Mississippi Department of Education
Office of Special Education

PROCEDURES FOR STATE BOARD POLICY 7219

VOLUME IV:
Discipline

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Using this Document

This multi-volume document *Procedures for State Board Policy 7219* is intended to assist Public Agencies in the implementation of the State Board of Education Policy 7219: *State Policies Regarding Children with Disabilities under the Individuals with Disabilities Education Act Amendments of 2004 (IDEA 2004).* This document contains information about requirements of IDEA and SBE Policy 7219, recommendations from the Mississippi Department of Education's Office of Special Education's Division of Instructional Support, and guidance on Best Practices as determined by research and professional practice. Specific directives or requirements of IDEA and/or SBE Policy 7219 include *must* or *may not* in the statement. Other recommendations and guidance on Best practices include *should* or *may* in the statements. In addition, all days listed in the document refer to calendar days, unless otherwise noted. The forms in the Procedures documents are not required forms. These forms are suggested or recommended forms designed to assist districts in having the appropriate documentation to use in implementing the requirements of State Board Policy 7219. The only required forms in the Procedures Document are the Individualized Education Program (IEP) and the Extended School Year (ESY) Fact Sheet. A Public Agency may modify these forms or use their own forms as long as they meet the requirements of State Board Policy 7219.

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CHAPTER 10:
DISCIPLINE

Public Agency in this document refers to agencies responsible for providing education to children with disabilities including the Mississippi Department of Education (MDE), Local Education Agencies (LEAs), Educational Service Agencies (ESAs), State Schools, State Agency schools, and nonprofit public charter schools that are not a part of an LEA or ESA.

Discipline

Public agencies must develop a written code of conduct provided to school personnel, parents, and children that establishes clear guidelines for behavior and consequences for violations of these expectations. Most discipline cases involve relatively minor infractions which are addressed according to public agency policy and procedures applicable to all children, including those with disabilities. However, in some cases, children with disabilities have special protections under the Individuals with Disabilities Education Act (IDEA) when they exhibit behaviors that violate the code of conduct and require an extended removal from the current educational setting. In these cases, public agency, the parent and relevant members of the Individualized Educational Program (IEP) Committee must determine if the behavior(s) are a manifestation of the child's disability or if the proposed disciplinary action constitutes a change in their educational placement.

Enforcement of Public Agency Discipline Procedures

Agency personnel are granted the general authority to enforce discipline procedures according to the policies and procedures of the public agency. Disciplining children with disabilities who violate a code of student conduct by interrupting the child's participation in education for up to ten (10) school days over the course of a school year, when necessary and appropriate to the circumstances, does not impose an unreasonable limitation on the child's right to a Free and Appropriate Education (FAPE). If the public agency does not provide services to nondisabled children removed for the same amount of time, the public agency is not required to provide services to a child with a disability. However, agency personnel may use discretion on a case-by-case basis for a child with a disability who has violated the code of conduct. For example,

agency personnel may give consideration to the individual situation and the child's disability, disciplinary history, ability to understand consequences, and ability to regulate his/her behavior when determining appropriate discipline procedures for the child.

For example, consideration can be given under the following circumstances:

- Are the child's thought processes logical?
- Does the child know and understand the public agency's code of conduct"?
- Does the child understand the consequences for violation of the public agency's code of conduct?
- Does the child know and understand that the behavior was inappropriate?
- Has the child demonstrated the ability to follow rules?
- Has the child previously expressed that similar behavior is wrong?
- Has the child expressed an understanding of consequences of behavior?
- Has the child previously followed similar rules?
- In what situations has the child be able to control behavior?
- Are there factors that explain the misconduct?
- Was the behavior premeditated?

In addition, discipline procedures may be individually modified for a child according to an individualized plan or program such as a Behavior Intervention Plan (BIP), Individualized Educational Program (IEP), or 504 Plan.

In making decisions concerning discipline procedures for a child with a disability, the public agency must consider the following factors:

- The proposed length of the removal from the current placement;
- If the behavior is a manifestation of the child's disability;
- Whether the behavior is due to the failure of the public agency to implement the child's IEP, including program modifications such as a BIP; and
- Did the child, at school, on school premises, or at a school function,:
    - Carry or possess a weapon;
    - Possess, sell, or use illegal drugs; and/or
    - Inflict a serious bodily injury on another person?

Disciplinary Removals

Agency personnel may use disciplinary removals, including removal to an appropriate interim alternative education setting (IAES), removal to another setting, or suspension, for a child with a disability who violates a code of conduct to the extent those removals are used with children without disabilities who violate a code of conduct. However, agency personnel may not remove a child with a disability for more than **ten (10) consecutive** or **cumulative** school days without providing services following the tenth day of removal. However, careful consideration must be given to whether the behaviors, taken cumulatively, are substantially similar and constitute a pattern of behavior.

An in-school suspension (ISS) **will be** considered a removal, unless:

- The child with a disability is afforded the opportunity to continue to appropriately participate in the general curriculum;
- The public agency continues to provide the services specified in the child's IEP; and
- The child continues to participate with non-disabled peers to the same extent as s/he does in his/her current placement.

A child with a disability should not be assigned to ISS for more than three (3) consecutive days. Following two (2) incidents of behavior(s), either related or unrelated, that result in assignment to ISS, the IEP Committee should review the IEP and develop a behavior plan to address the child's behavior subject to the disciplinary action or if a behavior plan is in place, the behavior plan should be reviewed and revised, if appropriate, to address the specific behavior.

Bus suspension would not be considered a "suspension" unless the bus transportation is a part of the child's IEP. In this case, the child's parent has the same obligation to get the child to school as the parent of a nondisabled child who has been suspended from the bus. If the bus transportation is a part of the child's IEP, a bus suspension would be treated as a suspension unless the public agency provided the bus service in some other way.

Interim Alternative Educational Setting (IAES) is a setting other than the regular school setting that enables a child to continue to participate in the general education curriculum and for a child with a disability to progress toward meeting his/her IEP goals. The IAES must be an alternative which is used with nondisabled children (i.e., not a self-contained special education setting).

Suspension is defined as removing a child from the child's regular educational setting.

An *Out-of-school suspension* is a removal of a child to another location (typically the child's home). In an OSS, a child does not participate in the general curriculum, receive special education or related services, or participate with nondisabled peers.

IDEA limits the number of days a child with a disability can be suspended for violating a code of conduct, provided a special circumstance does not apply. A school day is considered to be a day of out-of-school suspension if for any part of that day:

- the child is removed from the school,
- the child's return to school is contingent upon a parent meeting,
- the parent has voluntarily removed the child from the school at the request of the school, or
- the child is suspended from special transportation (i.e., the public agency transports the child) that results in absenteeism from school.

Disciplinary Removals that Do Not Constitute a Change in Placement

Agency personnel may remove a child for a period of up to ten (10) consecutive school days or less if this removal is in line with removals of children without disabilities. Additional removals for not more than ten (10) consecutive school days in the same school year may be applied if these removals are for separate incidents of misconduct and do not constitute a pattern of behavior. A pattern of behavior is defined as behavior that is substantially similar in each incident. Removals of ten (10) school days or less are not considered a change in placement, except when the child is placed in an interim alternative educational setting (IAES). For removals of ten (10) school days or less, the school district is not required to provide services to the child unless it provides services to a child without disabilities who is similarly removed.

