# CHAPTER 15: DISCIPLINE CONSIDERATIONS FOR STUDENTS WITH DISABILITIES

**Revised 9/12/11**

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**Chapter 15B: Functional Behavioral Assessment**

- **Functional Behavioral Assessment (FBA) Definition**
  - New 3/08: 48
- **Example: Functional Behavioral Assessment (FBA)**
  - New 3/08: 51
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GUIDELINES ON THE USE OF BEHAVIORAL INTERVENTIONS WITH STUDENTS WITH DISABILITIES

It is the practice of the Special Education Cooperative and its member districts to use positive behavior interventions and supports. Positive behavioral interventions and supports are those strategies used to improve the school environment and teach children skills likely to increase the ability of the student to exhibit appropriate behaviors. Positive behavioral interventions and supports are evaluation-based, individualized behavioral interventions or supports for children with challenging behavior. Positive behavioral interventions and supports focus on proactive approaches to address a child’s target behaviors by teaching appropriate replacement behaviors, making environmental modifications, increasing skill performance, and using positive consequences. These approaches include:

a) a positive reinforcement for engaging in preferred adaptive behaviors;

b) the proactive teaching of behavioral expectation for the setting;

c) corrective feedback or prompts (prompts can be verbal, physical, or visual and reinforcement is provided immediately following the response);

d) physical assistance to facilitate completion of a response with no physical resistance from the student;

e) temporary interruptions in instruction or activity in which a student is directed to leave an activity for a brief period of time to a location where s/he can observe the ongoing activity and see others receiving positive reinforcement for appropriate behaviors (contingent observations, a non-restrictive procedure);

f) temporary interruptions in instruction or activity when a student is sent to a different location under appropriate supervision, from which he/she may leave (exclusionary time-out—a non-Restrictive procedure);

g) temporary withdrawal of goods, services or activities as a result of the student’s inappropriate use of these; and

h) medically prescribed restraints for positioning, maintaining posture or aiding in the acquisition of self-help or other functional skills.

This list is not all inclusive and may be modified to meet the needs of the district.

All behavioral interventions not covered in the IEP will be consistent with the districts’ discipline policies. Continued and repeated use of any element of a district’s discipline policy will be reviewed in the development of the individual student’s IEP.

Districts will review practices related to restrictive procedures regularly and will include, at a minimum, the following components:

• on going personnel developments activities for all staff, contracted personnel, and volunteers who work with students who are disabled that:
  - promote the use of positive approaches;
  - provide an awareness of how to limit the use of aversive and deprivations procedures;
  - provide an awareness of how to avoid abuse of such procedures;
- provide an awareness of specific cautions for the use of restrictive procedures with specific populations of students or for the use of certain procedures; and
- provide staff training requirements for the design and use of restrictive procedures prior to their use.

- documentation procedures of the use of interventions and maintenance and retention of records of use; and
- description of the district’s procedure for reviewing emergency situations where restrictive procedures are use.

The purpose of restrictive procedure is to enable the student to benefit from educational services and to acquire skills, not simply control behavior, and should be used only when the severity or intensity of the behavior is significant and requires quick and effective reduction in order to protect the student, other students and/or staff. Restrictive procedures include:

A. **Physical holding** – physical intervention intended to restrict a child’s movement by using physical contact as the only source of restraint. The term physical holding does not mean physical contact that: 1) helps a child respond or complete a task; 2) assists a child without restricting the child’s movement; 3) is needed to administer an authorized health-related service or procedure; or 4) is needed to physically escort a child when the child does not resist or the child’s resistance is minimal.

B. **Mechanical restraint** – “Mechanical restraint” is an intervention intended to restrict a child’s movement by using devices as the source of restraint. Mechanical restraint does not include the use of devices intended for adaptive support for a child with physical disabilities.

C. **Locked time-out** – Districts within the Northwest Regional Interdistrict Council do not have locked time-out rooms.

D. **Seclusion** - (NWRIC and member districts do not use this procedure) – “Seclusion” is a restrictive intervention that involves voluntarily or involuntarily removing the child from the school activity during the school day and placing the child in a specially designed isolation room or similar space that the child is prevented from leaving (egress is barred). A child is otherwise prevented from leaving by means other than a locking mechanism.

E. **Use of Peace Officer** – Use of a peace officer is considered an emergency procedure if a student who has an IEP is restrained or removed from a classroom, school building or school grounds at the request of a school administrator or school staff during the school day.

Restrictive procedures may only be used when:

A. An IEP team may plan for using restrictive procedures and may include these procedures in a child’s IEP or BIP; however, the restrictive procedure may be used only in response to behavior that constitutes an emergency, and
B. The IEP or BIP shall indicate how the parent wants to be notified when a restrictive procedure is used.

**EMERGENCY PROCEDURES**

Emergency means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury or to prevent severe property damage. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation, and only be used if other de-escalation techniques have failed. This does not prohibit staff persons from using reasonable force to protect themselves or other students.

Student’s behavior must be serious and pose a threat to self or others. More intrusive interventions should only be used if necessary.
Reasonable force means that staff can restrain a student or do what is necessary to protect the student, other students, staff or property from damage or injury.

Do not confuse reasonable force with corporal punishment. **Corporal punishment is prohibited.**

Anytime a restrictive procedure is used it must be documented on the appropriate form, and the student’s parent or guardian must be notified of the use of the intervention on the same day the intervention is used, in writing within two school days if the district personnel are unable to provide same day notice. When a restrictive procedure is used for a student on an IEP in an emergency situation as described above, complete the **Emergency Use of Restrictive Procedure for a Student on an IEP.**

If an emergency intervention is used twice in 30 days or a pattern emerges and restrictive procedures are not included in a child’s individualized education plan or behavior intervention plan: The district must hold a meeting of the IEP team and do the following

A. Conduct or review an FBA;
B. Review data
C. Consider developing additional or revised positive behavioral interventions and supports
D. Consider actions to reduce the use of restrictive procedures
E. Modify the IEP or BIP as appropriate
F. Review any known medical or psychological limitations that contraindicate (that indicate the inadvisability of) the use of a restrictive procedure
G. Consider whether to prohibit that restrictive procedure
H. Document any prohibition of using a procedure in the IEP or BIP.

Districts may use restrictive procedures in emergencies until the IEP team meets, provided the emergency measures are deemed necessary by the district to protect the individual student or others from harm. The IEP team shall meet as soon as possible but no later than five school days after emergency procedures have commenced. District administration must be notified immediately when a restrictive procedure is used in an emergency situation.

**CAUTION: Unauthorized use of these procedures is considered physical abuse under the Minnesota Law Reporting of Maltreatment to Minors Act.**

### RESTRICTIVE PROCEDURES

In order to use a restrictive procedure as part of a student’s IEP, the team must:

1. identify the frequency and severity of target behaviors for which the restrictive procedure is being considered;

2. identify at least two positive interventions implemented and the effectiveness of each; and

3. design and implement the restrictive procedure based on present levels of performance, needs, goals and objectives, and document in the IEP, however, the restrictive procedure may be used only in response to behavior that constitutes an emergency.

a. the antecedent to the behavior that resulted in the use of the Restrictive intervention;

b. a description of the behavior that resulted in the use of the Restrictive intervention;
c. the length of time the Restrictive intervention was used;

d. the child’s response to the Restrictive intervention;

e. the procedure used to return the child to the child’s routine activities and educational setting; and

f. include documentation of how the student’s parent prefer to be notified of the use of a restrictive procedure.

**Whenever the use of a restrictive procedure is being considered by a member district of the Northwest Regional Interdistrict Council Special Education Cooperative, the following procedures must be followed:**

1. The team will include a school psychologist or day treatment reintegration specialist/behavior analyst during the evaluation phase and development of the Behavior Intervention Plan.

2. The team will complete the *Assessment Report for Use with Restrictive Procedures* and a functional assessment of the behavior will be completed (see *FBA* for information about conducting a Functional Behavioral Assessment).

3. The team will complete the *Behavior Intervention Plan*. This includes a demonstration of the procedure to the parent/guardian and a discussion of informed consent assurances.

**Prohibited procedures** are aversive and deprivation procedures that are prohibited from use in school by district employees and volunteers under any circumstances. The following procedures are prohibited:

1. corporal punishment;

2. requiring a student to assume and maintain a specific physical position, activity or posture that induces pain;

3. totally or partially restricting a child’s senses as punishment:

4. presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;

5. denying or restricting access to needed equipment and assistive devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child’s functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;

6. faradic skin shock;

7. interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556

8. withholding regularly scheduled meals or water;

9. denying student’s access to the bathroom facilities;

10. treatment of a demeaning nature, including interventions that are designed or likely to subject a child to verbal abuse, ridicule or humiliation, or are likely to cause mental injury to the student;
11. physical holding that restricts or impairs a child’s ability to breathe;
12. the use of a mechanical restraint that is contrary to a written order from a licensed physician; and
13. restrictive interventions that:
   a. are implemented by untrained personnel;
   b. are not used in response to an emergency;
   c. places a student’s face down and places pressure on a student’s back;
   d. obstructs the airway of the student or otherwise impairs the student’s breathing;
   e. restricts the student’s ability to communicate.

Each district will provide personnel development activities pertaining to Restrictive Procedures annually for all staff, contracted personnel and volunteers who work with students with IEPs. Each district shall maintain records of staff that have been trained and the organization or professional that conducted the training. The district may collaborate with children’s community mental health providers to coordinate trainings. Personnel development activities shall include training in the following skills and knowledge areas:

1. positive behavioral interventions;
2. communicative intent of behaviors;
3. relationship building
4. alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior
5. de-escalation methods;
6. standards for using restrictive procedures;
7. obtaining emergency medical assistance;
8. the physiological and psychological impact of physical holding and seclusion;
9. monitoring and responding to a child’s physical signs of distress when physical holding is being used;
   and
10. recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used.

**DOCUMENTATION**

- When to Hold Manifestation Determination Meetings
- Disability Manifestation Determination Form
- Suspension Checklist
- Procedures for FAPE During Suspension/Expulsion/Exclusion or Alternative Settings
- Sample Letter to Parents When Unilateral Placement Exceed 45 Calendar Days
- Alternatives to Suspension
- Recommended Steps Before Proceeding to an Expedited Hearing Regarding Change of Placement
- Highlights MN Student Fair Dismissal Act
- District’s Procedures Related to Reporting a Crime Committed by a Student with a Disability
- Emergency Use of Restrictive Procedures for a Student on an IEP
- Assessment Report for Use with Restrictive Procedures
- Behavior Intervention Plan
- Example: Behavior Intervention Plan
- Time Out and Restrictive Behavior Intervention Guidelines
- Time Out Room Checklist
- Seclusionary Time Out Documentation Log & Data Sheet
- Exclusionary Time Out Documentation Log & Data Sheet
- Physical Intervention
- Physical Intervention Documentation Log & Data Sheet
- Behavior Intervention Oversight Committee (BIOC) Review Form
Suspensions/Removals One Day and Under

**MN Rule:** MN Rule does not count as a suspension, a removal from school for one day or less.

**Federal Regulations:** Federal regulations referred to "removals," rather than "suspensions" because states such as MN do not consider a day or less removal as a suspension. Under federal law, removals of one day or less must be included in the 10 day cumulative count. However, in a memo from OSEP the following latitude was provided, in counting multiple short-term suspensions, a half-day or less can be counted as a half-day. More than a half-day must be counted as a day. If unable to record data on an hourly or half-day basis, count part of a day as a whole day.

