each session, a preferred item will be restricted and Lance will be prompted to request the item using the predetermined two-word target phrase "Break, please."

- At first, will be prompted on a 0 second delay, but the delay will increase as he becomes more successful in independently requesting items.
- The number of words in request will be systematically increased after Lance shows mastery of requesting with a two-word phrase.

Delay tolerance is used to systematically increase the period of time that will have to wait for the item or break that he requested while maintaining low rates of challenging behavior. This is done by systematically increasing the number of demands that has to comply with before he gains access to his requested items.

- will be taught a response to engage in when he is told that he has to wait (e.g., "Okay" and putting hands in lap)
- will also be required to comply with a set number of instructions (e.g., drawing, reading a book, etc.), without engaging in challenging behavior, during sessions when he is told that he must wait for the item he requested.
- The number of instructions has to comply with will be systematically increased (i.e., 1, 2, 4, 8, 16).

**Timer/Differential Reinforcement**

- aide will be provided with a timer to indicate when has accumulated 5 minutes of academic work.
- If engages in problem behaviors at any time during the 5-minute academic period, the aide will stop the timer and will not restart the timer until is engaged in appropriate behavior and is back on-task.

**Reinforcement Period (Breaks)**

- After completes an accumulative 5 minutes of academic work, he will be provided the break time activity he chose at the start of the academic work period.
- Break time choices will be set up beside visual schedule for him to choose from. Break times will last 5 minutes and are timed by his aide.
- Following break, his aide will remove the activity chose for his break from his visual schedule, and prompts him to make a new break time choice for the new academic work period.
- Once the work period restarts, if engages in problem behaviors, he will be reminded that he needs to complete his work before taking another break.

It is recommended that aide minimize attention for problem behaviors and will only maximize the quality of attention provided when returns back to the academic work.

**Selection of reinforcer based on:**

Student

**RESPONSE TO PROBLEM BEHAVIOR, PART IV: STRATEGIES****Student Behaviors****Staff Response****Student early escalation behaviors may include:**

screaming "no" or "I'm mad", slapping his head, feeling for hard objects,

**Staff response to early escalation behaviors may include:**

(e.g. prompting relaxation strategies, offering distractions)  
Redirect back to his ongoing activity with minimal eye contact and verbal attention.

- Use simple and direct instructions, rather than using multi-step instructions.

<p><b>Student behaviors during problem behavior may include:</b>  <i>SIB repeatedly banging head into hard objects, eloping to areas that create the greatest harm to self, screaming, crying, slapping of self, undressing, and grabbing and scratching teacher/staff,</i></p>	<p><b>Staff response during problem behavior may include:</b> (e.g. monitor for safety, one step directions, neutral tone and affect)  <i>Redirect back to his ongoing activity with minimal eye contact and verbal attention.</i></p> <ul style="list-style-type: none"> <li>• <i>Use simple and direct instructions, rather than using multi-step instructions.</i></li> </ul> <p><i>- guide to soft areas to reduce potential for injury like grass field</i></p>
<p><b>Student behaviors during de-escalation may include:</b>  <i>Praise for complaint behavior</i>  <i>Comfort</i></p>	<p><b>Staff response to promote de-escalation may include:</b> (e.g. mode deep breathing, encouragement) <i>Active ignoring; increased space and privacy from other students and distractions</i></p>
<p><b>Student behaviors during post incident may include:</b>  <i>crying. Stating "I'm done", sitting where told,</i></p>	<p><b>Post incident strategies may include:</b> (e.g. offer choices, refrain from discussing consequences) <i>Refrain from the discussion of the incident. A reminder of reinforcer goal.</i></p>

Behaviora Goa (s) are part of the student's IEP. See Goa (s) numbered: 1-3



## OFFICE OF THE GENERAL COUNSEL

---

September 1, 2020

Via Email

Tony Rice  
483 Ninth Street, Suite 200  
Oakland, California 94607  
[trice@beesontayer.com](mailto:trice@beesontayer.com)

Re: Justina Ogbu – Reply to *Skelly* Response

Counsel:

I am writing in reply to your August 26, 2020 correspondence. That correspondence constituted Justina Ogbu’s response, permitted pursuant to *Skelly v. State Personnel Board*, to the District’s August 14th notice of its intent to immediately suspend and dismiss her.