Disciplinary Removals that Constitute a Change in Placement

Any decisions that impact placement must be made by the IEP Committee, including the following:

- A single removal of a child with a disability for ten (10) days or less to an IAES.
- A single removal of a child with a disability for more than ten (10) consecutive school days.
- The child has been subjected to a series of removals that constitute a pattern because:
  - The series of removals total more than 10 school days in a school year;
  - The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals;
  - Additional factors such as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

Note: The determination as to whether behavior in incidents that resulted in a series of removals is "substantially similar" should be made on a case-by-case basis and include consideration of any relevant information regarding the child's behaviors, and, where appropriate, information in the child's IEP. "Substantially similar" behavior is a subjective determination, however, when taken cumulatively and reviewed objectively, the IEP Committee will be able to make a reasonable determination as to whether a change in placement has occurred.

When a child with a disability is removed to an IAES, the child's IEP committee, including the parent, must determine the appropriate services. The IEP Committee must provide the parent with Written Prior Notice (WPN) and the Procedural Safeguards Notice. The public agency is not required to provide all services in the child's IEP but must continue to provide educational services so as to enable the child to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals. The IEP Committee determines the appropriate services to be provided. However, if the child is not making progress toward meeting the IEP goals, the IEP committee should review and revise either the determination of services or the appropriateness of the IAES. The removal to this setting must not exceed more than forty-five (45) school days. When an appeal has been made by either the parent or the public agency, the child must remain in the IAES pending the decision of the hearing officer or until the expiration of the time period (45 days) unless the parent and the public agency agree otherwise.

Manifestation of the Child's Disability

The public agency, the child's parent(s) and relevant members of the child's IEP committee must meet within ten (10) school days from the decision to change the child's placement such as removal to an IAES. This meeting is to review all information in the child's file, the child's IEP, teacher observations and any other information provided by the parent(s) that relate to the impact of the child's disability on the behavior that violated the school's code of conduct. For each incident after the tenth day or removal, it is the responsibility of the IEP Committee to determine if there is a relationship between the child's disability and the behavior precipitating a disciplinary action. In order to consider the behavior in question a manifestation of the child's disability, the relationship must be direct and substantial to the child's disability or be the direct result of the public agency's failure to implement the IEP. If the public agency, the parent(s) and the relevant members of the child's IEP committee determine that the conduct was a manifestation of the child's disability, the IEP committee must either:

- Conduct a functional behavioral assessment (FBA) unless a current assessment exists and implement a behavioral intervention plan (BIP); **or**

- Review the current behavioral intervention plan and modify it, as necessary, to address the behavior.

If it is determined the behavior is a manifestation of the disability, the child must be returned to the placement from which the child was removed unless the public agency and the parent agree to a change in placement as part of the behavioral intervention plan.

*NOTE: It is important that districts are mindful of the number of days a child has been removed prior to reaching the ten (10) day threshold, as an FBA **cannot** be done when the child is outside of the educational setting.*

Manifestation Determination Review Process: The Manifestation Determination Review process is a comprehensive problem-solving review of various factors to determine if the child's conduct in question:

- Is caused by the child's disability;
- Has a direct and substantial relationship to the child's disability?
- Is the direct result of the public agency's failure to implement the IEP?

To begin the process, the IEP committee should review the child's file for:

- Discipline history, including but not limited to the total number of suspensions, the proximity of the suspensions, and the length of each suspension.
- Patterns of misconduct in relation to the child's discipline history (e.g. isolated vs. repeated instances; similarity between instances of misconduct; escalation of instances; increased frequency of misconduct).
- Factors that contribute to the misconduct (e.g. unique circumstances, environmental factors, educational program, home factors and the child's mental, physical and developmental challenges).
- The child's medical, psychosocial, academic, and discipline records.
- The type behavior and if the behavior presents a clear and present danger to the child and/or others.

(See Appendix DIS.M)

Relationship to the Child's Disability: After reviewing the relevant information from the child's disciplinary history and file, the IEP Committee must determine if the misconduct was caused by the child's disability or if the conduct had a direct and substantial relationship to the child's disability. The IEP committee should consider the following:

- If the child has a significant cognitive disability that may result in impaired judgment and/or reasoning.
    - Does the child have the ability to understand the behavior violated a code of conduct?

  - Does the child have the ability to understand the consequences of the behavior?
- If the child has an emotional disability (e.g. schizophrenia, depression, post-traumatic stress disorder, Bi-polar, obsessive-compulsive disorder) and whether there is evidence that it had a direct relationship to the child's misconduct.
- If the child has a neurological impairment or medical condition that directly impacts and/or produces involuntary or uncontrollable behaviors (e.g. Tourette Syndrome, traumatic brain injury) and whether the medical condition has a direct relationship to the behavior.
- Determine whether the child historically has shown that's/he can/cannot control the inappropriate behavior as evidenced by teacher/staff/parent/child interview.
- Does the child have the ability to control his/her behavior?
- Would it be difficult for the child to control his/her behavior?

Relationship to the Implementation of the IEP: Next, the IEP Committee must determine if the misconduct is a direct result of the school district's failure to implement the IEP. If the IEP was not implemented appropriately, the IEP Committee must determine the impact of the implementation on the child's behavior. The IEP Committee should consider the following:

- Did the child receive reasonable educational benefit from his/her educational program?
- Was the IEP developed to address the child's needs and his/her participation and progress in the general education curriculum?
- Were the necessary resources (e.g., services and supports) available as part of the child's program?
- Was the IEP implemented appropriately and consistently?
- If not, what components of the IEP were not implemented (e.g., services, goals/objectives, positive behavioral supports or the BIP); and
  - How did the failure to implement all components of the IEP relate to the functional skills, social competency and behavior of the child and the misconduct of the child?
  - Did the child make adequate progress toward his/her goals and objectives as evidenced by progress monitoring results, assessments, and classroom observations?
- Has the IEP been modified over time to reflect changes in the child and/or changes in the child's needs or the instructional program?
- Are Behavioral goals and objectives included in the IEP?
  - If any were implemented, were positive behavioral interventions and supports to prevent misconduct and reinforce desirable behavior effective?
- If the child has a Behavior Intervention Plan (BIP):
  - Does is address the current needs of the child?
  - Is it based on research-based practices to address child's needs?
  - Was it implemented with fidelity?
  - If the child does not have a BIP:

- Has a Functional Behavioral Assessment (FBA) been conducted?
- What does the FBA show?

If the IEP Committee determines that the child's misconduct was caused by or had a direct and substantial relationship to the child's disability, or if the child's conduct was a direct result of the school district's failure to implement the child's IEP, **the child must be returned to his/her current placement.** The only **exception** is when a special circumstance exists (drugs, weapons, and serious bodily injury) or the parent and school district agree to a change in placement.

If the misconduct is a result of the child's disability, the IEP committee must either:

- Conduct a functional behavioral assessment and implement a behavior intervention plan (if no FBA had been completed prior to the conduct); or
- Review and modify, as necessary the existing BIP to address the behavior; and
- Return the child to his/her previous placement location. (The school district and parent(s) may agree to a change of placement as part of the modification of the IEP).

If the misconduct was a result of failure to implement the IEP, immediate steps must be taken to remedy any deficiencies by having the IEP Committee review the child's IEP and ensure that it is developed to address all of the child's needs and confer educational benefit. The IEP Committee must consider:

- Are the child's goals and/or objectives developed based on his/her assessed needs?
- Are adjustments needed to account for the child's progress or lack of progress?
- Has the child been involved in his/her IEP development? If not, does the child need to be involved in developing the IEP?
- Is the child's placement appropriate to meet the needs of the child, both academic and behavioral?
- Are the necessary supports and services in place in relation to the child's behavior?