Suspensions/Removals of 10 Days or Less Consecutive or Cumulative Within a Given School Year

**MN Rule:** The MN Rule requires compliance with federal law, however, provides a more restrictive provision for meetings. The student’s IEP team is required to meet to conduct a manifestation meeting if the student is removed for 5 or more consecutive days (federal regulations require a meeting only after 10 day removals). A functional behavioral assessment is not required.

**Federal Regulations:** No requirements.

Suspensions/Removals More Than 10 Consecutive or Cumulative Days

**MN Rule:** The MN Rule requires alternative educational services for all students, disabled or non-disabled, after the 5th consecutive day of removal.

**Federal Regulations:** Federal Regulations consider a removal of more than 10 days consecutive to be a change of placement. Removals of not more than 10 consecutive days are allowed for any violation of school rules. Additional removals are allowed for separate incidence of misconduct as long as they do not change the student’s placement. Federal Regulations require FAPE provisions to begin if a student with disabilities is removed for more than 10 consecutive or cumulative days within a given school year. On day 11, services must be provided to the extent necessary for the student to make progress in the general curriculum and toward achieving IEP goals. The decision regarding these services and the location of the services is made by the principal and student’s special education teacher. A review of the IEP/IIIP, behavior plan and a manifestation meeting are also required within 10 days of the removal if not previously completed. A Functional Behavioral Assessment (FBA) must be completed within 30 school days. Parent permission is required before completing a Functional Behavioral Assessment (FBA) if not previously completed for the behavior that resulted in the discipline.

Suspensions/Removals Constitute a Change of Placement

**MN Rule:** Follow Federal Regulations

**Federal Regulations:** Federal Regulations: IDEA 2004 states, students with disabilities may be suspended for not more than 10 consecutive school days and for additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as removals do not cause a change in placement. IDEA 2004 considers it to be a change of placement if:

1. the removal is for more than 10 consecutive school days;
2. the student had been subjected to a series of removals that constitute a pattern:
because the series of removals total more than 10 school days a school year;
because the student’s most recent behavior is substantially similar to the
student’s previous behavior that resulted in disciplinary action and these
behaviors taken cumulatively are determined to be a manifestation of the
student’s disability.
Because of such additional factors as the length of each removal total amount
time the student had been removed and the proximity of the removals to one
another.

### In-School Suspensions

| MN Rule: | Follow guidelines under MN Student Fair Dismissal Act. |
| Federal Regulations: | "In-school" suspension days would not have to be included in the 10 day count if:

  1. student is allowed to progress in general education curriculum;
  2. student receives IEP services;
  3. student is allowed to participate with nondisabled peers to the extent they would in current placement.

### Frequently Asked Questions

1. **When must FAPE be provided?**
   - A. Whenever a suspension exceeds five consecutive days (**MN Rule**), services begin on day 6.
   - B. Whenever a student’s number of suspensions accumulates to 10 days, services begin on day 11.

2. **When must a manifestation meeting be held?**
   - A. A manifestation meeting must be held within 10 school days of:
     1. A student suspension of 5 or more consecutive days (**MN Rule**);
     2. Total days of removal exceed 10 cumulative in a school year;
     3. Any removal that constitutes a change of placement, including a 45 school day unilateral change of placement;
     4. Parent requests a manifestation determination following any removal for disciplinary reasons;
     5. Expulsion.

3. **When must the IEP team meet to review the student’s program plan and revise, if necessary?**
   - A. Whenever the parent(s) request(s) a meeting:
   - B. Whenever the student is removed from the student’s current placement for five or more (**MN Rule**) consecutive days; or
   - C. Whenever the student’s total days of removal from the current placement during a school year exceed 10 cumulative days.

4. **When should a Functional Behavioral Assessment (FBA) be completed?**
   - A. Whenever a student is evaluated for emotional/behavioral disorder, the functional assessment must be conducted as part of the identification process (part of criteria for EBD).
   - B. An IEP team must meet to develop a FBA within 10 days:
     1. of removing a student for the 11th cumulative day in a school year, as appropriate;
     2. if a behavior is a manifestation of the disability and no Behavior Intervention Plan (BIP) is in place.

5. **When does a change of placement occur?**
   - A. Whenever removals are more than 10 consecutive school days;
   - B. Whenever a student has been subjected to a series of removals that constitute a pattern because:
• the removals are for more than 10 school days;
• the student’s most recent behavior was similar to the student’s previous behavior and these behaviors taken cumulatively are determined to be a manifestation of the student’s disability; and
• such additional factors as length of each removal, total amount of time the student had been removed and the proximity of the removals to one another are considered.

C. District makes unilateral 45 school day interim alternative educational placement.

6. When may a district make a unilateral 45 school day placement to an interim alternative educational setting? *

   A. Whenever a student carries (interpreted to also mean possession) a weapon to school or school function. Weapon is defined under federal definition to be a device, instrument or material capable of causing death or serious injury (e.g., guns, grenades). This definition excludes knives smaller than 2.5 in. and hunting rifles, if the planned use is for sporting events;
   B. Whenever a student knowingly possesses or uses illegal drugs;
   C. Whenever a student sells or solicits the sale of a controlled substance (e.g., Ritalin, Viagra);
   D. Whenever a student inflicts serious bodily harm defined as “showing substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss of impairment of function of a bodily member, organ or mental faculty (a very high standard) on another person;” or
   E. Can be ordered by a hearing officer when evidence exists that a student is substantially likely to injure self or others.

Unilateral changes can only be made to the extent the district would use the same or similar consequence for regular education students for the same course of misconduct.

* State Law requires districts to provide parents with a written statement of the reasons for an interim placement exceeding 45 calendar days. (see Sample Letter to Parents When Placement Exceeds 45 Calendar Days).

7. What is an interim alternative educational setting?

   The school administrator and IEP manager can make the decision to change the placement of a student with disabilities for the reasons described above. The choice of the interim alternative setting must be made by the IEP team and can include a continuum of settings, including the student’s home, ALC residential treatment, another school district, etc. The team must select a setting that enables the student to continue participating in the general education curriculum and to progress toward meeting goals in the student’s IEP. The student “stays put” in the alternative setting if parent(s) disagree and request an expedited hearing.

8. Parent must receive prior Notice of Change of Placement for Disciplinary Action whenever a change of placement occurs. "Notices" should include the following information:

   A. Description of proposed action;
   B. Explanation of reasons district is proposing the action;
   C. Description of the other options the team considered and reasons those options were rejected;
   D. Description of procedures, tests, records and reports the team used as a basis for the decision;
   E. Any other relevant factors.

   This “Notice” must be provided to the parent on the date the decision was made to make the removal that constitutes the change of placement.

9. What constitutes “knowledge” by the district that a student has a disability and is thus entitled to procedural protections of IDEA:
A. Parental concern in writing to supervisory or
B. Administrative personnel or the student’s teacher that the child is in need of special education and
related services, unless parent is illiterate or has a disability that prevents compliance;
C. Parent has requested an evaluation of the child pursuant to IDEA;
D. Teacher or other school staff have expressed a specific concern about a pattern of behavior
demonstrated by the child and this concern was expressed to supervisory personnel of the district;

10. Can a student with a disability be expelled?

Under both state and federal law, a student with a disability may not be expelled if the conduct was a
manifestation of the student’s disability. That means, the conducts must be caused by or have a direct
and substantial relationship to the student’s disability. MN Student Fair Dismissal Act requires that
special education and related services be provided after a period of suspension, if suspension was
imposed.
The purpose of this memorandum is to provide requested clarification as to when a manifestation determination must be made for a student with a disability. The following table summarizes district obligations in light of recent changes to state law and federal regulations.

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<th>Manifestation Determination required?</th>
<th>FBA Plan required?</th>
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<tr>
<td>Student suspended for less than five consecutive school days</td>
<td>No*</td>
<td>No*</td>
<td>No*</td>
</tr>
<tr>
<td>Student suspended for 5 to 10 consecutive school days</td>
<td>Yes</td>
<td>Yes</td>
<td>No*</td>
</tr>
<tr>
<td>Student removed for 10 cumulative school days in a school year or less</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Student removed for 11 cumulative school days in a school year or more</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Student placed on in-school suspension</td>
<td>No**</td>
<td>No**</td>
<td>No**</td>
</tr>
<tr>
<td>Parent requests a manifestation determination following any removal for disciplinary reasons</td>
<td>Yes</td>
<td>Yes</td>
<td>No*</td>
</tr>
<tr>
<td>Student suspended from the bus</td>
<td>Depends***</td>
<td>Depends***</td>
<td>Depends***</td>
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</tbody>
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*Unless the removal brings the total number of cumulative days this school year that the student has been removed to more than 10, or unless the parent requests a meeting under Minn. Stat. 121A.41, subd.10.

**An in-school suspension would not be considered a part of the days of removal as long as the student is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified on his or her IEP, and continue to participate with nondisabled children to the extent they would have in their current placement.

***If bus transportation is a part of the student’s IEP, a bus suspension would be treated as a removal unless the school provides transportation in some other way, because that transportation is necessary for the student to obtain access to the location where all other services will be delivered. If bus transportation is not a part of the student’s IEP, a bus suspension typically would not be a removal.
Disability Manifestation Determination Form (Sample)

Student Name: ______________________ ID: _______________ Date: _____________
School: _____________________________ Grade: ___________ DOB: _____________

Categorical Disability ________________________________

The multidisciplinary team (psychologist/behavioral expert, teacher/representative of the district, person licensed in the disability area, parents and student, if appropriate) should consider and document responses to the following questions to help determine whether the student’s misbehavior was a manifestation of the disability.

Manifestation meetings are required anytime a removal constitutes a change of placement for a student with disabilities. Meetings should be held immediately, but no later than 10 school days after commencing an expulsion, exclusion or suspension.

Write a description of the incident that resulted in the suspension.

The team should address the following questions:

1. What are the characteristics of the student’s disability (e.g., withdrawn, depressed, impulsive, etc.) based on current data and observations?

