

DISCIPLINE GUIDELINES

Montcalm Area Intermediate School District



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Discipline Procedures for Students with Disabilities

The Individuals with Disabilities Education Act (IDEA) §300.530 requires local education agencies (LEA's) and public school academies (PSA's) to follow specific procedures when removing a student with a disability from their educational placement for disciplinary reasons in such cases when the removal constitutes a **"change of placement"**.

Additionally, in accordance with IDEA §300.324(a)(2)(i), an IEP team must, in the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior as part of the IEP process.

Per IDEA §300.536, with regard to disciplinary removals, a **"change of placement"** occurs in one of two situations:

1. The removal is for more than 10 consecutive days; or
2. The student has been subjected to a series of **"removals that constitute a pattern"**.

The term **"removal"** refers to the removal of a student with a disability from instruction for disciplinary reasons, without the opportunity to continue to progress in the general education curriculum, continue to receive services specified on the student's IEP, or continue to participate with nondisabled students to the extent they would have in their current placement [Fed. Reg. p. 46715 (2006)].

Per IDEA §300.536 (a) (2), a student has been subjected to a **"pattern of removals"** when all three of the following criteria have been met:

1. A series of removals that total more than 10 school days in a year.
2. A recurrence of substantially similar behavior in a series of removals subject to discipline.
3. Such additional factors as:
 - a. Length of each removal
 - b. Total time removed
 - c. Proximity of removals to each other

The following recommended procedures are based upon the requirements of the IDEA and the guidance of the MDE Discipline Procedures document dated January 2011. Staff must maintain documentation of the procedures followed and the services provided. The forms included in this document are to be used to meet these compliance requirements.

Tracking the Number of Days of Suspension

1. The issuing of school suspensions will include taking immediate steps to ascertain whether the pupil is a student with a disability.
2. The school building administrator will notify the appropriate special education staff of suspensions issued to a student with a disability.
3. The will be maintained by special education staff to track the number of days of suspension issued to the student in order to implement the procedures of this section. The Discipline Summary Record (DSR) will be used for this purpose. The DSR will include a specific description of the problematic behavior.
4. If the length of a suspension is not immediately known, the date that the suspension length is determined will be documented in column 3 of the DSR.
5. The DSR will be monitored to immediately determine when a suspension has been issued that will result in the student having accumulated more than 10 days of suspension in the current school year.

6. See the Discipline Summary Record report instructions for more details on tracking the number of days of suspension.

Notification of a Change of Placement as a Result of a Disciplinary Removal

1. Written notification must be sent to the student's parents in both of the following situations;
 - If the length of the suspension will result in the student having accumulated more than 10 days of suspension within the school year
 - If it is determined that the suspension constitutes a **"change in placement"**
2. The notice will be sent on the date that is recorded in column 3 of the student's DSR.
3. The notification letter will inform the parent(s) that a change of placement has occurred and that an MDR meeting will be scheduled.
4. The notification letter will include a copy of the special education procedural safeguards.
5. Documentation of the parent notification will be maintained.

Manifestation Determination Review (MDR)

1. Following notification pursuant to the above section, the special education staff will take the necessary steps to schedule a MDR meeting that will involve the student's IEP Team.
2. The Invitation letter would state the purpose of the meeting. Additionally, since the outcome of the MDR may result in the need for an interim alternative educational setting (IAES) for the student, it would be expeditious to include the IAES meeting on the meeting invitation as well.
3. The MDR meeting will be convened to review the problem behavior no later than 10 school days from the date the decision was made to change the student's placement. This date is recorded in column 3 of the DSR.
4. *If subsequent suspensions occur after the initial MDR meeting*, the suspensions will be reviewed with respect to their relationship to the other suspensions on the student's tracking record. If the special education staff determines that the suspensions constitute a **pattern of removal** as defined by IDEA regulations or if the student is being issued a single suspension that will exceed 10 consecutive school days, the student's parents will be notified as described above and a new MDR meeting will be convened within 10 school days of this decision.
5. Documentation of pattern of removal determinations will be maintained in the DSR.
6. If an MDR results in the determination of the behavior to be a manifestation of the student's disability, then the student will be immediately returned to his/her present school placement. If any adjustments to the placement are deemed necessary, an IEPT meeting must be convened.
7. Exceptions to the student's reinstatement as described above are as follows:
 - Special Circumstances-
 - i. The behavior involved possession of a dangerous weapon;
 - ii. The behavior involved possession, use, sale, or soliciting of illegal drugs;
 - iii. The behavior involved serious bodily injury upon another person; or
 - The student's parents agree to a change in placement.
8. The district also reserves the right to deny the reinstatement of the student when it believes that such reinstatement will result in a substantial likelihood of injury to the student or other individuals. In such a circumstance, a special education due process hearing request will be submitted to the Michigan Department of Education.
9. See the Manifestation Determination Review (MDR) instructions for more details on the MDR process.