If the IEP Committee determines that the child's misconduct was **not** caused by or had a direct and substantial relationship to the child's disability, or if the child's conduct was a not a direct result of the school district's failure to implement the child's IEP, **the relevant disciplinary procedures applicable to children without disabilities may be applied.**

NOTE: Regardless of the results of the determination, it is best practice for the IEP Committee to review the IEP to determine if the child requires additional special education and related services to address the misconduct.

Behavior not a Manifestation of the Child's Disability: If, after a review of all information, the public agency, the child's parent(s) and relevant members of the child's IEP Committee determine that the violation of the school code is not related to the child's disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as applied to children without disabilities with the following provisions:

- The child with a disability must continue to receive a Free and Appropriate Education (FAPE) as specified in the IEP;
- The child must continue to participate in the general education curriculum to the maximum extent appropriate, although in a different setting, and;
- The child must also receive, as appropriate, either an FBA and/or behavioral intervention services.

The behavioral intervention services or modifications must be designed to address the behavior violation, which precipitated the removal from the previous setting to prevent the behavior from reoccurring. When the decision is made for a removal of a child that constitutes a change in placement, the public agency must notify the parents of the decision and provide to the parents Prior Written Notice (PWN) and Procedural Safeguards. The child's IEP Committee, which includes the parent(s), determines the IAES and the appropriate services.

Special Circumstances

School personnel may remove a child to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child's disability if there is a violation of the school's code of student conduct under the following special circumstances. This removal of a child with a disability would relate to solely drugs, weapons and infliction of serious of bodily harm offenses. The removal authority applies to a child with a disability:

- Who carries a weapon to or possesses a weapon at school, on school premises or at a school function;
- Who knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, at school on school premises, or at a school function; or
- Who inflicts serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of the local educational agency?

An illegal drug means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority.

Serious bodily injury means injury that involves an extreme physical pain; substantial risk of death; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length. If these circumstances occur while at school, on school premises or at a school function under the jurisdiction of the public agency, the child may be removed to an IAES for forty-five (45) days or less. The public agency must notify the parents of the decision and provide to the parent, the PWN and Procedural Safeguards. The child's IEP Committee, of which the parent(s) is a member, determines the IAES and the appropriate services. Although the manifestation determination need not occur prior to the removal under these circumstances, and the removal can continue for not more than 45 school days, regardless of whether the behavior is later determined to be a manifestation of the child's disability, the public agency should take prompt action to complete the manifestation determination.

The child may remain in the IAES for up to forty-five days (45), unless the IEP Committee reconvenes before the term expires and determines that the IAES is the child's appropriate placement for another forty-five (45) days.

The school district must report crimes that occur on school grounds to the appropriate authorities. Nothing prevents the State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. The public agency must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the public agency reports the crime. This transmission must comply with the Family Rights and Privacy Act. The transmission of personal identifiable data must be for the purpose of the juvenile justice system's ability to effectively serve the child whose records are released.

Reporting Criminal Activity to Appropriate Authorities: Public agencies are required by State law and State Board of Education policy to report criminal behavior committed by a child, including a child with a disability, to appropriate authorities. Public agencies must comply with law enforcement and judicial authorities' requests so that these agencies can exercise their

responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Knowledge of a Disability

A child who has been identified as a child with a disability, even though the parent(s) has not agreed to the provision of all proposed educational and related services, is still entitled to all the protections under IDEA.

If the parent(s) revokes consent for special education and related services, the disciplinary procedures and timelines as specified in IDEA are not applicable.

However, if the parent(s) has expressed a concern that the child needs special education and related services, then the public agency is deemed to have knowledge that the child is a child with a disability and must afford the disciplinary protections as specified in IDEA until an eligibility determination is established.

The public agency would also be deemed to have knowledge that the child is a child with a disability if specific concern based on the child's pattern of behavior has been directly expressed by a teacher or other school personnel to either the special education director or other supervisory personnel. This expression of concern may be in writing or have been expressed verbally.

If the child has been referred to the Multidisciplinary Evaluation Team (MET) for evaluation of a suspected disability but eligibility had not been determined prior to the infraction, the public agency would still be deemed to have knowledge that the child is a child with a disability.

However, if the parent has refused consent for an evaluation or the child is evaluated and determined not to be a child with a disability, the disciplinary protections in IDEA would not be applicable.

It is important to keep detailed records of all suspensions, including in-school suspensions that occur during a school year.

Functional Behavioral Assessment (FBA)

All behavior has a purpose or a function. Most commonly, the function of problematic behavior is to "escape" from a situation or demanding task. The next most common function of

problematic behavior is to "get" something such as attention or a tangible item. Many times children come to school without the necessary behavioral, social, or emotional skills to meet expectations. When a child's behavior becomes disruptive, it is often addressed by actions such as verbal reprimands, isolation, detention, suspension or removal to a different environment such as an IAES. Although sometimes removal becomes necessary, this approach fails to teach the child acceptable replacement behaviors. The general purpose of an FBA is to provide the IEP committee with information as to the function or purpose the problem behavior serves for the child and therefore, assist in analyzing and developing strategies for addressing the undesirable behavior(s). A child will change their behavior only when it is clear that a different response will more effectively and efficiently result in a desired outcome. An FBA is not an intervention but the purpose of the FBA is to identify an intervention with the highest potential for changing the current inappropriate behavior in the current setting. Conducting an FBA is generally considered to be a problem-solving process that looks beyond the behavior itself and focuses, instead, upon identifying biological, social, affective, and environmental factors that initiate, sustain, or end the target behavior. This approach is important because it leads the observer beyond the "symptom" (the behavior) to the underlying motivation for it. (See Appendix DIS.K)

When should an FBA be conducted? An FBA should be conducted while the child is in the current educational setting, to determine the educational and programming needs of the child. The purpose of the FBA is to identify an intervention with the highest potential for changing the current inappropriate behavior in the current setting. An FBA might also be conducted at other times such as:

- When there is a known history of problem behavior;
- When the child's suspensions approach ten (10) cumulative days;
- When the child's behavior presents a danger to self or others;
- When the function of the behavior is unclear resulting in an ineffective Behavior Intervention Plan.

Who should conduct an FBA? To assist with conducting an FBA, it is best to utilize a professional with training and experience in behavior management and positive behavioral interventions in the educational settings. Individuals who may satisfy these requirements include licensed school psychologist, social workers, and counselors and teachers with a background in behavioral disorders or emotional disabilities.

Is an FBA an Evaluation? An FBA is generally understood to be an individualized evaluation of a child in accordance §§ 300.3010 through 300.311 to assist in determining (a) whether a child is and continues to qualify as a child with a disability, and (b) the nature and extent of special education and related service required to ensure educational benefit including the need for a Behavioral Intervention Plan (BIP). **As an individualized evaluation, parent consent is required to collect any new data.** The IEP Committee can review existing data (e.g., student

records, previous FBAs, any instrument routinely used with all children) without parental consent. If the parent of the child with a disability disagrees with the FBA, the parent has the right to request and Independent Education Evaluation (IEE) at public expense. However, the parent's right to an IEE at public expense is subject to certain conditions, including the public agency's option to request a due process hearing to show that its evaluation is appropriate.