2. Was the behavior exhibited consistent with the above determined characteristic of this student's disability?

3. Was this misbehavior predictable for this student based on our current data and experience?

4. How was the student informed of the school rules and discipline policies?

5. Given the student’s disability, is it reasonable to believe that the student was capable of understanding the school rules and the impact/consequences of his/her behavior that is subject to the disciplinary action?
6. Even if the student is capable of understanding the school rules, is it reasonable to believe that the student could control his/her behavior during the incident?

7. Are the evaluations completed on the student current (including the functional behavior assessment)? Did the team consider other relevant information provided by the parent(s)? Did the team review observations provided by other team members including the regular education teacher(s)? Is further evaluation required in order to make the above judgments, or determine a need for changes in the student’s education program? If so, what evaluations need to be conducted?

8. Is it reasonable to believe the IEP program and services, the service delivery and the educational environment were/are appropriate for this student?

9. Did the student have an appropriate behavior plan? Were the intervention strategies consistently applied?

10. This question is to be answered only if the student has not been identified with an Emotional/Behavioral Disorder (E/BD) label. Does the team have any reason to believe the student may have an emotional or behavioral impairment?

### TEAM DETERMINATION (Use determination form on Student Plans)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>1. In relation to the behavior subject to disciplinary action,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the conduct in question a direct result of the school’s failure to implement the IEP?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. The student’s conduct was caused by/or had a direct and substantial relationship to the student’s disability.</td>
<td>☐</td>
<td>☐</td>
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Therefore: *(check the appropriate box)*

- The behavior **IS** considered a manifestation of the student’s disability if the team’s response to #1 is **No**, or the response #2 is **Yes**.
- The behavior **IS NOT** a manifestation of the student’s disability if the team’s response to #1 is **Yes** and the responses to #2 is **No**.

11. What is the appropriate placement and services for the student at this time?
If the behavior is **not** the result of the disability, the district may proceed with the disciplinary action which changes the student’s placement. The district must make the FAPE requirements available: 1) students must be allowed to continue in the general education curriculum; 2) services and modifications from the IEP must continue; and 3) the team must design services to address the misbehavior that led to the change of placement. If a functional behavioral assessment (FBA) and/or a behavior intervention had not been conducted before the behavior that resulted in the disciplinary action (suspension), the team must convene to develop a FBA and/or intervention plan within 10 calendar days. The FBA must be completed within 30 school days. The IEP team must develop a behavior plan. If a behavior plan exists, the IEP team reviews and modifies the plan, if necessary.

<table>
<thead>
<tr>
<th>IEP Team Members Present</th>
<th>Title</th>
<th>Yes</th>
<th>No</th>
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**Note to Parent(s):** It is important to know your rights. Please read the enclosed *Notice of Procedural Safeguards* brochure, which includes sources for parental assistance. If you have questions regarding your rights, you may contact me.

________________________________________
Name

__________________________
Position

__________________________
Telephone Number

__________________________
Address

**Parents:** Please check one of the options below, sign and date this form, and return the original of this page within ten (10) school days.

□ I agree with the IEP/IFSP team’s decision.
□ I need further information. Please contact me to explain further or schedule a meeting.
□ I do not agree with the IEP/IFSP team’s decision. I understand I may request an expedited due process hearing.

________________________________________
Parent Signature (Student if age 18 or older)

__________________________
Date

__________________________
Address

__________________________
Telephone Number

Enclosed:
*Notice of Procedural Safeguards* brochure

Copies:
Due Process File
IEP Manager
Parent

IFSP Service

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## Suspension Checklist

**Student's Name:**
**DOB:**

<table>
<thead>
<tr>
<th>Address</th>
<th>City, MN</th>
<th>Zip</th>
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<table>
<thead>
<tr>
<th>Parent(s):</th>
<th>Phone:</th>
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<th>ISD #</th>
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### Out-of-School Suspension

<table>
<thead>
<tr>
<th>Date</th>
<th>Suspensions 1 day (or less) up to 10 days cumulative (Please check when completed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>No Requirements</td>
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</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Suspensions of 5 (MN rule) or more consecutive days (please check when completed)</th>
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<tbody>
<tr>
<td>✓</td>
<td><em>Notice of a Team Meeting</em> (Manifestation and IEP Review)</td>
</tr>
<tr>
<td></td>
<td>Manifestation Meeting (within 10 school days of removal) and conduct an IEP Review Meeting (review/develop behavior plan).</td>
</tr>
</tbody>
</table>

**FAPE Requirements**
- General education curriculum
- IEP services and modifications
- Services and modifications designed to address misbehavior so it does not recur.

<table>
<thead>
<tr>
<th>Date</th>
<th>Suspensions/Removals constitute change of placement (removals are more than 10 consecutive days or series of removals cumulate to more than 10 days in school year and the length, total amount of time removed and proximity of removals continue to create a change of placement).</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td><em>Notice of a Team Meeting</em> (Manifestation and IEP Review)</td>
</tr>
<tr>
<td></td>
<td>Manifestation Meeting (within 10 school days of removal) and conduct an IEP Review Meeting (review/develop behavior plan).</td>
</tr>
<tr>
<td></td>
<td>Functional Behavioral Assessment (within 30 school days). The FBA requires parent informed consent.</td>
</tr>
</tbody>
</table>

**FAPE Requirements**
- General education curriculum
- IEP services and modifications
- Services and modifications designed to address misbehavior so it does not recur.

### In-School Suspension

**✓ In-school suspensions do not have to be included in 10 days count if:**
- Student is allowed to progress in regular education curriculum.
- Student receives IEP services.
- Student is allowed to participate with nondisabled peers to extent they would in current placement.

Developed by Mora SELT

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PROCEDURES FOR FAPE DURING SUSPENSION/EXPULSION/EXCLUSION OR ALTERNATIVE SETTING

FAPE requirements include:
- Student must be allowed to continue participating in the general education curriculum;
- Student must be able to receive IEP services and modifications to meet the identified goals and objectives set by the IEP; and
- Student must receive services and modifications designed to address the behavior.

Alternative Settings include by are not limited to:
- ALC
- Another school or district
- A specialized program to meet behavior/social needs of the student
- Out-of-school suspension
- In-school suspension

Alternative Education can include:
- Special tutoring
- Modified curriculum
- Modified instruction
- Other modifications or adaptations
- Instruction through electronic media
- Special education services as indicated by appropriate assessment
- Homebound instruction
- Supervised homework
- Enrollment in another district or in an ALC

More Effective Alternatives to Suspension
- Circles of Success
- Natural and logical consequences
- Restitution
- Social skills training (conflict resolution, anger management, moral reasoning, empathy training, making friends, getting along with others, communication skills, etc.)
- Mini courses on alcohol/drugs
- Counseling
- Family conferences
- Community service
- Peer mediation
- Individual contracts and plans
- Communication with home

In-School Suspension
Always provide:
- Coursework from general education classes;
- Services from special education staff identified on the IEP;

Review the student’s behavior plan and make changes as needed. The behavior plan must be shared with the “in-school” supervisor.
SAMPLE LETTER TO PARENT WHEN UNILATERAL PLACEMENT EXCEEDS 45 CALENDAR DAYS

Dear Parent:

As you are aware, the district has made a 45 school day change of placement for your child, ________________________, in accordance with the Federal Individuals with Disabilities Education Act (IDEA).

In keeping with state law, I am writing to inform you the ______________________ District will exceed 45 calendar days and will change the placement of your child for the entire 45 school days because of the seriousness of your child’s offense. The offense in this instance was

________________________________________________________________________________________

________________________________________________________________________________________

Sincerely,

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ALTERNATIVES TO SUSPENSION

QUALITY INDICATORS

- positive approach to students
- individualized approach
- multi-system response
  - school culture
  - classroom
  - community
  - family
  - kid

MODEL FOR DROPOUT PREVENTION

Protective Factors

- participation in school activities
- successful performance outcomes
- identification with school community

Examples:

- Individualized plan—based on student and family resources
  - improved coping strategies
  - how to handle the suspension hearing
  - advocacy and self-advocacy
- Supervised restitution
- Community service—instructional nature
  - day-care centers
  - senior citizens centers
- Group instruction—
  - anger control class
  - self management skills training
  - social skills training
  - problem solving
  - mediation and conflict resolution
  - personal therapy
  - buddy and peer mentoring system “positive probation”

RESOURCES

- Existing staff
  - school psychologists/social workers/counselors/special education teachers
- interagency collaboration
- volunteers
- seniors
- interns
- retired professionals

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## Alternatives to Suspension (ideas from school staff)

### Stealing
- Letter of apology to the person who was “hurt” and ask how they can help to make things better
- Work during recess time
- Student court - brought before peers
- Student works to earn points to give to other student
- Loss of points/cost to person

### Refusing
- Don’t earn points - give choices
- Problem solving sheets
- Students talk to mom (phone call)
- Loss of free time/privileges
- Peer practice and checklist to practice following directions

### Physical Aggression
- Student can work for peer/adult who was aggressed upon to provide restitution
- Loss of recess/privilege
- Research what would happen in the community if this behavior occurred
- Police liaison/county attorney speak to aggressive student
- Peer mediation or student court - a sentence could be monitoring the playground instead of playing
- Loss of privilege in participating in the activity that they act out in. The student needs to problem solve and earn his/her way back in. Alternative time not a fun time.
- Giving a formal apology
- Call police
- Charges filed
- Circle process
- Peer remediation
- Problem solving essay
- Provide empathy training

### Tardiness
- Give up free time for equal minutes of the tardiness (5 minutes late, give up 5 minutes of free time)
- Set up a contact person
- “Special” job/activity so student looks forward to coming on time
- Reward system for getting to class on time - loss of points
- When on time, earn a reinforced activity
- Time after school to make up time

### Threatening/Telling Teacher Off
- Problem solving essay
- Apologize - written and verbal
- Script for different ways of being appropriate

### Skipping
- Have detention before and/or after school in the teacher’s class he/she skipped
- Natural consequence: “F” on assignments
- Truancy
- Parent contact
- Problem solving essay

**BACK TO DOCUMENTATION PAGE**
Property Destruction
- Restitution (i.e., earn money to pay off the damage)
- Have student fix it him/herself
- Life Space Intervention
- Problem solving essay
- Student court
- Circle

Smoking
- Locker inspection ladder
  - 1st week, check lockers daily
  - 2nd week, check 2-3 times week
- Pick up "butts"
- Visit people with emphysema/follow-up report, written or oral
- Research paper on smoking and health
- Report to police for tickets

Assignment Completion
- After school detention/parent permission
- Individual contract with teacher and class

Harassment
- Peer mediation
- Research paper/presentation on diversity
- Apologies, face to face
- Social skills instruction
- Formal warning

Arson
- Restitution/replacement of extinguishers
- Videotapes of fire victims
- Volunteer time in burn unit
- Clean up

BACK TO DOCUMENTATION PAGE
IDEA allows schools to initiate expedited hearings and request that a hearing officer order a student's change in placement to an appropriate interim alternative educational setting for up to 45 school days. Districts have the option to seek a short-term injunction from an administrative hearing officer rather than from a court. IDEA also allows school officials to unilaterally change the placement of a child with a disability to an interim alternative educational placement for up to 45 school days if the child carries a weapon to school or to school functions, the child knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance at school or at a school function, or the student inflicts serious bodily harm to another person. This change of placement is "unilateral" since it occurred without the consent of a parent, judge, or administrative hearing officer. The steps that must be taken prior to an expedited hearing are listed below:

1. **Conduct a Manifestation Meeting**
   A. No later than 10 school days after the date on which the team (or a hearing officer) decides unilaterally to change the child's placement. If the child is suspended before the change of placement occurs, the team must conduct the manifestation determination meeting within **10 school days** of the first day of suspension.