Provision of FAPE/Interim Alternative Educational Placements

1. Once a student with a disability has reached 10 days of suspension in a school year, services will be provided during any additional days of suspension/removal (i.e., beginning with the 11th day) so as to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP.
2. In situations where there is not a change in placement, a special education provider will be appointed to confer with the student's other teachers (if appropriate)/ service provider(s) and the school administrator to determine the extent of services to be provided during the additional day(s) of suspension. These services are documented on the Discipline Service Log.
3. In situations where the removal constitutes a change in placement and the student continues to be removed from school following the conclusion of a MDR (*because the student's behavior was not a manifestation of his disability, because the behavior involved a weapon, illegal drugs, or serious bodily injury, or because a special education due process hearing request has been made regarding concern about a substantial likelihood of injury if the student was to be reinstated*), the determination regarding services during the on-going removal will be made by the IEP Team at the conclusion of the MDR meeting and will be documented on the Interim Alternative Educational Setting (IAES) form.
4. The "Notice for Provision of Programs and Services" must be completed and provided to the parent(s) of the student with a disability following an IAES determination.
5. See the Interim Alternative Educational Setting (IAES) instruction for more details on the IAES process.
6. For compliance purposes, districts must maintain documentation of how and when they provide a Free and Appropriate Public Education (FAPE) to the student. The Discipline Services Log is used for this purpose.

Functional Behavior Assessment (FBA) / Positive Behavior Intervention Support Plan (PBISP)

1. A FBA/PBISP will be developed in all cases where a MDR determines that the student's behavior is a manifestation of his/her disability. If the student already has a FBA/ PBISP, then the student's IEP Team will review the PBISP and make any necessary revisions.
2. The student's PBISP may need to be reviewed/revise in the event subsequent suspensions are issued to the student. Staff involved in implementing the PBISP will decide whether it is appropriate and necessary to do so.
3. In situations where a MDR determines that the behavior is not a manifestation of the disability, a FBA/ PBISP will be developed if it is determined appropriate to do so by the IEP Team.
4. The respective IEP Teams for students with disabilities will also review each student's need for behavioral strategies, including positive behavioral supports, as part of the on-going IEP planning process.

For more detailed information, see the following:

Michigan Department of Education's (MDE) IDEA Discipline Requirements document (May 2019),
https://www.michigan.gov/documents/mde/IDEA_DisciplineRequirements_655451_7.pdf

Days of Suspension: *In the context of recording disciplinary removals issued to students with disabilities;*

- *A partial day counts as a full day of removal/suspension and will be recorded as such on the student's on-going tracking record.*
- *If the district imposes restrictions or conditions upon the student's return to school, each day, until the conditions are met, is considered a day of removal/suspension (e.g., parent meeting, psychiatric evaluation).*

*The term does **not** include;*

- *Bus suspensions, unless this service is on the student's IEP and the student is unable to make it to school as a result of the suspension*
- *In-school suspensions that are continually supervised by a certified teacher or a paraprofessional who is supervised by a certified teacher, and that afford the student the opportunity to progress in the general curriculum, to participate with students without disabilities to the extent that they normally do, and to receive the services specified in the student's IEP.*
- *Necessary delays in admitting the student due to a lack of required documentation, e.g., immunization records, reasonable proof of residency.*

****For further information on counting days of removals, please see the MDE Guidance Document [Responding to and Counting Days Disciplinary Removals \(May 28, 2020\)](#)**

Manifestation of the student's disability: *A manifestation is found: a) if the behavior in question is directly and substantially related to/caused by the student's disability, or b) if it is the direct result of the school's failure to implement the student's IEP. If **either** factor is affirmed, then the behavior is a manifestation of the student's disability.*

Dangerous Weapon: *This means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.*