The FBA is comprised of four (4) major components:

- Identifying the "target" or problem behavior(s);
- Observing the child, perhaps in different environments, and collecting data on the target behavior, the antecedents to the behavior, time the behavior occurs, situations where the behavior occurs and the consequences of the behavior;
- Formulating a hypothesis about the cause(s) of the behavior and summary statement; and
- Developing an intervention(s) with the highest potential of changing the behavior.

Identify the Problem Behavior(s) In order to conduct the FBA, consider the following:

- Objectively observe the child's behavior in different settings and during different types of activities in order to pinpoint the specific characteristics of the behavior.
- Consider the teacher's expectations for the child's academic performance as well as classroom conduct. It might be that teacher expectations for the child exceed or fall below the child's ability to perform. The resulting behavior problems may stem from a sense of frustration, fear of embarrassment or boredom.
- Determine if a behavior relates to cultural differences or expectations (e.g., eye contact in some cultures is consider rude; in others, peer competition is discouraged).
- Consideration of the following questions may be useful in determining the significance of the behavior:
    - Does the child's behavior significantly differ from that of his/her peers?
    - Does the behavior interfere with the successful learning of the child and/or others?
    - Have past efforts to address the behavior using standard interventions been unsuccessful?
    - Does the behavior represent a skill or performance deficit, rather than a cultural difference?
    - Is the behavior serious, persistent, chronic, or a threat to the safety of the child or others?
    - If the behavior persists, is some disciplinary action likely to result?

It may be necessary to carefully and objectively observe the child's behavior in different settings and during different types of activities. Interviews with other school staff and caregivers may help pinpoint the specific characteristics of the behavior.

Observation and Data Collection. During the data collection phase of an FBA, data may be obtained from a variety of sources. These sources may include but not be limited to:

- Record reviews such as medical records, educational records, discipline records, psychological evaluation or previous intervention attempts;
- Structured interviews with relevant persons including the child's teacher(s), parent(s), and the child, if indicated;
- Rating scales designed to identify the target behaviors and/or environmental events associated with the occurrence of the target behavior; and/or
- Direct assessment or observations designed to identify the target behaviors and/or environmental events associated with the occurrence of the target behavior.

Since problem behavior stems from a variety of causes, it is best to examine the behavior from as many different angles as possible. Depending on the nature of the behavior of concern, it is crucial that multiple means be used to collect information about the behavior. This would include a review of the child's records. Record reviews may include but not be limited to:

- Review of discipline records and office referrals,
- Review of medical or psychological records, including previous evaluation data,
- Review of academic records including test performance, academic and conduct grades
- Review of previous observation data,
- Review of previous intervention attempts and progress monitoring data, if available.

In addition, various observation procedures, questionnaires, interviews with parents, teachers and other school personnel as well as interviews with the child or other methods needed may be used to better understand the causes of the specific the problem behavior.

Different behaviors may require different data collection techniques. Direct assessment consists of actually observing the problem behavior and describing the conditions that surround the behavior (its context). This context includes events that are antecedent (i.e., that occur before) and consequent (i.e., that occur after) the targeted child's behavior. The description of the target behavior should be objective, clear, and concrete. The description can include examples of the behavior or examples of appropriate behavior, which is not occurring during the observation. The description should use action verbs as opposed to adjectives and should be clearly understandable to non-observers. The description may include summary statements to further describe the problem behavior and its functions.

The direct assessment or observation should include antecedent events: events that occur before the target behavior, prompt the occurrence of the behavior, and serve as potential triggers or "set off" the behavior. The antecedent event may be present when the behavior occurs or may be removed in time and place. The antecedent event may be physical, biological or social in nature. Some examples are:

- High levels of classroom noise or chaotic classroom environment

- Long bus ride or conflict on bus prior to school
- Little personal space or overcrowded classroom
- Health
- Family changes or conflict
- Lack of sleep or fatigue
- Side effects of medication
- Poor quality of the teacher-child relationship
- Time of day

There are various tools for recording direct assessment or observation data. The type of tool used should be determined by the information needed about the presenting behavior. The observation may be an unstructured observation noting behaviors descriptively as they occur. Another way to observe a child would be with an ABC Narrative Observation or Antecedent-Behavior-Consequence form. This approach allows an observer to organize anecdotal or descriptive information on the child's interactions with other children and adults in such a way that patterns of behavior often become clear. A modified ABC chart might be individualized to contain several predetermined categories of teacher or peer antecedent behavior, child responses, and consequent events along with space for narrative recording of classroom observations. There may also be structured observation. This may consist of observations such as Frequency/Event recording; Latency or Duration recording; Time-Sampling Interval recording; or Scatterplots.

Identify the consequences of the problematic behavior. Compare the consequences of the behavior and their effect on increasing or decreasing the behavior. In collecting information regarding the context of a behavior problem, it is important to understand that contextual factors may include certain affective or cognitive behaviors, as well. It can also be that the child does not have the necessary skill to complete an assignment and therefore, prompts the anticipation of failure or ridicule.

To develop the hypothesis, the IEP Committee must first determine the function of the behavior. The function of the behaviors refers to why the child is demonstrating the specified behavior. In addition, the IEP Committee must consider whether the behavior is related to a skill deficit or a performance deficit. A skill deficit is exhibited when a child doesn't know the specific skill/behavior. A performance deficit occurs when a child is capable of performing the appropriate skill/behavior, but does so inconsistently.

- Function – why the child is demonstrating the behavior, usually to get/seek something desired or to escape/avoid something painful or undesired. Examples: to get attention or stimulation, to elicit a desired response, to get a desired activity, to escape

demands/requests, to escape an activity or person, to escape an environment, to control something.

- Skill deficit – a behavioral or academic skill that the child does not know how to perform. Example: In a disagreement, the child hits the other child because s/he does not know other strategies for conflict resolution. In cases of skill deficit, the IEP needs to describe how the skill will be taught and how the child will be supported while learning it.
- Performance deficit – a behavioral or academic skill the child does know, but does not consistently perform. Example: A child is chronically late for the classes s/he does not "like" Incases of a performance deficit, the BIP may include strategies to increase motivation.

The Child GAINS…	The Child AVOIDS or ESCAPES…
• Attention from Adults/Teachers • Attention from Peers • Desired Items • Preferred Activities or Privileges • Control Over Others/Situations • Sensory Stimulation (Input)	• Attention from Adults/Teachers • Attention from Peers • Non-preferred Activities • Instructional Tasks • Non-preferred Settings • Non-preferred Social Interactions • Transitions • Aversive Physical Sensations • Sensory Stimulation (Reduction)

Develop the Hypothesis and the Summary Statement. The purpose of conducting the FBA is to ultimately find the most effective way to address the problem behavior. Therefore, an important part of the FBA is for the IEP Committee to form a hypothesis or summary statement about why the behavior is occurring.

An example of a hypothesis statement is:
"When (X-target behavior) occurs, it is usually in the context of (antecedent event). The child's response is (describe in specific behavioral terms). The result of the behavior is usually (XYZ), which serves to (consequences or "pay-off" of the behavior). The function and/or purpose of the response is likely to be a (to get/to seek…to escape/to avoid, etc.). The behavior appears to be a (X-skill deficit or X-performance deficit)

Determine Next Steps. The IEP Committee should determine if the child's behavior patterns only require instructional modifications or accommodations. In this case, IEP Committee must reconvene the IEP meeting and adjust the IEP accordingly. If the child's behavior patterns suggest that a Behavioral Intervention Plan (BIP) is warranted, then the IEP committee must implement a BIP to address all behaviors. If a BIP is in place, the IEP committee must review and revise the document accordingly. If existing data is insufficient for a complete functional

assessment. Additional data is needed. The IEP Committee must get parental consent to conduct additional assessments.