2. **Conduct a Functional Behavior Assessment** (see FBA) and Implement a Behavior Intervention Plan (see section on Behavior Intervention Plan).
   A. Functional Behavioral Assessment (FBA) and a Behavior Intervention Plan (BIP) should be conducted no later than 10 days after a team unilaterally changes the placement of a disabled child for possession of a weapon; knowingly possessing or uses illegal drugs; sells or solicits the sale of a controlled substance at school or at a school function, or inflicts serious harm on another person.
      1) If a FBA has already been conducted and a BIP is in effect, the IEP team should meet and review the BIP and modify it if necessary, to address the child's conduct.

3. **Select an Appropriate Interim Alternative Educational Setting**
   A. The team must select a setting that enables the child to:
      1) Continue participating in the general curriculum, although in another setting;
      2) Continue to progress toward meeting the goals of the student's IEP;
      3) Receive services and modifications designed to address the misbehavior so that it does not recur.

4. **Develop a Plan of Action to be Taken During the Temporary Change of Placement.**
   A. Because changes of placement to an interim alternative educational setting are of a limited duration, school officials should develop a plan before the change of placement occurs to determine what action(s) will be taken during the 45 school day period. If the team determines during the manifestation determination meeting that additional evaluation is necessary, the evaluation should be completed as soon as possible so the team can use results of the evaluation to begin planning for the student's placement at the end of the 45 school day period. If changes are deemed necessary, the team should propose a new IEP to the parents several weeks before the end of the 45 school day period; otherwise, a parent may withhold consent until after the 45 school day period expires and the child is returned to the earlier placement. During the appeals process, the student remains in the interim educational setting pending the hearing officer's decision.

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B. A student's placement in an interim alternative educational setting should be consistent with the amount of time a child without a disability would be subject to for the same offense, but never more than 45 school days.
Highlights of Minnesota Student Fair Dismissal Act

Dismissal
- Dismissal under Minnesota law means the denial of the appropriate educational program to any student, including: exclusion, expulsion, and suspension.
- It does not include removal from class for a period of one day or less
- It does not include in-school suspension: unless the student is formally suspended and then allowed to participate through the in-school suspension setting.

Grounds for Dismissal: The Three "Willfuls"
- Willful violation of any reasonable School Board regulation.
- Willful conduct that disrupts the rights of others to an education.
- Willful conduct that endangers the student, others, or school property.

Exclusion
Exclusion means an action taken by a district to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year.

Expulsion
- Expulsion means an action taken by a school board to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

Firearms
- A school district must expel for at least one year, a student who is determined to have brought a firearm to school.
- School Board may modify on a case-by-case-basis.

Suspension
- Prohibit attendance for a period of time no more than 10 days.
- Must notify superintendent with reason if longer than 5 days.
- The district must implement alternative educational services in the event the suspension exceeds 5 days.

Consecutive Suspensions
1. Consecutive suspensions may not be imposed for the same course of conduct:
   a. unless the student will create an immediate and substantial danger, or
   b. where the district is in the process of initiating an expulsion.
2. In either case, the total suspension may not exceed 15 days.

Note: 15 days may not be applied to a student with a disability (10 consecutive days maximum).

Readmission Plans
- May still be used
- May not be used to extend the current suspension.

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Federal IDEA LAW 20 USC Sec. 1415 (k) (6) (B) requires that "An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime."

Northwest Regional Interdistrict Council Special Education Cooperative Districts (Badger, Goodridge, Greenbush-Middle River, Grygla, Kittson Central, Lancaster, Marshall County Central) will comply with the law through the following practices:

1. NWRIC Principals will seek parental approval to release special education records to the appropriate authorities in compliance with FERPA regulations;
2. If parental permission is received, all discipline records will be sent to the law enforcement agency where the crime was reported;
3. The complete special education file will be sent to the law enforcement agency where the crime was reported for their consideration; and
4. Parent(s) will be notified that records were sent to the authorities.
Emergency Use of a Restrictive Procedure Form (Suggested Form)

Student Name: ___________________  ID: ___________________  Date: ______________
School: ___________________________  Grade: ___________  DOB: ___________
Categorical Disability: ___________________________

Name and Title of Person Completing this form: ________________________________

Complete this form when a restrictive procedure is used as an emergency intervention.

1. Name of all persons involved in using the restrictive procedure:

2. Intervention used to protect child/others from physical injury?  Yes_______  No_________
   Description of emergency situation:

3. Intervention used to prevent serious property damage?  Yes_________  No____________
   Description of emergency situation:

4. Description of the incident that led to the physical holding:

5. Description of physical holding and the student’s behavioral and physical status:
6. Was it the least intrusive intervention to effectively respond to the emergency? Explain. Include why a less restrictive measure failed or was determined by staff to be inappropriate or impractical.

7. Did the physical holding end when the threat of harm ended and staff determined that the student could safely return to the classroom or activity? Yes_______ No_________

Explain.

8. Did staff directly observe the child during the physical hold? Yes________ No_______

Explain.

Length of time physical holding was used:

Start __________  End __________ Total Time ____________

9. Parent(s)/Guardian(s) were notified on __________ by ___________________________________.

via: □ Telephone  □ Copy of this report  □ Home Visit

10. Number of times a restrictive procedure was previously used in the last 30 days_________

11. Does the use of this Restrictive procedure necessitate an IEP Team meeting? □ Yes □ No

Note: Answer is Yes, if procedure is used twice in 30 days.

If Yes, complete information below.

Date_____________ Time_____________ Place________________________

Report completed by:______________________________________________

________________________________________ (Name and Title) (Date)

Copies: Student’s File
Parent(s)/Guardian(s)
Principal
Assessment Report for Use with a Restrictive Procedure

Student Name: __________________ ID: __________________ Date: __________________
School: ___________________________ Grade: ___________ DOB: _______________

To be used for Consideration of the Planned Use of a Restrictive Procedure

State the target behavior and a data baseline used to measure it (frequency, intensity, duration, severity, etc.):

State the possible purpose(s) for the student exhibiting the target behavior, and state the observed effects of the behavior in areas relevant to existing IEP goals (effects may be manifested in school, community, and/or home):

What positive interventions have been attempted to promote skill acquisition in order to provide the student with a proactive skill to replace the target (interfering) behavior? A minimum of two interventions are required:

Review any known treatable cause, if applicable, accounting for the existence of the target behavior, such as a medical or health condition:

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State other alternative procedures or interventions considered and why they are not expected to work:

In conclusion, state the proposed Restrictive procedure(s) under consideration:

An IEP team meeting must now be scheduled in order to decide if the proposed Restrictive procedure is appropriate or whether any further evaluation data is needed in addition to that summarized above:

Names of IEP Team members who participate in data gathering for this evaluation:

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Behavior Intervention Plan (Attachment to the IEP)

<table>
<thead>
<tr>
<th>ISD #</th>
<th>Behavior Intervention Plan Sample</th>
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<td></td>
<td>(Use BIP on Student Plans)</td>
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</table>

Student Name: ______________________ ID: ______________ Date: ______________

School: ___________________________ Grade: ___________ DOB: ______________

Behavior Intervention Plans are required to contain the following components:

Upon completion of the Evaluation Report, an IEP team meeting was held on ____________.
It was determined that a Restrictive procedure is necessary for attainment of the following goal on the current IEP:

- List the goal from the IEP that the Restrictive intervention is necessary for the student to attain.

Describe the proposed Restrictive procedure, including how its effectiveness will be measured and monitored:

- List and describe Restrictive behavior interventions. Description needs to be precise, complete and in sufficient detail.
- Identify the behavior to be reduced and functionally equivalent target behaviors to be taught.
- List data collection and monitoring procedures.

Under what conditions will the Restrictive procedure be used?

- Describe antecedent interventions and positive behavioral supports.
- Describe when the Restrictive procedure will be used. Description needs to be complete and precise. Include examples of behaviors that would necessitate use of Restrictive procedures.
- Include criteria for returning student to normal activity following Restrictive interventions.

Why was this Restrictive procedure selected by the IEP team?

- Describe why procedures were selected.
What is the expected change in the target behavior?
- Describe the expected change in the target behavior. Decrease in challenging behaviors and an increase in adaptive behaviors.
- List strategies to reinforce and generalize the alternative behavior.

Describe any risks or side effects which could occur as a result of employing the Restrictive procedure:
- List possible risks of implementing the procedures.
- Include a statement that the team reviewed available medical records and determined that the student does not have a medical or health condition that could account for the behavior and that there is no medical or psychological information that would contraindicate use of the Restrictive intervention.

Describe the effects on the student if the Restrictive procedure is not used:
- List risks of not using procedures (e.g., student out of instructional control, danger to self and others, challenging behavior continues to be reinforced and strengthened, and not able to benefit from instruction).

Names of those who will implement the program?
- List staff who will implement the program.
- Include statement that staff with skills to implement the procedure and knowledge of plan will implement.

Note successive team review dates, not to exceed two months (not an IEP review process):
- List dates or statement that dates will be recorded as they occur.

Note coordination with home or care facility:
- Include statement of how/if there will be coordination of plan with home or care providers.

This plan was discussed with the parent/guardian on ______________ and included a demonstration of the Restrictive procedure under consideration as well as a discussion of parent rights specified in MN 3525.2925 which appear below.

Parent consent: I have fully discussed the proposed Restrictive procedure with the other members of the IEP team and agree to its use under the conditions and terms specified.
Subp. 9. Informed consent assurances. The student’s parents must be informed of any proposed behavioral intervention plan. The behavioral intervention plan must be implemented consistent with parts 3525.3200 to 3525.3600, and any modifications to that plan. Consistent with parts 3525.3200 to 3525.3600, parents must be informed of evaluation results and the information comprising the behavioral intervention plan, and must be given a demonstration and answers to any questions about the proposed Restrictive procedure. A statement of parents’ rights must be included. Parents, upon being given proper notice and being informed of their due process rights, may give their consent to an IEP which includes a behavioral intervention plan according to subpart 6.

