

Functional Behavioral Assessment (FBA) & Behavior Intervention Plan (BIP)

For special education students:

- Any special education student exhibiting behavioral concerns and is in need of an FBA and BIP should be referred to the Special Education Social Worker. If an FBA and/or BIP is warranted, the IEP must be amended to include the target behaviors and data collection points. Teachers (SPED and GenEd) and service providers must be included in the development of a behavior plan. All staff for which the student may come in contact with must be trained on the implementation and documentation supporting the BIP.

Note: If a student is on an interim placement, the student is considered SPED.

For general education students:

- Pupil Appraisal Representatives (PARs) are responsible for all FBAs and BIPs for general education students. The PAR completes the FBA and BIP for any student with significant behavior concerns in initial evaluation, as part of the appraisal process. Teachers of the student must be included in the development of a behavior plan. All staff for which the student may come in contact must be trained on the implementation and documentation supporting the BIP.

Discipline of Students with Disabilities

The best preventative measure in IDEA disciplinary matters is to convene an IEP meeting before short-term removals add up to ten total days with a discussion centered around, but not limited to, the following:

- Developing/reviewing/revising a Behavior Intervention Plan (BIP).
- Determining the need for further evaluation.
- Discussing the student’s needs that could be addressed through social work services.
- Adjustments to the student’s IEP.

Conduct Warranting Discipline: The conduct for which a special education student may be suspended or expelled is generally the same as the conduct warranting suspension or expulsion for a general education student.

Disciplinary Procedural Protections for Special Education Students: State and federal law require special PROCEDURAL PROTECTIONS for special education students facing suspension or expulsion, and each of these protections must be provided or the suspension or expulsion may be set aside as unlawful. (Educ. Code § 48915.5.) The special protections significantly alter the disciplinary procedures followed for general education students.

Major Provisions for Special Education Students (with IEPs):

- The 10 Consecutive-Day Suspension Rule: Suspensions are limited to 10 school days in any school year. This rule is for SPECIAL EDUCATION STUDENTS and is found in federal law, not state law. This includes the period while expulsion proceedings are pending. Any disciplinary removal of a disabled student from his/her current placement for more than 10 consecutive days is considered a “change in placement.” (34 C.F.R. §§ 300.530 and 300.536.)
- Expulsion: Students with IEPs can be expelled (change of placement) as long as their behavior is not a manifestation of their disability.
- Manifestation Determination for Special Education Students: Within 10 school days of any decision to change the placement of a student for a disciplinary reason (expulsion), a school district must convene an IEP team meeting to determine whether the misconduct is a manifestation of the student’s disability.

If the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student’s disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to student without disabilities. However, once the student is removed from his/her current placement, he/she must continue to receive educational services, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals of a FBA, and write a BIP, or if the student has one, modify the BIP.

- 45-Day Removals: Federal law allows for disciplinary removal for 45 school days for some offenses such as drugs, weapons, or serious bodily injury regardless of the outcome of the Manifestation Determination review (20 U.S.C. § 1415(k).)

The Seclusion and Restraint Policy can be found on JP Schools website.