How long is an FBA Valid? An FBA is considered to be valid as long as the results of the FBA are useful to make meaningful behavioral changes for the child; however, it must be reviewed annually during the development of an annual IEP to ensure the data is still applicable. The function of the behavior that was identified in an FBA can change over the course of a day, week, month, or year. An FBA is no longer considered valid if the results of the FBA fail to result in interventions/strategies that produce positive results. To ensure that the FBA remains current, the IEP Committee should review the FBA, at least annually, to determine if the results are still reliable and relevant. The IEP Committee should determine:

- Does the FBA address the current problem behavior(s) that are occurring?
- Is the hypothesis statement, regarding the function of the behavior, still appropriate?

If the answer is no to either question, the IEP Committee should request another FBA to help with the development of a more appropriate Behavior Intervention Plan (BIP).

Behavioral Intervention Plans (BIPs)

Once the FBA is completed, if it is determined that the child's behavior patterns warrant, the next step is to develop a Behavioral Intervention Plan (BIP), which addresses strategies to correct or eliminate the problem behavior and/or replace the problem behavior with positive behavior(s). The BIP is not focused on controlling the person but instead is focused on redesigning the environment and building new skills that make the problem behavior irrelevant, inefficient and/or ineffective in the environment. The BIP is not to control the child but to enable the child to be successful in his/her environment. (See Appendix DIS.L)

The BIP should focus on:

- Increasing positive behaviors;
- Proactive instead of reactive strategies;
- Reinforcement strategies; and
- Corrective strategies.

The following is a list of components that should be included in a BIP:

- Observable and measurable description of the problem behavior identified during the FBA (Operational Definitions of Target Behaviors)
- Identified purpose of the problem behavior as a result of the FBA (Summary Statements and Rationale)

- General strategy or combination of strategies for changing the problem behavior (Predictor/Consequent Strategies and Teaching Strategies)
- Written description of when, where, and how often the strategy will be implemented (Routines)
- Consistent system for monitoring and evaluating the effectiveness of the plan (Treatment Monitoring)
- Consistent system for monitoring the fidelity of implementation of the plan (Treatment Integrity)

The BIP should focus on the observable and measurable description of the problem behavior(s) which includes a definition of the target behavior(s) and an identification of replacement behavior(s). Replacement behaviors should clearly link to the child's target behaviors. The BIP should identify the antecedents and consequences (function) of each problem behavior as a result of the FBA. Each strategy or combination of strategies for changing the problem behavior(s) should consider the individualized function(s). General strategy or combination of strategies for changing the problem behavior should relate to the antecedent(s) for the child's behavior, such as changing classroom or behavior management strategies; reinforcing appropriate behaviors or increasing supervision. The general strategy or combination of strategies for changing the problem behavior should relate to either the function(s) of the child's behavior, such as reinforcement or consequent strategies, or the skill deficit(s) of the child's behavior, such as social skill training, academic intervention or anger management.

The BIP should be monitored consistently and evaluated for integrity through direct observation and intervention checklists to be effective in addressing the child's problem behavior. When developing the BIP, if there are several problem behaviors, select one of the behaviors to address. The BIP may focus on the behavior that is the most irritating to the people interviewed, the easiest to change or a behavior that occurs early in a chain of problematic behaviors. The IEP Committee may also chose to select approaches that teach or increase alternate behaviors rather than attempt to eliminate or decrease problematic behaviors. It is also best to select approaches that provide opportunities for the child to make positive choices. This allows the child to participate in the process of changing his/her behavior.

For BIPs developed from an FBA, a summary of the FBA data is included in the BIP. Any function-based hypothesis or summary statements from the FBA are included in the BIP and there is a clear link between the summary statements and the intervention strategies listed in the BIP.

The BIP should be reviewed and evaluated prior to and during the implementation with any revisions made if necessary. The following are checkpoints for evaluating the BIP.

- The BIP should be a clear step-by-step plan.
- The person(s) responsible for implementing the prevention, teaching, reinforcement and corrective strategies is specified.
- The strategies and supports provided are listed.
- The location(s) of the strategies and supports are described.
- The review schedule by teaching staff is determined and listed.
- The definitions of the target problem behavior(s) and replacement behavior(s) are written in measurable terms.
- Goals for the acquisition of replacement behaviors are clear and measurable. The goals are linked to the child's IEP.

NOTE: It is best practice to:

- *Conduct an FBA and implement a BIP well before a child reaches his/her 10th day of suspension and a change of placement occurs. An FBA must be conducted in the child's current educational setting prior to a change of placement.*
- *An FBA is a formal evaluation and requires written parental consent.*
- *The BIP is a living document that should be monitored, reviewed at least annually and updated as needed.*

Implementing the BIP. The individuals responsible for implementing the child's BIP will vary depending on the supports the child requires. Participants in the implementation generally include teachers, intervention specialist, and support staff; however, the IEP Committee should consider training others to participate in the implementation (e.g., administration, guidance counselors, cafeteria staff, and bus driver). Parents should also be involved in the implementation so that home support in the areas of concern can strengthen the interventions that are conducted at school.

Reviewing the BIP. The child's BIP should be reviewed on a continuous basis to determine if the interventions in place are successful. It should be reviewed on the same basis as the IEP (e.g., 4 ½ weeks, 6 weeks, 9 weeks). The data collected should be reflected in the child's progress report through the behavioral goal(s)/objective(s) that address the child's behavioral concerns.

REGULATORY REFERENCE
§§300.530-300.532; 300.534-300.536

APPENDIX

Appendix DIS.A	Top 10 Highlights for Discipline
Appendix DIS.B	Discipline Procedures Chart
Appendix DIS.C	Suspension of Children Not Yet Eligible
Appendix DIS.D	Removal Not a Change of Placement
Appendix DIS.E	Removal That is a Change of Placement
Appendix DIS.F	Change of Placement: Serious Violation
Appendix DIS.G	Record Review Guide
Appendix DIS.H	ABC Recording Chart
Appendix DIS.I	Deno Observation System Form
Appendix DIS.J	Structured Time Sampling Observation Form
Appendix DIS.K	Functional Behavioral Assessment
Appendix DIS.L	Behavior Intervention Plan
Appendix DIS.M	Manifestation Determination Review Form

Top 10 Highlights for Discipline

1. The classroom rules should be consistent with the district's code of conduct in the student handbook.

2. Most discipline cases involve relatively minor incidents handled with routine policy and procedures applicable to all children.

3. Districts must have a policy and procedures in place to track the number of days a child with a disability has been removed from school.

4. A child with a disability removed from the school for more than 10 consecutive or cumulative days constitutes a change in placement. Special education and related services must be provided on the eleventh day of removal.

5. On the date on which a decision is made that constitutes a change in placement of a child with a disability because of a violation of a code of student conduct, the school district must notify the parents of that decision and provide the parent a copy of the procedural safeguards.

6. The total amount of time the child has been removed and the proximity of the removals from one another may constitute a pattern of behavior and a change in placement.

7. A Functional Behavior Assessment (FBA) must be conducted to determine the function of a child's behavior when a disciplinary change in placement occurs.

8. Data collected from an FBA should be used to develop a Behavior Intervention Plan (BIP) to prevent or limit reoccurrences of identified behavior concerns.