If parents have joint custody, the district must notify both parents and consent is required from both in order to implement the behavioral intervention plan except as noted below. After the appropriate notice is sent, if only one parent participates in the IEP conference including the development of a behavioral intervention plan or a meeting to amend the behavioral intervention plan, consent from the participating parent shall serve as informed consent.

A parent has the right to withdraw consent for a behavioral intervention plan at any time by notifying the program administrator or designee and districts will stop the procedure immediately. After parental consent is withdrawn and the procedure stopped, the school must send written acknowledgement to the parent and request a parental signature. If a parent’s signature to withdraw consent cannot be obtained, the district must document its efforts to communicate and obtain the signature. Parents must be contacted within three school days to determine the need to review and amend the behavioral intervention plan and the need to convene the IEP team for a change in placement or program.

Copies: Student File
Parent(s)/Guardian(s)

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Upon completion of the evaluation report, an IEP team meeting was held on March 11, 2008. It was determined that a Restrictive procedure is necessary for attainment of the following goal on the current IEP:

Jimmy will increase the ability to accept responsibility for his behavior from hitting, kicking or running away on 7 of 10 times he is given corrective feedback to accepting the feedback on 8 of 10 times feedback is given, through the use of social skills instruction, praise and other reinforcers, logical consequences, and other behavior management techniques.

Describe the proposed Restrictive procedure, including how its effectiveness will be measured and monitored:

Children’s Control Position:
The teacher or paraprofessional gain control of the student’s arms and would position herself so as to wrap the arms around the student’s body. To secure the arms, the student’s left wrist is placed under his right arm and his right wrist is placed under his left arm.

Team Escort:
In the Team Escort, two adults grasp the student by the wrists with one hand and place the staff’s other arm under the student’s arm. The staff then grasps their own wrist. The staff members maintain close body contact with the student while they hold or walk along side the student.

Data Collection and Monitoring:
Frequency and duration of physical acting out episodes that require physical intervention will be documented and analyzed to determine if the procedure is reducing the challenging (aggressive and maladaptive) behavior. At a minimum, data will be analyzed every 60 days. More frequent analysis will be conducted if deemed necessary by the behavior analyst and/or IEP manager.

Behaviors to be reduced:
Out of place - which is defined as being out of the assigned area without teacher permission or running from school staff.

Physical aggression – which is defined as hitting, kicking, grabbing, biting, pinching, scratching, pulling hair, hitting head and any other behavior which can or does cause physical harm to self or others.

Talking out/making noises – which are defined as making noises with objects mouth or body or speaking without obtaining teacher permission.

Functionally equivalent target behaviors to be taught:
◦ Following instructions;
◦ Accepting corrective feedback and modifying his behavior as a result of the feedback;
◦ Staying in assigned area or requesting permission to leave area before leaving;
◦ Requesting help;
◦ Raising his hand before speaking; and
◦ Obtaining attention in an adaptive manner.
Under what conditions will the Restrictive procedure be used?

The Restrictive interventions will be used when Jimmy is demonstrating challenging behavior that is at an intensity or duration that staff deem to be dangerous to Jimmy or others or when the duration of the behavior indicates that Jimmy will continue to act out and remain out of instructional control and/or disruptive for an extended period of time or escalate without effective intervention. For example, if Jimmy was out of place or making noises or running throughout the school building and did not respond to verbal interventions and limit setting strategies, he would be escorted back to a designated quiet area.

1. Antecedent Interventions and Positive Behavioral Supports
An effective method by which to reduce the occurrence of a challenging behavior is the systematic use of positive behavioral supports and interventions. The following strategies have been and will continue to be used throughout the school day to: 1) reduce Jimmy’s challenging behavior, 2) support and reward compliance and the learning of academic skills and, 3) teach Jimmy functionally equivalent alternative behaviors.

2. Contingent Positive Reinforcement
Jimmy will be provided with contingent positive reinforcement in the form of behavior specific praise, tangible, social, and activity rewards. Reinforcing desired behaviors is the single most effective method to teach new behavior and increase and maintain current positive behaviors. Adults need to be vigilant to provide Jimmy with praise and occasionally other rewards when he is exhibiting positive behaviors. Adults should also be prepared to reward spontaneous behaviors and significant improvements in behavior or sudden or unexpected behavioral improvements.

Positive reinforcement will include use of pre-specified reinforcers. This is the strategy of following less preferred activities with more preferred activities. It is a common strategy that is very effective when delivered properly. It is important that the more preferred activity be readily available after completion of the less preferred activity. Structuring activities on a schedule so that a fun or preferred activity, access to a toy, or other reward follows an academic or school task is an easy and effective method to implement this strategy.

Examples of how pre-specified reinforcers could be used with Jimmy include:
“Do your math first, then you can use the computer.”
“When your worksheet is done, you go to recess.”
If Jimmy asks for a specific activity, use this desired activity as a motivator for the completion of the less preferred activity. It is significantly more effective to use it as a motivator than using it as a reductive consequence. For example, say “When your worksheet is done you can go to recess.” rather than “You won’t be able to go to recess if you don’t finish your worksheet.”

3. Behavior Specific Directions and Feedback
Jimmy will be given both positive and corrective feedback to assist him in determining the correct response to an instruction. Directions will be behavior specific and very short to assist Jimmy in understanding what behavior is required. Whenever possible, verbal directions will be paired with picture symbols to increase the probability that Jimmy will understand what is required.

4. Teaching Alternative Behaviors
Jimmy will be taught functionally equivalent alternative behaviors when he uses a challenging behavior to get a need met. A functionally equivalent behavior is simply an adaptive behavior that gets the same need met as the challenging behavior. The behaviors that Jimmy is taught will be dependent upon how the challenging behavior is functioning to meet Jimmy’s needs.

Teaching a communicative alternative serves at least two purposes. First, it reduces the reinforcement Jimmy receives from engaging in a challenging behavior. Second, teaching an alternative provides Jimmy...
with an adaptive behavior to get the same need met that is currently being met by the challenging behavior. Since challenging behaviors are often dynamic and can change, the following steps should be used to determine which behavior should be taught as an alternative to the challenging behavior:

a. Observe Jimmy’s behavior and make note of the antecedents, behavior and consequences to determine the function of his challenging behavior.

b. Decide whether or not the function of that behavior can be honored. When Jimmy uses this new communicative alternative, it must be reinforced. For example, if he is taught to ask for attention, attention must be delivered immediately. If the communicative alternative is not reinforced appropriately or is reinforced inconsistently, then Jimmy will not associate this new behavior with the desired outcome and he may revert back to his challenging behavior to meet his needs.

c. Decide on an appropriate communicative alternative to the challenging behavior. Remember you want the communicative alternative to be more efficient than the challenging behavior so it must be easy and convenient for Jimmy to use. Communicative alternatives can be verbal, gestural, or graphic.

d. Arrange teaching opportunities to introduce the new communicative alternative. It is not appropriate to teach the new communicative alternative during an episode of challenging behavior. In this agitated state, Jimmy will not be receptive to new learning and the communicative alternative may become associated with the challenging behavior. Organize situations where Jimmy can be prompted to use the communicative alternative in a natural context where the behavior will be reinforced appropriately.

e. When teaching the communicative alternative, carefully plan how you will introduce it and prompt Jimmy. For example, if you are in group time activity and you want to teach Jimmy to request a break by saying, “I need a break” you will need to be prepared to prompt Jimmy to say, “I need a break” before any challenging behavior occurs.

5. Requesting a Break
Jimmy demonstrates several challenging behaviors that appear to be escape or avoidance motivated. He would benefit from being taught to request a break. A request for a break is a communicative intervention in which Jimmy completes a portion of an activity and then requests a break. Following the break, Jimmy returns to the activity. The following is a description of how to teach this skill:

a. The first step is to identify how long Jimmy can stay engaged with a particular activity or task before engaging in the challenging behavior. This will assist school staff in determining when the break should be offered to proactively address the challenging behavior. In other words, you want to teach the request a break strategy before the challenging behavior occurs and not during an episode of challenging behavior.

b. To teach this strategy, the school staff should approach Jimmy while he is still engaged in the activity and ask, "Want to take a break?" The break should be in a neutral and non-reinforcing area of the classroom. The break area can be a desk in a quiet area of the room or even at Jimmy’s desk. If at Jimmy’s desk, Jimmy simply does not work during the break time. A break from the non-preferred activity provides negative reinforcement (escape from the activity or task). The break should be 3-5 minutes. Teaching Jimmy to set a timer or keep track of the time at the beginning of the break is also a good strategy.

c. Returning to the activity can be difficult for many students who may resist leaving a preferred activity to return to a non-preferred activity or task. At the completion of the break, give Jimmy a visual and verbal prompt of the activity he is to begin and remind him that he is earning points or other rewards for task completion.
d. When Jimmy has mastered the request a break routine without engaging in challenging behavior, the school staff can begin to teach Jimmy to initiate requesting a break independently. Jimmy can raise his hand, verbally ask, use sign or use a graphic symbol to communicate his need to have a break. At first, the school staff may need to prompt Jimmy to request a break before the challenging behavior occurs. The goal is to fade these prompts to develop Jimmy’s ability to self-regulate and request a break independently.

e. It is important for the school staff to avoid prompting Jimmy to perform the request for a break response following the occurrence of the challenging behavior. This could lead to the chaining of the communicative replacement to the challenging behavior. For example, consider this sequence of events:

1. Student throws his materials to the floor,
2. Teacher prompts the student to produce request a break response,
3. Teacher releases student to a break.

It is likely that the student will begin to chain the behaviors each time he engages in this behavior (e.g., throw materials + touch symbol) as a request for a break. Another undesirable possibility is that the student will learn to first engage in the challenging behavior and then, if not immediately reinforced, produce the desired request for a break.

If Jimmy engages in a challenging behavior before he can be prompted to take a break, do not release him to a break. Wait until the challenging behavior has subsided prior to providing another opportunity to produce a request for a break (the length of time the school staff waits is determined on an individual basis). A key consideration is that the time between the challenging behavior and the opportunity to request a break must be long enough so that Jimmy does not associate his challenging behavior with the break.

Once Jimmy consistently requests a break independently and returns to the activity without engaging in a challenging behavior, the school staff can teach Jimmy to increase his time of participation in the target activity or task. This may be accomplished by altering the consequences associated with a break symbol and increasing reinforcement for continued participation in the activity or task.

The goal of this modification is to make the reinforcement value much greater if Jimmy decides to persevere in the activity rather than take a break. A request to take a break will still be honored but the reinforcement will be less than if he stays with the activity for a pre-specified amount of time or completes a pre-specified amount of a task. The reinforcement offered for staying with the activity has to be highly motivating for Jimmy and he should only have access to it if he continues with the activity for the specified amount of time.