Under *Skelly*, an employee may respond to charges of misconduct and proposed discipline prior to deprivation of the employee’s rights. This response has been described as the employee’s “opportunity to present his side of the story.” (*Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1277.) The response is presented to a *Skelly* officer—typically a public entity official, not an attorney or judge—who is tasked with making findings of fact. Specifically, the *Skelly* officer must determine whether the employee more likely than not committed the misconduct identified in the charges, and the proposed discipline is therefore warranted.

Here, however, your August 26th response does much more than “present [Ms. Ogbu’s] side of the story,” and asks the *Skelly* officer to do much more than make findings of fact. Instead, you ask the *Skelly* officer to engage in a nuanced analysis of more than a dozen legal cases. This is inappropriate. The proper forum for such legal analysis is an appeal pursuant to Education Code section 44939(c)(1):

An employee who has been placed on suspension pursuant to this section may serve and file with the Office of Administrative Hearings a motion for immediate reversal of suspension . . . The motion shall include a memorandum of points and authorities setting forth law and argument supporting the employee’s contention that the statement of charges does not set forth a sufficient basis for immediate suspension.

The only factual contention in your August 26th response is that Ms. Ogbu’s conduct did not constitute seclusion of the student at issue, but instead was merely a “timeout [i.e.,] a behavior management technique that is part of an approved program that involves the monitored separation of the pupil in a nonlocked setting, and is implemented for the purpose of calming.” You assert that Ms. Ogbu placed the student in the separate room for the purpose of calming, and you note that the separate room had windows through which the student could be observed, and that the student was being monitored by the District employee who was filming him.

September 1, 2020

Page 2

These contentions are unpersuasive. As explained in the charges, Ms. Ogbu’s seclusion of the student was not “part of an approved program,” but was in fact directly contrary to the requirements of his Behavioral Intervention Plan (“BIP”). That BIP set forth specific actions to be taken “for the purpose of calming”—which did not include secluding him in a separate room. Moreover, it is clear from the video recording contained in Exhibit D that, although there were windows on the doors between the room where Ms. Ogbu was located, and the room where she had secluded the student, those windows were covered in chart paper, making it impossible for her to “keep constant, direct observation” of him, as required by Education Code section 49005.8(b). Finally, the employee who filmed the student stated in an interview that he had been “screaming for at least fifteen minutes” before she intervened, meaning that he was unsupervised for at least this amount of time.<sup>1</sup>

Even if it were the province of the *Skelly* officer to engage in detailed legal analysis, the cases that you cite do not support your position. You assert that, because cases finding immoral conduct fall generally into only three categories (sexual harassment or public sexual activity, drug use or possession, alleged theft of property or compensation),<sup>2</sup> immoral conduct does not exist here.

This precise argument was made by a teacher who sought reversal of her suspension based on immoral conduct in *Crawford v. Commission on Professional Competence* (Cal. Ct. App., Aug. 11, 2020, No. E071770) 2020 WL 4593167: “Appellant is unaware of any California case thus far that deems ‘immoral’ any teacher’s conduct outside these three areas . . . of sexual misconduct, drug use, theft, fraud, and dishonesty.” The Court expressly rejected this argument:

Crawford suggests there are three fixed categories of conduct that constitute “immoral conduct” as a matter of law and her conduct does not fit into any of them. We disagree. As the California Supreme Court has explained, the term “immoral conduct” in section 44932, subdivision (a)(1) “stretch[es] over so wide a range” of conduct that it “embrace[s] an unlimited area of conduct.” (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 224-225 . . . A teacher’s conduct is therefore “immoral” under section 44932, subdivision (a)(1) when it negatively affects the school community in a way that demonstrates the teacher is “unfit to teach.”

(*Id.*, at \*4.)