9. A Manifestation Determination meeting must be conducted within 10 days of a decision to change the placement of a child with a disability because of a violation of a code of child conduct.

10. School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

    a. Carries or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the school district;

    b. Knowingly uses, sells, or solicits the sale of a controlled substance or illegal drug while at school, on school premises, or at a school function under the jurisdiction of the school district; or

    c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district.

Discipline Procedures

Length of Removal	Services Required	IEP Meeting Required	FBA/BIP	Manifestation Determination Results	If Challenged
Removal ten (10) or less school days	No	No	No	No	No
Removal of more than ten (10) school days, which constitutes a change in placement (§300.530(b) (2))	The child must receive educational services that enable the child to continue to participate in the general education curriculum and progress towards meeting his/her goals on the IEP. (§300.530(d))	Manifestation Determination is required within ten (10) days of the decision to change the child's placement. IEP must be modified to address a child's behavioral concerns. (§300.530(e))	An FBA must be conducted and BIP must be created. If the FBA/BIP was created prior change of placement, the FBA and BIP must be reviewed and modified if necessary. (§300.530(f))	If the violation was a manifestation of the child's disability, he/she must return to his/her previous placement, unless the parent and public agency agree to a change of placement. If the violation is not a manifestation of the child's disability, he/she can receive the disciplinary procedures applicable to children without disabilities.(§300.530(f))	The child remains in the IAES setting until the hearing office makes a decision or the identified time expires. Before the days expire the IEP committee can meet and determine that the IAES is the child's least restrictive environment.
Forty-five (45) day alternative educational setting (weapons, drugs, or serious bodily injury) (§300.530(g))	Same as above	Same as above	Same as above	Same as above	The child remains in the IAES setting until the hearing office makes a decision or the forty-five (45) days expire. Before the days expire, the IEP Committee can meet and determine that the IAES is the child's least restrictive environment.

Suspension of Children Not Yet Eligible

School sends parent notice of disciplinary action according to general education policy.

Are any of the following true?

- Parent(s) expressed concerns in writing to school personnel?
- Child's behavior or performance shows need for special education?
- Parent(s) request for special education evaluation prior to incident?
- Teacher or other personnel have expressed concerns via Child Find or referral procedures?

No

Yes

Is parent or other person requesting an evaluation after the incident?

Immediately evaluate per the district's procedures. Parent(s) may assert protections from procedural safeguards until eligibility is resolved.

No

Yes

District implements general education discipline procedures, which can include removal without education services (concurrent with evaluation if requested after the incident).

Immediately evaluate per the district's procedures.

Removal Not A Change of Placement

(10 or less school days)

School sends parent notice of disciplinary action according to general education policy.

Has the child accumulated more than 10 school days of removal in the school year?

Yes

On the 11th school day of removal in a school year, the school provides special education services and related services determined by the IEP Committee.

Also consider if a series of removals have constituted a change of placement by taking into account:

- Length of removals;
- Total amount of time removed;
- Proximity of removals to each other?

Manifestation Determination required within 10 days of decision to change placement

No

District implements general education discipline procedures.

A Functional Behavior Assessment (FBA) is conducted and Behavior Intervention Plan (BIP) is developed to address behavioral concerns.

Best practice is to conduct an FBA and develop a BIP after five (5) days of suspensions.

Modified from the Michigan Department of Education

Revised 9/1/15

Removal That Is A Change of Placement

(11 or more school days)

On the day on which the decision is made to remove the child, the school provides parent notice of special education rights and procedures. IEP Committee convenes to determine if the behavior is a manifestation of the child's disability.

The IEP Committee determines that the child's behavior is not a manifestation of his/her disability.

The IEP Committee determines that the child's behavior is a manifestation of his/her disability.

General disciplinary procedures are terminated. The child returns to the placement of the last IEP or placement determined by the IEP Committee.
IEP Committee reviews/revises FBA/BIP and IEP to address behavioral concerns and changes in services.

The IEP Committee determines the services that will occur when the school implements the general discipline procedures. The services **must** enable the child to appropriately progress in the general education curriculum.

IEP Committee reviews/revises FBA/BIP and IEP to address behavioral concerns and changes in services.

The parent **disagrees** and requests a due process hearing.

The parent **agrees** to the revisions to the FBA/BIP and IEP.

Parent may request an expedited hearing to appeal the manifestation determination and/or services. During due process, the child's placement remains as identified in the last uncontested IEP (Stay Put).

Modified from the Michigan Department of Education

Change of Placement: Serious Violation

On the day on which the decision is made to remove the child, the school provides parent notice of special education rights and procedures. IEP Committee convenes to determine if the behavior is a manifestation of the child's disability.

The IEP Committee convenes to determine what service will occur in the interim alternative educational setting (IAES) for up to forty-five (45) days. The IAES must:

- Enable the child to continue to progress in the general curriculum;
- Continue services and modifications to enable the child to meet the goals and objectives in the IEP; and
- Include services and modifications that are designed to prevent the behavior from reoccurring.

IEP Committee reviews/revises FBA/BIP and IEP to address behavioral concerns and changes in services.

The parent **agrees** to the revisions to the FBA/BIP and IEP.

The parent **disagrees** and requests a due process hearing.

Parent may request an expedited hearing to appeal the manifestation determination and/or services. During due process, the child's placement remains as identified in the last uncontested IEP (Stay Put).

If the IEP Committee determines that the IAES is the best placement for the child, they MUST reconvene before the end of the 45-day placement to recertify the placement.

Modified from the Michigan Department of Education

Revised 9/1/15

Record Review Guide

CATEGORY	WHAT TO LOOK FOR	IMPORTANCE FOR FBA
Attendance history	Patterns of absences and total number of absences	Identify antecedents for problem behavior and possible skills deficits from a lack of opportunity to receive instruction
Educational history and standardized test scores	Current and historical results of state testing, achievement data, retentions	Indicates academic subjects and activities that are most difficult for the child and identifies what age/grade the deficits became more pronounced
Medical history	Vision and hearing procedures as well as other problems that may be related to school performance (e.g., motor difficulties, head traumas, long- term illnesses, enuresis) and current medication use	May identify conditions that could exacerbate existing problem behaviors or increase the likelihood of other problematic behaviors
Developmental/Social history	Frequent changes in address, foster home placement, recent occurrence of stressful events (e.g., parents' divorce, remarriage of parent, death in family, schools attended), social and emotional adjustments	Indicates possible setting events that may be impacting school behavior
Disciplinary history	Types of problem behaviors, times and locations in which they occurred, disciplinary actions taken, and referrals	Helps identify patterns of behavior, effective or ineffective disciplinary strategies, and possible consequences that are maintaining the behavior
Previous FBA, PBIP, diagnostic evaluations, or related assessment results	Other assessments that have been conducted that focus on academic skills, behavioral functioning, language skills, etc.	Possible changes in function of behavior, previous antecedents, history of behavior and interventions, and programming decisions
Previous interventions, intervention data/graphs, or classroom logs/notes	Formal and informal interventions that are documented in some manner	Identify interventions that have been successful or unsuccessful and why they were or were not.
IEP	Instructional goals and objectives, how/if they are being taught, how/if they are being monitored, accommodations and modifications, previous referrals and placements	Provides information on the degree to which the behaviors of concern are being addressed in the classroom and on the extent to which the teacher collects and records behavioral data