To begin this, school staff should approach Jimmy and explain that a highly preferred reinforcer will be available contingent upon the completion of a pre-specified task or staying with an activity for a pre-specified amount of time. The interventionist should explain that it is okay to take a break but the negotiated reinforcer will not be available if the break is taken. If Jimmy requests a break, honor it but make sure that few reinforcers are available during break time. If instances of challenging behavior occur, it is important not to reinforce it by allowing easy escape.

6. Teaching Interaction
Other alternative behaviors can be taught using a teaching interaction when Jimmy is calm and under control using the following steps:

a. Initiation (say Jimmy’s name and obtain his attention).
b. Tell Jimmy which behavior was a problem.
c. Tell Jimmy what he should do in the situation (i.e., give him the steps to the skill).
d. Have Jimmy repeat the steps back to you.
e. Model the behavior for Jimmy.
f. Have Jimmy practice the skill.
g. Provide Jimmy with positive and corrective feedback on his performance of the skill.
h. Thank Jimmy for participating in the teaching interaction.

The behaviors that Jimmy is taught will be dependent upon how the challenging behavior is functioning to meet his needs using the procedure described above. Skill steps for alternative behaviors to be taught can be found in the Girls and Boys Town Social Skills book.

7. Increasing Social Understanding
There is increasing evidence that social understanding can be increased and taught using Social Stories. Many persons with communication deficits or social cognition deficits have social conflicts with others. Social Stories, which present appropriate social behaviors in the form of a story that provides answers to questions that the student may need to know to interact appropriately with others, may be an effective method to address some of these issues. It is important that social skills and Social Stories not be used as interchangeable. Social Stories are designed to increase a student’s social understanding – not to develop social skills. Needed social skills must be directly taught in conjunction with Social Stories.

Social Stories should be used in the following manner:
- The teacher introduces the story by reading it twice with the student. The student then reads it once a day independently.
- Once the student successfully enacts the skills or appropriately responds in the social situation depicted, use of the story can be faded. This can be done by reducing the number of times the story is read and only reviewing the story once a month or as necessary. Fading can also be accomplished by rewriting the story, gradually removing directive sentences from the story.
- There are numerous pre-written Social Stories to address a wide variety of situations.

8. Choices
Jimmy will be given choices of activities when possible. Providing a choice can be as simple as asking Jimmy which portion of an activity he would like to complete first, whether he would like to use a pen or pencil or if he would like to work in the classroom or resource room.

9. Differential Reinforcement
Differential reinforcement is a general interaction strategy designed to address challenging behaviors. In implementing differential reinforcement, the school staff is to attend to Jimmy when he is exhibiting desired and appropriate behaviors. Further, the school staff is not to attend to (ignore) the minor or minimally disruptive, less desired or challenging behaviors and redirect him back to the assigned task.

10. Limit Setting and Reactive Strategies
School staff should respond to Jimmy’s challenging behavior (noncompliance, talking out, out of place, or other challenging behaviors) by using the following limit setting strategies:

Jimmy should be given corrective feedback that identifies for him what behavior he is engaging in that needs to stop and what he should be doing (e.g., “Jimmy, right now you are talking. Please remain quiet.” or “Jimmy, you are out of your seat. Please sit down.”). Praise Jimmy for complying.

If Jimmy doesn’t respond to the redirection, staff should employ effective limit setting by presenting possible consequences as a visual choice using the Mind the Gap strategy.
Mind the Gap is a visual limit setting strategy that allows the student to see the positive behavior and outcome and the less desirable behavior and outcome. Mind the Gap is useful for situations in which the person is not intentionally doing something wrong or being oppositional but rather does not know what to do. It is also effective for situations in which the individual is being oppositional because it visually informs the person of the positive and negative consequences of choices.

To set limits with this strategy, present the visual to Jimmy and verbally state the choice. Allow Jimmy time to respond to the prompt and decide what his choice will be.

If Jimmy demonstrates a high level of noncompliance or verbal aggression, staff should give him a direction to go to the resource room without using the above procedure. This strategy should be used to protect Jimmy’s and others’ safety.

If the less intrusive intervention(s) listed above did not sufficiently address the challenging behavior and Jimmy was engaging in behavior that was unsafe to himself or others or he was out of place for an extended period of time, school staff would use the Restrictive interventions to assist Jimmy in controlling his behavior.

Jimmy will be informed of the behaviors that will result in him being directed to take a time out as well as the rules of time out (sit or stand near the back wall) and what he needs to do to be released from time out such as remain reasonably quiet, stay in assigned area (not attempting to leave room), and keep hands and feet to self.

When Jimmy is in time out, school staff will not speak to him or provide any other type of stimulus or social contact while he is engaging in a challenging behavior. This includes direct eye contact. Engaging in a discussion, speaking to or making direct eye contact with a student demonstrating a challenging behavior provides the student with reinforcement and renders time out less effective.

Examples of use (please note these are meant to be examples and not a description of every possible situation in which it may be necessary to use a Restrictive intervention).

The children’s control position would be used if Jimmy engaged in aggression to others or himself or he engaged in other behaviors that are potentially dangerous.

Jimmy would be escorted to the time out room if he was out of place and did not respond to the verbal and visual limit setting strategies. Jimmy has demonstrated that his out of place behavior frequently continues for an extended period of time. Therefore the team determined it is proper to escort him to the time out room when he does not respond to verbal and visual limit setting strategies.

Locked time out would be used if Jimmy attempted to leave the time out room without permission and did not respond to a verbal direction to stay in the room. The lock would only be engaged if Jimmy was attempting to leave the room without permission and/or engaging in physical aggression. The lock will be released immediately upon cessation of these challenging behaviors.

11. Specific Criteria for Returning Student to Normal Activities:
Jimmy will be released from the physical intervention or the lock on time out released (if it was necessary to engage it) when he demonstrates reasonably calm behavior. This will be indicated by: a) no longer resisting school staff physically, b) refraining from engaging in physically assaulitive behavior, c) speaking in a normal tone and volume of voice (refraining from screaming, swearing or other loud vocalizations) and d) remaining in the assigned area and following basic instruction to stay in place or sit in a specific area.
When Jimmy is calm he will be taught an alternative behavior via the teaching interaction, Social Stories or other methods to the behavior that resulted in the use of a Restrictive intervention. He will then be provided with assistance in returning to the classroom and re-engaging in the daily routine.

**Why was this Restrictive procedure selected by the IEP team?**

**Children’s Control:**
Given Jimmy's size, height and the intensity of the behavior being exhibited by him, the children’s control position was determined to be a safe effective physical intervention. This procedure effectively controls the student’s arm and leg movements, while also protecting the school staff and student from physical aggression and injury.

**Team Escort:**
The team escort was chosen because it allows for the safe movement of a student who is physically resistant or persistently out of place.

**Exclusionary Locked Time Out:**
Exclusionary locked time out was selected because it limits the attention Jimmy will receive for his challenging behavior (a primary function of his behavior), maintains his safety by assisting him in staying in the assigned area, is a safe research validated intervention that provides Jimmy with a quiet area to calm while also protecting his and others’ safety.

**What is the expected change in the target behavior?**
The positive behavioral supports, antecedent interventions and the Restrictive interventions will result in a reduction in the frequency and duration of challenging behaviors and an increase in the alternative behaviors taught.

Alternative behaviors will be taught in conjunction with the positive behavioral supports put into place. When Jimmy is first learning an alternative behavior, continuous or nearly continuous schedule of reinforcement (typically praise) will be used to strengthen the use of the alternative. This may include the use of a preferred reinforcer when a student uses a skill that they have been working on or shape a response by reinforcing the part of the skill that was done correctly. When the student continues to use the skills proficiently, the schedule of reinforcement should change from continuous to an intermittent schedule of reinforcement. An example of an intermittent schedule would be reinforce every other time that Jimmy uses the skill, then every fourth time, etc. The most important part of intermittent reinforcement is that the schedule is varied enough that the student cannot determine the schedule of reinforcement. Schedules of reinforcement will be determined individually for each student and based upon the student’s need for reinforcement.

**Programming for Generalization:**
Generalization is the transfer of skills from one environment or setting to another environment. Actively programming for generalization is often necessary to efficiently transfer the skills learned in one area to other areas. To assist Jimmy in generalizing the skills he learns in one setting or classroom to other classrooms or other environments, the following strategies will be used:

- a. Frequent teaching of the desired behaviors.
- b. Teaching multiple examples of the behavior.
- c. Teaching the behavior in several environments.
- d. Having multiple school personnel teach the desired behaviors.
- e. Immediately rewarding Jimmy’s attempts at using the alternative behavior.
- f. Using natural reinforcement such as praise.
- g. Using external reinforcers (e.g., social, activity, sensory and tangible) to initially establish and strengthen a desired behavior and then systematically fading these.
- h. Reinforcing positive behaviors in multiple environments.

Describe any risks or side effects which could occur as a result of employing the Restrictive procedure:
The consistent application of behavior management principles entail the use of nonviolent physical crisis intervention to redirect and stop the aggressive or dangerous actions occasionally demonstrated by Jimmy. These interventions are expected to maintain Jimmy’s safety and the safety of others only until Jimmy can regain self-control. With any physical aggression towards others, the potential for injury is greater when applying the behavioral supports and the interventions necessary to address them.

There is the possibility of injury to Jimmy when school staff use a physical intervention. Examples of injury include temporary redness or mild swelling/welting to held areas, scratches, bruises, and/or other mild skin abrasions. Further, anytime physical intervention is necessary or used there is a danger of falling, bruises or redness on hands, wrists and arms, and the possibility of muscle or joint soreness. Nevertheless, when nonviolent physical crisis intervention holds and time out are used in conjunction with the overriding Crisis Prevention and Intervention philosophy of providing for the best care, welfare, safety and security of students and school personnel, the risk to the student is minimized and less than if the physical intervention or time out were not used. School staff are cognizant of the limitations of time out (potential for avoidance) described above and use this procedure with the same philosophy of protecting the care, welfare, safety and security of student and staff.

Available school medical records were reviewed and it was determined that Jimmy does not have a known medical or health condition that is accountable for the existence of the target behaviors. Further, there is no medical or psychological data that contraindicate the use of the Restrictive interventions.

**Describe the effects on the student if the Restrictive procedure is not used:**

The behaviors demonstrated by Jimmy increase the risk of injury to himself, school staff, and others (i.e., peers). Further, the lack of instructional control of not implementing these procedures will reduce appropriate participation in daily routines and impede independence and self-governance and will interfere with his ability to learn functionally equivalent alternative positive behaviors or academics.

**Seclusion time out**

The student’s disruptive behavior would continue due to peer or adult attention. The disruptive behavior would interfere with the education of the student and other students. The student’s interpersonal relationships may also be damaged.

**Names of those who will implement the program?**

List staff who will be involved in the program.

Only staff with skills and knowledge of the plan will be involved in the implementation.

**Note successive team review dates, not to exceed two months (not an IEP review process):**

Behavior intervention plans that include Restrictive procedures will be reviewed every 60 days. Review dates will be recorded as these occur.