Under *Morrison*, there are eight factors that are relevant to the determination of whether a teacher’s misconduct demonstrates that the teacher is unfit to teach. First, the likelihood that the conduct may have

---

<sup>1</sup> To the extent that your August 26th response contends that the employee who filmed the student also engaged in misconduct, this contention is irrelevant; it is Ms. Ogbu, and not the other employee, whose discipline is currently at issue.

<sup>2</sup> This is false. There are many cases in which a teacher’s hostile, disrespectful, unsafe, and otherwise inappropriate treatment of students was found to constitute immoral conduct. (See, e.g., *Crawford v. Commission on Professional Competence*, *supra*, 2020 WL 4593167 [teacher engaged in immoral conduct when she made disparaging remarks towards students who participated in protests]; *Hampton v. Los Angeles Unified School District* (Cal. Ct. App., Nov. 15, 2017, No. B276181) 2017 WL 5476343 [teacher engaged in immoral conduct when she called students names]; *Galland v. Governing Board of the Los Angeles Unified School District* (Cal. Ct. App., Nov. 5, 2015, No. B258018) 2015 WL 6750091 [teacher committed immoral conduct when he yelled at and made racist remarks towards students].)

September 1, 2020

Page 3

adversely affected students or fellow teachers, and second, the degree of such adversity. Here, Ms. Ogbu secluded a student with disabilities in a separate room, which she was not monitoring, for at least 20 minutes (15 minutes before another employee began filming, and several minutes after she began filming), in violation of his BIP. The video recording contained in Exhibit D depicts the student screaming, and punching and banging his head against the door so hard that the door rattled—for an extended period of time and with no abatement of his behavior. Needless to say, these first two factors weigh strongly in favor of discipline.

The third *Morrison* factor is the closeness in time of the misconduct—here, Ms. Ogbu’s seclusion of the student took place during the semester prior to the issuance of charges. The fourth factor is the type of teaching certificate held by the employee—here, Ms. Ogbu holds special education credential, indicating that she should have been particularly sensitive to the student’s needs, as well as the importance of following his BIP.

The fifth *Morrison* factor is the existence of any other extenuating or aggravating circumstances; Ms. Ogbu’s long history of District employment indicates that she has had more than enough time to develop effective, lawful behavior management and deescalation systems. Sixth, the praiseworthiness or blameworthiness of the teacher’s motives; here, immediately following the incident, Ms. Ogbu stated that she secluded the student because she was unable to teach over his screaming. The seventh *Morrison* factor is likelihood of recurrence; here, multiple staff members interviewed regarding the incident reported that Ms. Ogbu has a history of excluding more challenging students from her class. Finally, *Morrison* requires consideration of “the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers”; here, the discipline does not relate to Ms. Ogbu’s exercise of her constitutional rights, so this factor is not at issue.

In conclusion, the evidence is clear that Ms. Ogbu engaged in the alleged misconduct, and, under the *Morrison* factors, the proposed discipline is therefore warranted.

Sincerely,



Joanna Powell  
Staff Attorney

CC: Dr. Kyla Johnson-Trammell, Superintendent  
Josh Daniels, General Counsel  
Jenine Lindsey, Executive Director, Labor Relations & ADR  
Jennifer Blake, Executive Director, Special Education  
Tara Gard, Deputy Chief of Talent  
Lucia Moritz, Network Superintendent  
Beverly Jarrett, *Skelly* Officer

ROBERT BONSALE  
GEOFFREY PILLER  
CATHERINE E. HOLZHAUSER  
ANDREW H. BAKER  
SHEILA K. SEXTON  
COSTA KERESTENZIS  
PETER M. MCENTEE  
SUSAN K. GAREA  
SARAH SANDFORD-SMITH  
CHRISTOPHER HAMMER  
STEPHANIE PLATENKAMP  
LORRIE E. BRADLEY  
TONY RICE  
SARAH S. KANBAR  
KENA C. CADOR  
TRAVIS S. WEST