From Escambia County School District, Florida

MISSISSIPPI DEPARTMENT OF EDUCATION • OFFICE OF SPECIAL EDUCATION

ABC Recording Form

Child Name: _____ **School:** _____ **Observer:**

TIME	SETTING	ANTECEDENT *What was happening before the behavior occurred?*	BEHAVIOR *What specifically occurred?*	DURATION *How long did the behavior last?*	CONSEQUENCE *What happened after the behavior occurred?*
			Rating of **INTENSITY**: **1 2 3 4 5**	☐ <5minutes ☐ 5-10 minutes ☐ 11-30 minutes ☐ 31-60 minutes ☐ >60 minutes	
			Rating of **INTENSITY**: **1 2 3 4 5**	☐ <5minutes ☐ 5-10 minutes ☐ 11-30 minutes ☐ 31-60 minutes ☐ >60 minutes	
			Rating of **INTENSITY**: **1 2 3 4 5**	☐ <5minutes ☐ 5-10 minutes ☐ 11-30 minutes ☐ 31-60 minutes ☐ >60 minutes	
			Rating of **INTENSITY**: **1 2 3 4 5**	☐ <5minutes ☐ 5-10 minutes ☐ 11-30 minutes ☐ 31-60 minutes ☐ >60 minutes	
			Rating of **INTENSITY**: **1 2 3 4 5**	☐ <5minutes ☐ 5-10 minutes ☐ 11-30 minutes ☐ 31-60 minutes ☐ >60 minutes	
			Rating of **INTENSITY**: **1 2 3 4 5**	☐ <5minutes ☐ 5-10 minutes ☐ 11-30 minutes ☐ 31-60 minutes ☐ >60 minutes	
Additional Notes:					

DENO OBSERVATION SYSTEM FORM

Momentary Time Sampling: *Code either YES / NO at the beginning of each interval.*

OT (Off task): coded if the child is not engaging in the assigned task [not coded when assignments have not been given or have been completed with no new assignment].

OS (Out of seat): coded if the child is not in direct contact with his seat or in the direct vicinity of his/her desk

Partial Interval Sampling: *Code either YES / NO if any instance of behavior occurs during interval.*

IN (Inappropriate noise): coded if the child engages in an unrecognized outburst (i.e., is not recognized after raising hand) or verbal exchanges. [NOTE: Talking aloud to self is coded if audible to others.]

IP (Inappropriate physical activity): coded if the child hits, strikes, kicks, or throws anything. [NOTE: Rocking back in one's chair is also coded.]

Event Recording Sampling: *Code every instance of behavior and every opportunity for behavior if occurs during interval.*

C (Compliance): counts of total number of instances of compliance with a direct request and total number of direct requests are coded.

TARGET CHILD

	1	3	5	7	9	11	13	15	17	19	21	23	25	27	29	Total
OT																
OS																
IN																
IP																
C	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/

Notes:

SAME-SEX PEER

	2	4	6	8	10	12	14	16	18	20	22	24	26	28	30	Total
OT																
OS																
IN																
IP																
C	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/

Notes:

MISSISSIPPI DEPARTMENT OF EDUCATION • OFFICE OF SPECIAL EDUCATION

STRUCTURED TIME SAMPLING OBSERVATION FORM

LOCATION	TOTAL TIME	INTERVAL LENGTH	DATE
	Minutes	Seconds	

TARGET BEHAVIORS *Describe the behaviors to be observed clearly and objectively.*	**RECORDING METHOD**
A	☐ Partial Int. ☐ Event ☐ Whole Int. ☐ MTS
B	☐ Partial Int. ☐ Event ☐ Whole Int. ☐ MTS
C	☐ Partial Int. ☐ Event ☐ Whole Int. ☐ MTS
D	☐ Partial Int. ☐ Event ☐ Whole Int. ☐ MTS

To collect information on the rate of behavior of a child (i.e., target child), record the target child's behavior for each interval observed. To determine how the target child's behavior compares to peers, record the target child's behavior during the odd intervals and record the behavior of same-sex peers for even intervals.

TARGET CHILD: _____

	A	B	C	D		A	B	C	D
1					51				
3					53				
5					55				
7					57				
9					59				
11					61				
13					63				
15					65				
17					67				
19					69				
21					71				
23					73				
25					75				
27					77				
29					79				
31					81				
33					83				
35					85				
37					87				
39					89				
41					91				
43					93				
45					95				
47					97				
49					99				
Total					Total				

SAME-SEX PEERS: Males Females

	A	B	C	D		A	B	C	D
2					52				
4					54				
6					56				
8					58				
10					60				
12					62				
14					64				
16					66				
18					68				
20					70				
22					72				
24					74				
26					76				
28					78				
30					80				
32					82				
34					84				
36					86				
38					88				
40					90				
42					92				
44					94				
46					96				
48					98				
50					100				
Total					Total				

To collect information on the rate of behavior of one child, record the target child's behavior for each interval observed; to determine how the child's behavior compares to peers, record the target child's behavior during the odd intervals and record the behavior of same-sex peers for even intervals.

Recording Method	Common Behaviors
Momentary Time Sampling: *Code either YES / NO at the beginning of each interval.* **Partial Interval Sampling**: *Code either YES / NO if any instance of behavior occurs during interval.* **Event Recording Sampling**: *Code every instance of behavior and every opportunity for behavior if occurs during interval.*	**OT (Off task)**: coded if the child is not engaging in the assigned task [not coded when assignments have not been given or have been completed with no new assignment]. **OS (Out of seat)**: coded if the child is not in direct contact with his seat or in the direct vicinity of his/her desk **IN (Inappropriate noise)**: coded if the child engages in an unrecognized outburst (i.e., is not recognized after raising hand) or verbal exchanges. [NOTE: Talking aloud to self is coded if audible to others.] **IP (Inappropriate physical activity)**: coded if the child hits, strikes, kicks, or throws anything. [NOTE: Rocking back in one's chair is also coded.] **C (Compliance)**: counts of total number of instances of compliance with a direct request and total number of direct requests are coded.

Functional Behavioral Assessment

Fill in the demographic information UNDER each category below:

Child's Name:	School:	District:	School Year:
MSIS ID Number:	Grade:	Race:	Gender:
Date of Birth:	Phone Number:	Current Eligibility Date:	Eligibility Category:
Mother's Name:	Father's Name:	Address:	

Information Reviewed

Mark X beside all sources to be used.

[ ] Anecdotal information provided by parents
[ ] Parents interviews
[ ] Diagnostic evaluation(s) done by the district
[ ] Diagnostic evaluations by outside agency
[ ] Classroom/school observation(s)
[ ] Child interview
[ ] Interview with other professionals
[ ] Teacher interview(s)
[ ] Behavior Rating Scales
[ ] Discipline records
[ ] IEPs
[ ] Attendance records
[ ] Other:
[ ] Other:

Identified Problem Behavior(s)

State setting, frequency, duration, intensity, and severity of what the child is doing or not doing.

A) Observed and/or reported by [ ] School Staff [ ] Parent [ ]Other:

B) Observed and/or reported by [ ] School Staff [ ] Parent [ ]Other:

C) Observed and/or reported by [ ] School Staff [ ] Parent [ ]Other:

Events that Typically Precede the Problem Behavior(s)

Mark X beside all that apply in a school setting, then describe:

[ ] *Directive or request from authority*
[ ] *Provocation from peers*
[ ] *Academic activity*
[ ] *Unstructured setting*
[ ] *Transition time*
[ ] *Certain time of day*
[ ] *No obvious circumstance*
[ ] *Other:*

Description:

Events That Typically Follow the Problem Behavior(s)

Check all that apply in a school setting, then describe:

[ ] *Behavior is socially reinforced by peers*
[ ] *No consequences or behavior is ignored*
[ ] *Gets corrective feedback*
[ ] *Is removed from the setting*
[ ] *Privileges are withheld*
[ ] *Gets negative consequences*
[ ] *Receives attention*
[ ] *No obvious consistency*
[ ] *other:*

Description:

Effectiveness of Interventions on Behavior

Describe what **positive reinforcers** have been tried and identify its effectiveness.