**Note coordination with home or care facility:**

Parents will be informed of the strategies being used within the school setting and are encouraged to inform the school staff of strategies that are effective at home and in the community.

*This plan was discussed with the parent/guardian on __________ and included a demonstration of the Restrictive procedure under consideration as well as a discussion of parent rights which appear below.*

**Parent consent:** I have fully discussed the proposed Restrictive procedure with the other members of the IEP team and agree to its use under the conditions and terms specified.

*Parent Signature ____________________________ Date ________________
Subp. 9. Informed consent assurances. The student’s parents must be informed of any proposed behavioral intervention plan. The behavioral intervention plan must be implemented consistent with parts 3525.3200 to 3525.3600, and any modifications to that plan. Consistent with parts 3525.3200 to 3525.3600, parents must be informed of evaluation results and the information comprising the behavioral intervention plan, and must be given a demonstration and answers to any questions about the proposed Restrictive procedure. A statement of parents’ rights must be included. Parents, upon being given proper notice and being informed of their due process rights, may give their consent to an IEP which includes a behavioral intervention plan according to subpart 6.

If parents have joint custody, the district must notify both parents and consent is required from both in order to implement the behavioral intervention plan except as noted below. After the appropriate notice is sent, if only one parent participates in the IEP conference including the development of a behavioral intervention plan or a meeting to amend the behavioral intervention plan, consent from the participating parent shall serve as informed consent.

A parent has the right to withdraw consent for a behavioral intervention plan at any time by notifying the program administrator or designee and districts will stop the procedure immediately. After parental consent is withdrawn and the procedure stopped, the school must send written acknowledgement to the parent and request a parental signature. If a parent’s signature to withdraw consent cannot be obtained, the district must document its efforts to communicate and obtain the signature. Parents must be contacted within three school days to determine the need to review and amend the behavioral intervention plan and the need to convene the IEP team for a change in placement or program.
## CONTINUUM OF BEHAVIOR CHANGE TECHNIQUES AND POSITIVE BEHAVIOR INTERVENTIONS

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Frequency of Use and Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Positive Behavior Intervention and Supports (PBIS)</strong></td>
<td><strong>Used Numerous Times Per Day to Teach, Encourage and Support Positive Student Behaviors.</strong></td>
</tr>
<tr>
<td>Social &amp; Problem Solving Skills Instruction</td>
<td>Social skill instruction done on a planned and preventative basis and following each incident of a challenging behavior.</td>
</tr>
<tr>
<td>Teaching and Reinforcing Competing Behaviors and Use of Positive Consequence Strategies</td>
<td>Provide and reinforce functionally equivalent replacement behaviors and alternative behaviors that will eventually elicit reinforcement in natural environment.</td>
</tr>
<tr>
<td>Adult Modeling of Pro-Social and Respectful Behavior</td>
<td>Teacher and adult interactions with student are respectful and firm. Teacher combines compassion with firm limits.</td>
</tr>
<tr>
<td>Behavior Specific and General Praise</td>
<td>Reinforcement of desired &amp; newly learned/taught social and problem solving skills. School personnel should strive to maintain 4 to 1 positive/praise to reductive statement ratio.</td>
</tr>
<tr>
<td>Token, Tangible, Activity &amp; Social Reinforcers</td>
<td>Reinforcement of desired &amp; newly learned/taught social and problem solving skills.</td>
</tr>
<tr>
<td>Providing Choices</td>
<td>Allow student some choice and control over environment and tasks.</td>
</tr>
<tr>
<td>Differential Reinforcement</td>
<td>Reinforcement of socially acceptable behaviors &amp; extinction of undesired/maladaptive behaviors.</td>
</tr>
<tr>
<td><strong>Behavior Reduction Strategies</strong></td>
<td><strong>Used Daily in Response to Challenging Student Behavior</strong></td>
</tr>
<tr>
<td>Verbal Redirections – Girls and Boys Town Coupling, Reality &amp; Empathy Statements</td>
<td>Providing student with feedback on desired and undesired behaviors. Informing student of positive and impending reductive consequences.</td>
</tr>
<tr>
<td>Presenting Consequences as Choices</td>
<td>Allow student some choice and control. Increase student ability to accept responsibility for behavior; teaches student that she/he is in control of both positive and negative consequences.</td>
</tr>
<tr>
<td>Response Cost</td>
<td>Loss of point(s) or privilege for occurrence of challenging behavior.</td>
</tr>
<tr>
<td>Contingent Observation Time-Out</td>
<td>Reduction of undesired behaviors via extinction</td>
</tr>
<tr>
<td><strong>Crisis Intervention Strategies</strong></td>
<td><strong>Used Infrequently and in Response to Extensive Property Damage, Extreme Verbal or Physical Aggression</strong> Strategies used to temporarily take control of a physically acting out student. Used to maintain safety of the acting out student, peers and staff. Used only as long as necessary and when student is presenting danger to self or others or as specified in the Restrictive BIP. Use is discontinued when student has regained self-control or no longer presenting danger to self or others.</td>
</tr>
<tr>
<td>Nonviolent Physical Crisis Intervention (Restrictive Interventions)</td>
<td><strong>Used when student has violated a law.</strong></td>
</tr>
<tr>
<td>Law Enforcement or Probation</td>
<td></td>
</tr>
</tbody>
</table>
OVERVIEW OF THE LEVELS OF TIMEOUT

<table>
<thead>
<tr>
<th>Level of Timeout</th>
<th>Example of Behavior</th>
<th>Conditions For Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contingent Observation— The student is removed from the reinforcing activity, but is still allowed to observe the activity. The teacher directs the student to a timeout area in the classroom where the student is able to listen to the discussion, but not allowed to participate for a period of time.</td>
<td>A grade 4 student is disrupting the class by poking a neighbor and talking during class, despite teacher’s behavior specific redirections.</td>
<td>Use is unrestricted. Document frequency and duration. Ensure positive behavioral supports and interventions are being used in conjunction with this procedure.</td>
</tr>
<tr>
<td>Exclusionary Timeout — The student is excluded from the reinforcing activity and is not allowed to participate or observe the activity. The teacher asks the student to leave the timeout area in the classroom and go to another supervised area until the student demonstrates appropriate behavior and is ready to return to class.</td>
<td>The student continues to talk while in contingent observation timeout. The student yells, throws a pencil and disrupts the class activity.</td>
<td>Use is unrestricted. Document frequency and duration. Ensure positive behavioral supports and interventions are being used in conjunction with this procedure.</td>
</tr>
<tr>
<td>Seclusionary (Exclusionary) Timeout — The student is removed from the reinforcing activity area, placed in a separate room and is supervised during the entire seclusionary timeout. The student is moved to a timeout room that is safe, where he or she is constantly supervised.</td>
<td>The student physically assaults other students, becomes physically aggressive or is in danger of hurting self and/or others.</td>
<td>This procedure is NOT used in the NWRIC member districts.</td>
</tr>
</tbody>
</table>

Most Restrictive
Used Infrequently

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A complete discussion of the use of physical interventions is not possible here. School personnel need to be aware of the situations in which physical intervention is necessary and warranted and obtain training that will ensure the safe use of these interventions.

**Nonviolent Crisis Prevention and Intervention strategies and techniques for de-escalation and the safe management of agitated and aggressive students are the foundation procedures used within the member districts of the Northwest Regional Interdistrict Council Special Education Cooperative to safely address challenging behavior and to assist individuals in regaining self-control and learning adaptive alternative behavior(s). Member district employees follow the philosophy of providing for the care, welfare, safety, and security of students and staff.**

School personnel intervening with an agitated and potentially aggressive student will use the least restrictive intervention that is determined to be necessary. These interventions will be used to protect the student and staff and to assist the student in learning adaptive alternative behaviors.

Examples of student behavior levels and corresponding school personnel responses.

<table>
<thead>
<tr>
<th>Behavior Level or Student Behavior</th>
<th>School Personnel Response To Student Behavior</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anxiety</td>
<td>Supportive</td>
</tr>
<tr>
<td>Agitation</td>
<td>Adults provide assistance to reduce anxiety</td>
</tr>
<tr>
<td><strong>Defensive</strong></td>
<td>Directive</td>
</tr>
<tr>
<td>Noncompliance</td>
<td>Setting limits, whenever possible done as a choice.</td>
</tr>
<tr>
<td>Verbal acting out, refusing to follow instructions, yelling, swearing</td>
<td></td>
</tr>
<tr>
<td><strong>Acting Out</strong></td>
<td>Nonviolent Physical Crisis Intervention</td>
</tr>
<tr>
<td>Physical aggression</td>
<td>Blocking of hits, kicks, objects thrown, or attempts to grab or bite.</td>
</tr>
<tr>
<td>Hitting, kicking, spitting, throwing objects</td>
<td></td>
</tr>
<tr>
<td><strong>Tension Reduction</strong></td>
<td>Therapeutic Rapport</td>
</tr>
<tr>
<td>Calming after an acting out episode</td>
<td></td>
</tr>
<tr>
<td><strong>Children's control position, team control, team escort</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Social skills/problem solving to teach a functionally equivalent alternative behavior.</strong></td>
<td></td>
</tr>
</tbody>
</table>

School personnel working with physically assaultive or aggressive students must be trained in the safe and correct use of nonviolent physical crisis intervention. Both initial and refresher training are offered by the NWRIC Crisis Prevention and Intervention trainers. It is the responsibility of district school personnel who work with actively or potentially aggressive or assaultive or students to request and attend the necessary training.
Prior to conducting this review, collect a written copy of the functional behavioral assessment, current behavior intervention plan and data collected on the use of the conditional interventions. If positive behavioral interventions are not included in the conditional behavior intervention plan, a copy of the positive behavior intervention plan will also be needed.