**BEESON, TAYER & BODINE**  
ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION  
483 NINTH STREET, SUITE 200  
OAKLAND, CALIFORNIA 94607-4051  
(510) 625-9700  
FAX (510) 625-8275



SACRAMENTO OFFICE  
520 CAPITOL MALL, SUITE 300  
SACRAMENTO, CA 95814-4714  
(916) 325-2100  
FAX (916) 325-2120

DONALD S. TAYER  
(1932-2001)

WWW.BEESONTAYER.COM

OF COUNSEL  
DUANE B. BEESON  
JOHN PROVOST  
DALE L. BRODSKY

trice@beesontayer.com

August 26, 2020

Tara Gard  
Oakland Unified School District  
1000 Broadway, Suite 150  
Oakland, CA 94607

*Sent Via Email Only*

*Re: Justina Ogbu – Oakland Unified School District*

Dear Ms. Gard:

This letter is intended to serve as Ms. Ogbu's response to the charges to immediately suspend her without pay pursuant to Education Code section 44939.

First, the Charges do not establish immoral conduct. Of the reported California Court of Appeal and Supreme Court decisions sustaining charges of immoral conduct in the context of a teacher dismissal or credential revocations, the cases fall generally into only three categories: (1) those alleging sexual harassment or public sexual activity by the teacher; (2) those alleging the teacher's drug use or possession; and (3) those alleging theft of property or compensation by the teacher. Reported decisions upholding immoral conduct dismissal or credential revocation due to sexual harassment or public sexual activity by a teacher include: *Palo Verde USD v. Hensey* (1970) 9 Cal.App.3d 967; *Board of Trustees v. Stubblefield* (1971) 16 Cal.App.3d 820; *Moser v. State Board of Education* (1972) 22 Cal.App.3d 988; *Pettit v. State Board of Education* (1973) 10 Cal.3d 29; *El Monte SD v. Calderon* (1974) 35 Cal.App.3d 490; *Gardner v. CPC* (Tustin USD) (1985) 164 Cal.App.3d 1035; *ABC USD v. Haar* (1994) 28 Cal.App.4th 369; *San Diego USD v. CPC* (Lampedusa) (2011) 194 Cal.App.4th 1454. Immoral conduct charges based on a teacher's drug use or possession were upheld in: *Comings v. State Board of Education* (1972) 23 Cal.App.3d 94; *Nicasio SD v. Brennan* (1971) 18 Cal.App.3d 396; *West Valley-Mission Community College District v. Concepcion* (Miller) (1993) 16 Cal.App.4th 1766. Finally, courts have sustained immoral conduct charges based on theft or securing compensation under false pretenses in: *SFUSD v. Weiland* (1960) 179 Cal.App.2d 808; *Pittsburg USD v. CPC* (Jeffery) (1983) 143 Cal.App.3d 964; *Bassett USD v. CPC* (Ziemer) (1988) 201 Cal.App.3d 1444. There is no California case that deems 'immoral' any teacher conduct outside these general areas.

More specifically, immoral conduct has not been applied to the allegations described in the Statement of Charges. Allegations that Ms. Ogbu used "seclusion" in violation of Education

Tara Gard, Oakland Unified School District  
Re: *Justina Ogbu – Oakland Unified School District*  
August 26, 2020  
Page 2 of 2

Code 49005.8 are inaccurate. Under Education Code 49005.1(i), “Seclusion does not include a timeout, which is a behavior management technique that is part of an approved program, that involves the monitored separation of the pupil in a nonlocked setting, and is implemented for the purpose of calming.” The student was placed in the adjacent classroom for the purpose of calming. The doors to the adjacent classroom had windows through which Ms. Ogbu and the one-on-one aide could observe the student. Furthermore, the student was not alone because, as the Charges state, a school psychologist was present filming the student (presumably without the student’s consent). If the timeout amounted to immoral conduct, the school psychologist had a mandatory duty to intervene, not film.