Describe what **consequences** have been tried and identify its effectiveness.

Analysis and Recommendation

A) The presumed **function** of this behavior is *(mark X and write in explanation of "what")*

[ ] To get:

[ ] To escape:

[ ] To control:

B) The problem behavior may be linked to a **skill deficit** in the following areas:

C) The problem behavior may be linked to a **performance deficit** in the following areas:

D) Next Steps:

[ ] The child's behavior patterns may require instructional modifications or accommodations only.

[ ] The child's behavior patterns suggest that a Behavioral Intervention Plan is warranted.

[ ] Existing data is insufficient for a complete functional assessment. Additional data is needed.

The following person(s) conducted this Functional Behavioral Assessment	
Signature/Title Date	Signature/Title Date
Signature/Title Date	Signature/Title Date
Signature/Title Date	Signature/Title Date
Signature/Title Date	Signature/Title Date

Behavioral Intervention Plan

Fill in the demographic information UNDER each category below:

Child's Name:	School:	District:	School Year:
MSIS ID Number:	Grade:	Race:	Gender:
Date of Birth:	Phone Number:	Current Eligibility Date:	Eligibility Category:
Mother's Name:	Father's Name:	Address:	

Problem Behavior(s)		
	Description of Behaviors	
Behavior 1		[ ] Skill Deficit [ ] Performance Deficit
Behavior 2		[ ] Skill Deficit [ ] Performance Deficit
Behavior 3		[ ] Skill Deficit [ ] Performance Deficit

- Skill deficit: The child does not know how to perform the desired behavior.
- Performance deficit: The child knows how to perform the desired behavior, but does not consistently do so.

Intervention Strategies			
	Environment and/or Circumstances: Can the environment or circumstances that trigger the behavior or the result of it be adjusted? If so, how?	**Curriculum and/or Instruction:** Would changes in the curriculum or instructional strategies be helpful? If so, what and by whom?	**Other Strategies or Positive Supports**: (including school personnel, peers, or family)
Behavior 1			
Behavior 2			
Behavior 3			

Desired Replacement Behavior	
	What behavior will the child be taught to replace the targeted behavior? How and by whom?
Behavior 1	
Behavior 2	
Behavior 3	

Rewards and/or Motivators:	
	How will the child be reinforced so that the replacement behaviors are more motivating that the problem behavior?
Behavior 1	
Behavior 2	
Behavior 3	

Consequences: What consequences will be implemented for repeated occurrences of the problem behavior?

	1st Occurrence	2nd Occurrence	3rd Occurrence	Continuing
Behavior 1				
Behavior 2				
Behavior 3				

Crisis Plan

How will an emergency situation or behavior crisis be handled? (Define possible scenarios, including the use of in –school or out-of-school suspension, or aversive techniques, as appropriate)

Monitoring of Behavior

How will behavior(s) be assessed and evaluated? What data will be collected? How and by whom? When will the plan be first reviewed for its effectiveness? Thereafter?

The following persons participated in the creation of the BIP

Signature/Title Date	Signature/Title Date
Signature/Title Date	Signature/Title Date
Signature/Title Date	Signature/Title Date
Signature/Title Date	Signature/Title Date

Manifestation Determination Review Form

Fill in the demographic information UNDER each category below:

Child's Name:	School:	District:	School Year:
MSIS ID Number:	Grade:	Race:	Gender:
Date of Birth:	Phone Number:	Current Eligibility Date:	Eligibility Category:
Mother's Name:	Father's Name:	Address:	

Section 1: Relevant Information

1. A review of relevant information in the child's file, including the child's IEP, teacher observation, and any relevant information must be completed to determine whether a child's conduct was the direct result of the child's disability or a failure of the LEA to implement the IEP (§ 300.530 (e)(1).

   Date of Incident ____/____/_____
   Date(s) of Disciplinary Removal ____/____/_____ to ____/____/_____
   Date of Manifestation Determination _____/____/_____
   Date of Special Education Referral (if Basis of Knowledge applies) ____/____/_____

2. Description of incident resulting in a Manifestation Determination:

3. Describe the Code of Conduct Violation:

   Special Circumstances (§ 300.530 (g)): [ ] Weapons [ ] Drugs [ ] Serious Bodily Injury

4. Record of behavior subject to disciplinary action within the school year.

Dates of Previous Disciplinary Actions	Days of Removal	Behavior/Conduct that Resulted in Removal

Manifestation Determination Review Form continue

Section 2: Functional Behavioral Assessment, Behavior Intervention Plan, and IEP

1. Was a functional behavioral assessment (FBA) conducted prior to the date of the incident? [ ] yes [ ] no
   Date the FBA was completed. ____/____/_____
2. Does the child have an existing behavior intervention plan (BIP)? [ ] yes [ ] no
   Date the BIP was completed. ____/____/_____
   Date the BIP was implemented. ____/____/_____
   Date of the last modification of the existing BIP. ____/____/_____
3. Are behavioral goals from the BIP included in the IEP? [ ] yes [ ] no

Section 3: Determination Decision

[ ] yes [ ] no The behavior in question was caused by or had a direct and substantial relationship the child's disability.

[ ] yes [ ] no The behavior in question was a direct result of the district's failure to implement the IEP and/or BIP.

Document basis of decision:

If the yes is checked for either question, proceed to Section 4. If no is checked for both questions proceed to Section 5.

Section 4: Manifestation Determination

[ ] It has been determined that the behavior is a manifestation of the child's disability. The IEP Committee must

either:

1. Conduct a functional behavioral assessment and implement a behavior intervention plan (if no FBA had been completed prior to the conduct) (§ 300.530 (f)(1)(i)); **or**
2. Review and modify, as necessary the existing BIP to address the behavior (§ 300.530 (f)(1)(i); **and**
3. Return the child to his/her previous placement location. (The school district and parent(s) may agree to a change of placement as part of the modification of the IEP) (§ 300.530 (f)(2)).

[ ] If the conduct was a result of failure to implement the IEP, immediate steps to remedy deficiency are (§ 300.530 (e)(3)):

[ ] If an interim alternative educational setting (IAES) is currently in place, please identify the setting and services that will be provided.

Manifestation Determination Review Form continue

Section 5: Behavior Determined Not a Manifestation of the Child's Disability

[ ] The IEP Committee reviewed all relevant information in the child's file, including the child's IEP, teacher observations and information provided by the parent and has determined that the child's conduct was not a manifestation of the child's disability and that disciplinary procedures applicable to children without disabilities will be applied.

[ ] The IEP Committee determined that the child will continue to receive educational services so as to participate in the general education curriculum, although in another setting and to progress toward meeting IEP goals; and receive a FBA, BIP, and modifications, which are designed to address the behavior violation so that it does not recur.

Placement Decision (Identify the location and describe length of removal and use of positive behavior supports)**:**

Section 6:

Signatures: Name/Title or Role (Type in):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

NOTES

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Ensuring a bright future for every child