Illegal Drugs and Controlled Substances: *Controlled substances are defined as drugs or other substances identified under schedules I, II, III, IV, or V of Section 812 (c) of Title 21 of the United States Code (see Appendix A). Illegal drugs are defined as controlled substances except where the controlled substance is legally possessed or used under the supervision of a licensed physician, or is legally possessed under other provisions of Federal law.*

Serious Bodily Injury: *This means bodily injury which involves—a) a substantial risk of death; b) extreme physical pain; c) protracted and obvious disfigurement; or d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.*

****The following two pages include a Discipline Summary Report/Incident Log. Local districts also can use their local student information system as well as the Discipline Log found as part of the Michigan PowerSchool Special Education (MiPSE) logging document(s).**

Discipline Summary Report

Student's Name. Last: _____ First: _____ Middle Initial: _____

UIC Code: _____ Date of Birth: _____ Grade: _____ School: _____

School Year: _____ Eligibility: _____ Special Education Case Manager: _____

1	2	3	4	5	6	7	8	9	10
DESCRIPTION OF BEHAVIOR SUBJECT TO DISCIPLINE	Date suspension issued	Date suspension length is determined	Length of suspension	Dates of the suspension	Cumulative days of suspension : New Total	Is there a pattern of removal, or does this suspension exceed 10 consecutive school days?	Date of parent notice	MDR dates	Interventions if any, that are implemented after the incident
Incident #1:				From _____ To _____	X	N.A. Yes No	N.A. Date:		
Incident #2:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #3:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #4:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #5:				From _____ To _____		N.A. Yes No	N.A. Date:		

FBA/PBISP Dates: _____; _____; _____; _____; _____; _____

Student's Name. Last: _____ First: _____ Middle Initial: _____

<u>1</u> DESCRIPTION OF BEHAVIOR SUBJECT TO DISCIPLINE	<u>2</u> Date suspension Issued	<u>3</u> Date suspension length is determined	<u>4</u> Length of suspension	<u>5</u> Dates of the suspension	<u>6</u> Cumulative days of suspension: New Total	<u>7</u> Is there a pattern of removal, or does this suspension exceed 10 consecutive school days?	<u>8</u> Date of parent notice	<u>9</u> MDR dates	<u>10</u> Interventions, if any, that are implemented after the incident
Incident #6:				From _____ To _____	X	N.A. Yes No	N.A. Date:		
Incident #7:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #8:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #9:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #10:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #11:				From _____ To _____		N.A. Yes No	N.A. Date:		
Incident #12:				From _____		N.A. Yes No	N.A. Date:		

				To _____					
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Instructions

- Column 1:** Only list behavioral incidents that constitute “days of suspension” as defined in the Montcalm Area ISD Discipline Procedures For Students With Disabilities section of the student code of conduct (see attached definition). The behavioral description should provide the specific circumstances of the incident as opposed to identifying generic categories such as “disruptive behavior.”
- Column 2:** The date of suspension is the day when it was decided to issue a suspension to the student. It might not be the same date as the first day of the suspension because the decision is sometimes issued during the last class period or at the close of the school day, with the suspension taking effect the following day.
- Column 3:** If the length of the suspension was known on the date that the suspension was actually issued (i.e., the date in Column 2), then record that date in this column. If not, record the date that the suspension length was finalized.
- Column 4:** The length of suspension is the total number of school days involved in the suspension. Count partial days as a full day.
- Column 5:** Record the beginning and ending dates of the suspension.
- Column 6:** Add the length of suspension (i.e., Column 4) to the previous number of suspension days issued to the student and record the cumulative total.
- Column 7:** If the student’s new cumulative total is 10 school days or less, then check N.A. in this column. Check yes if it is a single suspension that will exceed 10 consecutive school days. With respect to finding of a pattern of removal, this determination is based on: *a) the removals exceeding 10 days in accumulation, b) the student’s behavior being substantially similar in the various removals, and c) because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.* The district’s policy is to automatically find a pattern of removal (check yes) when the student receives a suspension that will initially result in a total of 11 or more days in accumulation in the school year. Thereafter, each additional suspension is reviewed by the case manager and building administrator as to whether it also constitutes a pattern of removal as defined above. If so, check yes. If there is no pattern of removal and this suspension does not exceed 10 days, check no.
- Column 8:** Parents must be sent written notification, **to include procedural safeguards**, in each situation that results in a yes check in column 7. The timing of this notice is important. *Regulations require that the notice be sent on the same day that a suspension exceeding 10 consecutive school days is issued, or the same day that it is determined that a suspension issued to the student constitutes a pattern of removal.* Record the date that the notice was mailed to the parent in this column. In situations where the suspension exceeds 10 consecutive school days or the suspension will initially result in a total of 11 or more accumulated days, the notice date should match the date recorded in column 3. If “N.A.” or “no” is checked in column 7, then check N.A. in this column and no date is recorded.
- Column 9:** Any time a suspension results in a yes check in Column 7, a MDR meeting will need to be scheduled for the student. The meeting must occur within 10 school days of the date recorded in Column 3. In no case should the student’s consecutive school days of suspension exceed 10 before the convening of the MDR meeting. Record the dates of the MDR meetings in this column.