Student: ____________________  School: ______________  Date: ____________  
Evaluator: ________________  Disability: ______  BIP Author: ______________

A. Person who conducted the FBA: __________________________________________

Function of behavior: ______________________________________________________

☐ Adult attention  ☐ Peer attention  
☐ Escape from academic demands  ☐ Escape from other demands  
☐ Access to preferred item/activities  ☐ Automatic reinforcement

B. IEP Goal is listed on BIP and BIP relates to goal:

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

C. Proposed conditional procedures:

☐ Children’s Control  ☐ Team Control  ☐ Team Escort  
☐ Locked Exclusion Time Out  ☐ Mechanical Restraint: ________________________

Thoroughly described: ______________________________________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Target behavior(s) to be reduced are listed: ________________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Target behaviors to be increased are listed: ________________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Measurement and monitoring system is listed and described: __________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

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D. Conditions for use of conditional intervention: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Antecedents and PBIS in place and thoroughly described: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Criteria for returning student to normal activities is listed and thoroughly described: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

E. Rationale for selection of procedures given: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

F. Expected change in target behaviors stated: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Strategies to reinforce and generalize the alternative behavior(s) are listed: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

G. Description of risks and possible side effects: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Statement that verifies the team reviewed available medical records and determined that the student does not have a medical or health condition that could account for the behavior: ___

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

Statement that verifies the team reviewed available medical records and determined that there is no medical or psychological information that would contraindicate use of the conditional interventions: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor
H. Description of effect of not using conditional procedure: ________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

I. Names of individuals implementing plan are listed: ____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

J. Review dates (not to exceed 60 days) are listed: _____________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

K. Coordination with home or care facility: _________________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

L. BIP is signed and dated: ________________________________________________

☐ Yes  ☐ No

M. Majority of interventions are positive: _________________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

N. BIP Summary: _______________________________________________________

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

O. Documentation of procedures (data has been collected and graphed): ______

☐ Good  ☐ Adequate  ☐ Needs Improvement  ☐ Poor

P. Areas that need to be corrected: __________________________________________

__________________________________________

Signature of evaluator: ____________________________

Northwest Regional Interdistrict Council Special Education Cooperative Total Special Education System Manual—Chapter 15: Behavior Interventions & Discipline Considerations for Children with Disabilities 15-48
# CHAPTER 15B: FUNCTIONAL BEHAVIORAL ASSESSMENT

**Revised 9/12/11**

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Minnesota Rule 3525.0200, Subpart 3a. defines a functional behavioral assessment (FBA) as follows:

“Functional behavior assessment means a process for gathering information to maximize the efficiency of behavior supports. An FBA includes a description of problem behaviors and the identification of events, times and situations that predict the occurrence and nonoccurrence of the behavior. An FBA also identifies the antecedents, consequences, and reinforcers that maintain the behavior, the possible functions of the behavior, and possible positive alternative behaviors. An FBA includes a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavioral patterns.”

An FBA needs to include, at a minimum, the following components for each target behavior:

1. Definition of the target behavior;
2. Baseline (frequency, severity, duration);
3. Situations that predict the occurrence or nonoccurrence of the behavior;
4. Hypothesis (function) of challenging behavior and consequences that reinforce or maintain the behavior; and
5. Alternative or replacement behavior to be taught and learned.

When an FBA is conducted prior to the development of a Restrictive behavior intervention plan (plans that include physical intervention or locked time out) the following components are also required in addition to those listed above:

1. Positive behavioral interventions and supports and other strategies used and changes in the environment that may reduce the behavior;
2. Effectiveness of positive behavioral supports;
3. Other treatable causes for the behavior (mental or physical health condition); and
4. Documentation that the team has considered whether any Restrictive intervention may be contraindicated for psychological or health reasons.
Example: Functional Behavioral Assessment (FBA)

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Example: Functional Behavior Assessment

Student Name: Michael Watson  ID: 12345678901  Date: 11/25/07
School: Tri-County Elementary  Grade: 4  DOB: 4/25/91

Reason for functional assessment:
A functional assessment was conducted to determine the function of Michael’s challenging behaviors prior to the development of a Restrictive behavior intervention plan. Michael demonstrates several behaviors. The behaviors demonstrated by Michael in the educational environments include being out of place, physical aggression and talking out and making noises.

Data collection:
Data was collected by the special education staff working directly with Michael. Data has been collected on each significant incident of challenging behavior during the first trimester of the 2007 school year.

Additional evaluation data used or considered in the development of the behavior intervention plan:
Michael’s educational evaluation from December 2, 2005 indicates the following:

Michael has no significant history of educationally relevant medical problems.

Michael’s General Intellectual Ability score would equal or exceed approximately 23 percent of same age peers within a national comparison group. This score falls within the low average range.

When compared to others at his age level, Michael’s academic skills are within the average range. His ability to apply academic skills is also average. His performance is average in written language, written expression, reading and mathematics.

A pragmatic language assessment indicated that Michael demonstrates difficulty in initiating and maintaining conversational topics and understanding other people’s perspective.

Michael had four incidents of escalated behavior during the evaluation process (November of 2005). Three of these incidents required the use of a physical intervention and removal from the classroom due to verbal or physical aggression, and running from staff while in an escalated state. All of these incidents began when Michael was directed to end a preferred task. The following were identified as situations in which Michael exhibited challenging behavior: 1) Michael did not want to come in from recess, 2) Michael wanted to go to media but was being picked up from school; 3) Michael wanted a book but it was group time, or 4) when he did not win a contest when he thought he should have won.

Michael has an educational disability label of Autism Spectrum Disorder.

Description of target behaviors:
Target behavior 1. Out of place - which is defined as being out of the assigned area without teacher permission or running from school staff.

Baseline (frequency, severity, duration):
Out of place behavior has occurred five times during the 2007 school year and lasts from a few minutes to 30 minutes.

Situations that predict the occurrence or nonoccurrence of the behavior:
Data collected indicates that out of place behavior was most likely to occur when Michael was given a direction to begin working. Michael is most likely to stay in place when he is engaged in a preferred activity.

Hypothesis (function) of challenging behavior and consequences and reinforce or maintain the behavior:
When given a direction to begin a task, Michael sometimes leaves the assigned area, which allows him to avoid or delay completing the task.

Alternative or replacement behavior to be taught and learned:
Following instructions and staying in assigned area and requesting a break.

Target behavior 2. Physical aggression – which is defined as hitting, kicking, grabbing, biting, pinching, scratching, pulling hair, hitting head and any other behavior which can or does cause physical harm to self or others.

Baseline (frequency, severity, duration):
Michael has three incidents of physical aggression during the 2007 school year. Each was very brief lasting less than 30 seconds.

Situations that predict the occurrence or nonoccurrence of the behavior:
Physical aggression was most likely to occur when Michael was given corrective feedback or a consequence. Michael is least likely to engage in aggression when he is engaged in a preferred task or when he receives positive teacher attention and praise.

Hypothesis (function) of challenging behavior and consequences and reinforce or maintain the behavior:
When given corrective feedback (please remain quiet) or a consequence (go to time out), Michael sometimes engages in physical aggression, which allows him to avoid the feedback or consequence.

Alternative or replacement behavior to be taught and learned:
Accepting corrective feedback and modifying his behavior as a result of the feedback.
Target behavior 3. Talking out/making noises – which is defined as making noises with objects, mouth or body or speaking without obtaining teacher permission.

Baseline (frequency, severity, duration):
Michael has been observed to talk out on a daily basis. During a 30-minute observation on October 5 and 6 Michael talked out four times and seven times, respectively.

Situations that predict the occurrence or nonoccurrence of the behavior:
Michael is most likely to talk out during seatwork and make noises when he is out of place.

Hypothesis (function) of challenging behavior and consequences and reinforce or maintain the behavior:
When given a direction to complete seat work or when out of place Michael sometimes makes noises, which allows him to obtain attention from staff and peers.

Alternative or replacement behavior to be taught and learned:
Requesting help, raising his hand before speaking during instructional time and obtaining attention in an adaptive manner.

Positive behavioral interventions and supports and other strategies used and changes in the environment that may reduce the behavior:
A variety of antecedent and positive behavioral interventions and support strategies are used to reduce the probability of Michael using the challenging behavior. The following strategies and environmental modifications are used throughout the school day in an attempt to reduce Michael’s challenging behavior. These strategies are used to teach Michael adaptive alternative behaviors, reduce the probability of Michael needing to use a challenging behavior to communicate his needs and wants, reinforce the use of alternative behaviors and increase Michael’s compliant behavior.

Visual schedule:
Michael has a daily schedule that identifies each activity he is to engage in next as well as the preferred activity or reward he will receive following the task or tasks.

Michael’s classroom also contains a large visual schedule of the day’s activities.

Differential reinforcement:
School staff differentially reinforce Michael’s compliant behavior. That is, school staff provide praise on a frequent basis whenever Michael is demonstrating compliant behavior. When Michael is engaging in mild or minor challenging behaviors, these are ignored.
Non-emotional directions:
School staff give directions in a non-emotional manner and maintain neutral body language when addressing noncompliance or other disruptive behavior.

When verbal directions are given, these are delivered in a neutral to positive voice tone. When Michael is given a direction he is allowed time to comply (e.g., 15-30 seconds) before being given a redirection or additional direction. School staff use a limited amount of verbal language with Michael when he is being redirected or beginning to become agitated.

Choices:
When possible Michael is offered choices of activities or tasks. Choices may be as simple as allowing Michael to decide the order in which activities will be completed.

5 Point Scale:
The Amazing 5 Point Scale is used to assist Michael in learning to regulate his emotions and behavior and as a structured method to direct him to take a break from the classroom or other situations in which he is becoming agitated.

Breaks:
Michael is provided with the opportunity to take a brief break (3-5 minutes) in the classroom in which he can sit on a beanbag and read a book.

Positive reinforcement:
Michael receives behavior specific praise frequently (many times per day) and other reinforcers on a daily basis.

Michael is provided with pre-specified reinforcers of his choosing. This is the strategy of following less preferred activities with more preferred activities. Staff using this strategy inform Michael of what he needs to do and what he will receive following that task or tasks.

Teaching alternative behaviors:
Michael is taught adaptive alternative behaviors on a planned (before) and situational (following an error) basis. Michael practices an alternative behavior following each error that resulted in a removal from the classroom.

Social stories:
Social stories are used to increase Michael's social understanding and his ability to understand why he should or should not engage in certain behaviors.

Effectiveness of positive behavioral supports:
Data indicates that the positive behavioral supports and environmental changes listed above have resulted in a reduction in Michael's challenging behavior. While antecedent interventions have been an effective method to reduce challenging behavior, even with very consistent use, these strategies have not prevented all instances of severely disruptive or dangerous acting out behavior. Occasionally antecedent interventions and positive behavioral supports alone are insufficient in addressing all instances of behavior. In those situations in which the behavior could not be prevented or de-escalated, a reactive behavior strategy needs to be employed which may include the use of physical intervention or locked time out.
Other treatable causes for the behavior (mental or physical health condition):
The team did not identify any other treatable causes for Michael’s challenging behavior. Michael appears to be in good health and only occasionally misses school. Michael’s parents did not indicate that he has any other medical or psychological concerns. Michael has been identified as a student with Autism Spectrum Disorder.

Evaluation of the proposed Restrictive intervention and documentation that the team has considered whether any Restrictive intervention may be contraindicated for psychological or health reasons:
The team discussed the proposed Restrictive intervention in relation to the severity of the challenging behavior that requires the use of Restrictive intervention and the effect of any current medications on his behavior. The team also reviewed available medical and psychological records and considered his chronological and developmental age, physical size, and personal history and determined that Michael has no known psychological or medical problems that would contraindicate the use of physical intervention or time out. Michael’s evaluation indicates that he has no significant history of medical issues. Michael has been identified as having Autism Spectrum Disorder. He has behavioral and social issues as a result of this disability that require additional support and instruction in the school setting.