Immoral conduct is reserved for the most egregious acts of misconduct. The charge is intended to surpass mere acts of unprofessionalism. For example, a teacher who “shoved a male pupil by the arms and shook him, and pushed a desk at the pupil; he intentionally pushed a male pupil against the classroom wall; he kicked a female pupil in the knee,” was not charged with immoral conduct, but rather evident unfitness and persistent violation of a district rule prohibiting corporal punishment. (*Tarquin v. Commission on Professional Competence* (1978) 84 Cal.App.3d 251, 261.) In another instance, a teacher held a female student down on a table and hit her with a paddle. The school district did not charge this teacher with immoral conduct. (*Crowl v. Comm’n on Prof’l Competence* (1990) 225 Cal.App.3d 334, 338-39.) There is no precedent in California case law to extend immoral conduct to allegations where a teacher failed to supervise or meet the expectations of an IEP.

For the reasons set forth above, the District has not alleged facts sufficient to take Ms. Ogbu off pay status under Education Code section 44939.

Very truly yours,  
*Tony Rice*  
(Electronically Signed)  
Tony Rice

TR/kmb

cc: Justina Ogbu  
John Green  
Keith Brown

Via U.S. and Certified Mail (70200640000011777538)  
Via Email to justina.ogbu@ousd.org

October 1, 2020

Justina Ogbu 2400  
109<sup>th</sup> Ave.  
Oakland, Ca 94603

Dear Justina Ogbu:

This letter replaces the letter that was previously sent to you, dated September 16, 2020. Please disregard the earlier letter.

Thank you for your response via your attorney to the recommendation of the District that you be Immediately Suspended Without Pay and Dismissed from your employment as a permanent employee. The response from your attorney was dated August 26, 2020 in lieu of a Zoom conference scheduled for August 28, 2020.

As the Hearing Officer, it is my responsibility to withdraw, modify, or uphold the District's recommendation that you be placed on Immediate Unpaid Suspension and Dismissed. After careful consideration and a review of all supporting documents, as well as information presented by your attorney in a written response, I have determined to uphold the District's recommendation that you be placed on Immediate Unpaid Suspension and Dismissed from your employment with the District.

As such, District Administration will recommend that you be placed on immediate unpaid suspension and dismissed from your employment with the District to the Board of Education in a closed session hearing on **Wednesday, October 14, 2020 at or about 4:00 p.m.**

You are hereby notified of your right under Government Code section 54957 to have this matter heard by the Board of Education in an open, public session rather than closed session. If you desire to have the matter heard in open session, you must notify Ronald Morris Jr. by 4:00 p.m. on **Wednesday, October 7, 2020**, by email to [ronald.morrisjr@ousd.org](mailto:ronald.morrisjr@ousd.org). A form entitled Request for Consideration in Open Session is enclosed for this purpose.

Pursuant to Education Code section 44031, this document and its attachments will be placed in your personnel file in ten (10) days or shortly after. You have the right to submit a written response to be attached and included in your file.

If you have any questions, please contact Ronald Morris Jr. at (510) 879-4048.

Respectfully,

~~Beverly Jarrett~~

Beverly Jarrett (Oct 2, 2020 09:54 PDT)

Beverly Jarrett  
Skelly Hearing Officer

Enclosure (1)

Cc: Dr. Kyla Johnson-Trammell, Superintendent (by email)  
Josh Daniels, General Counsel (by email)  
Jenine Lindsey, Executive Director, Labor Relations & ADR (by email)  
Joanna Powell, Staff Attorney (by email)  
Tony Smith, Counsel for Justina Ogbu (by email)  
Personnel File

REQUEST FOR CONSIDERATION IN OPEN SESSION

I \_\_\_\_\_ hereby request that the proposed Notice of Intent to Immediately Suspend without Pay and Dismiss and Statement of Charges (“Notice”) be presented and heard in public during open session by the Governing Board.

Signature

Date

\_\_\_\_\_

**Return to Ronald Morris Jr. at [ronald.morrisjr@ousd.org](mailto:ronald.morrisjr@ousd.org) by 4:00 p.m. on Wednesday, October 7, 2020.**