Column 10: In some cases supporting interventions may be deemed warranted following a disciplinary removal. Describe the interventions, which could include such actions as developing or modifying a FBA/BIP for the student, increasing/adding support services, and involving the student in school wide positive behavioral support systems. A FBA/BIP must be developed or reviewed in all cases where an MDR concluded that the behavior was a manifestation of the student's disability.

Days of Suspension: *In the context of recording disciplinary removals issued to students with disabilities;*

- *A partial day counts as a full day of removal/suspension and will be recorded as such on the student's on-going tracking record.*
- *If the district imposes restrictions or conditions upon the student's return to school, each day, until the conditions are met, is considered a day of removal/suspension (e.g., parent meeting, psychiatric evaluation).*
- *The district must count all removals, including removals allowable as part of a behavior intervention plan, when considering whether a pattern of removals constitutes a change of placement. When a removal from school is written into a BIP, even when the BIP is part of the IEP, the removal may result in a change of placement. A behavior intervention plan (BIP) is a set of positive behavioral interventions and supports, along with other strategies, designed to assist a student whose behavior impedes his or her own learning or the learning of others. 34 CFR §300.324.*

*The term does **not** include;*

- *Bus suspensions, unless this service is on the student's IEP and the student is unable to make it to school as a result of the suspension.*
- *In-school suspensions that are continually supervised by a certified teacher or a paraprofessional who is supervised by a certified teacher, and that afford the student the opportunity to progress in the general curriculum, to participate with students without disabilities to the extent that they normally do, and to receive the services specified in the student's IEP.*
- *Necessary delays in admitting the student due to a lack of required documentation, e.g., immunization records, reasonable proof of residency.*

****For further information on counting days of removals, please see the MDE Guidance Document [Responding to and Counting Days Disciplinary Removals \(May 28, 2020\)](#)**

Parent Letter

Date:

Student Name:

Re: Notice of a Change of Placement due to a Disciplinary Removal

Dear _____,

Under the provisions of the Individuals with Disabilities Education Act (IDEA), school authorities may suspend special education students for disciplinary purposes, up to 10 school days, to the same extent removal would be applied to nondisabled students and without providing services. When a special education student's suspension days go beyond 10 cumulative days in a school year, schools are responsible for providing educational services while the student serves their days of suspension.

This letter is to offer those services to your child with the understanding that it will allow him/her the opportunity to continue participation in the general curriculum and to progress toward meeting the goals set out in his/her IEP. After looking at your child's class schedule, his/her IEP goals, and the services listed in his/her IEP; your child's teachers and district administration will determine the work and instruction to be provided to your child during his/her suspension time.

Please contact me at your earliest convenience to schedule the services that are being offered. Your child will have the opportunity to earn credit for the work completed during this time.

I have included a copy of the Procedural Safeguards, which includes a list of available resources to assist you in understanding your rights. The Procedural Safeguards includes information regarding the MDR process.

Sincerely,

****The following few pages include a FAPE Service Log, an MDR document, an IAES document, an FBA document, and a sample PBIS plan. Local districts also can use the FAPE Services Log and MDR found as part of the Michigan PowerSchool Special Education (MiPSE) logging document(s).**

Manifestation Determination Review

All students are given due process rights relative to student discipline under Section 380.1311 of the Michigan School Code. The IDEA 2004 requires a Manifestation Determination Review by the IEP Team within ten school days of any decision to change the placement of the student with a disability because of a violation of code of student conduct [H.R. 1350 §615(k)(1)(E)(i)].

A school district must hold a Manifestation Determination Review when a change of placement occurs due to:

- A single removal exceeding ten consecutive school days [34 CFR §300.519(a)].
- A pattern of removals cumulative to more than ten school days in a school year [34 CFR §300.519(b)].
- School day means any day, including a partial day that students are in attendance at school for instructional purposes. The term “school day” has the same meaning for all students in school, including students with and without disabilities [34 CFR §300.9(c)].

Parent Contact - It is suggested that all parent contacts be documented as to the method of contact, name of the person making the contact, and the date of the contact. Not later than the date on which the decision to take disciplinary action is made, the parent shall be notified of that decision and of all procedural safeguards [34 CFR §300.523(a)(1)].

The purpose of these contacts is to notify the parent of the Manifestation Determination Review meeting early enough to ensure that the parent will have an opportunity to participate. All contacts should be documented as to the method of contact, name of person making the contact, and date of contact.

It is possible to complete a Manifestation Determination Review without the need to revise the student’s IEP. However, in some cases, during the Manifestation Determination Review meeting, the need to revise the IEP will arise. In establishing the purpose(s) for the meeting, consider indicating the need to develop a new IEP. The parent must receive advanced notice of a meeting to develop a new IEP for the student. The IEP Team may also develop/revise a functional behavior assessment plan or behavior intervention plan at this meeting.

Participants

The following individuals participated in this Manifestation Determination Review Meeting. Additional participants should be noted and attached to this form [34 CFR §300.344].

Student (when appropriate)

Public Agency Representative/Designee

Parent

General Education Teacher

Parent

Special Education Teacher/Provider

An individual who can interpret the instructional implications of evaluation results

Other

Other

The MDR is conducted by a school district representative, the parent, and **relevant** members of the IEP team, as determined by the parent and LEA. Participants should document their attendance at the MDR meeting. If parent is invited and does not attend, the MDR may proceed and LEA should document their attempts to invite the parent.

In some situations, the outcome of the MDR may result in a change of placement for the student, which would require an IEP team meeting. Therefore, it may be more expeditious in some situations to continue the MDR with an IEP team meeting. When holding an IEP team meeting under this circumstance, the parent must be informed that the purpose of the IEP meeting is to consider a change of placement.

Considerations for Review

Describe the behavior subject to disciplinary action:

In carrying out a Manifestation Determination Review, the IEP Team (as determined by the parent and the local educational agency) shall review:

All relevant information in the student's file.

*Describe: _____

The student's IEP.

*Describe: _____

Any teacher observations of the student.

*Describe: _____

Relevant information provided by the parent.

*Describe: _____

*The written descriptions are optional.

The incident should be described in detail so that the team can use it to look at the connection between the behavior of the student in the incident and the student's disability. Statements should include, when available: activities that went on before the incident; other people invited; statements made by the student and others before, during and after the incident.

Specific data sources must be used. Examples of data sources used would include: the student's CA60; report cards; discipline records; MET reports; current IEP; intervention strategies used; written or verbal statements by the teacher or parents; reports from outside agencies.

The description could include: the results of intervention strategies tried; a pattern of behaviors in the student's record related to the current incident; changes in grades, attendance, or behavior; insights from the parent about the incident or recent student behaviors; areas of the current IEP not properly implemented.

Manifestation Determination

If the determination of the IEP Team is "Yes" to either of the statements below, then the behavior must be considered a manifestation of the student's disability.

In relation to the behavior subject to discipline and the student's disability:

1. The conduct in question was caused by the student's disability or had a direct and substantial relationship to the student's disability. Yes No

2. The conduct in question was the direct result of the local school district's failure to implement the IEP. Yes No

The determination of the IEP Team is that behavior subject to discipline is:

- not a manifestation of the disability; records are transferred to general education for disciplinary procedures.
- a manifestation of the disability.

Parent signature

I received notice of procedural safeguards on the day on which the decision to take disciplinary action involving a change in placement was made [34 CFR §523(a)(i)].

Parent Signature _____ Date _____

There are two statements that the MDR Team must consider in determining if the behavior in question is a manifestation of the student's disability. The first statement looks at the relationship between the student's disability and how it interacts with the behavior subject to discipline. The second statement looks at the current IEP to determine if all components of the IEP were implemented, and if not, did the lack of implementation have an impact on the behavior subject to discipline. The team must respond to both questions.

The team must document the decision regarding the two statements and prove the rationale behind the decision of the MDR Team.

If the determination of the MDR Team is "yes" to either statement, then the behavior must be considered a manifestation of the student's disability and the student returns to the previous placement (except in Special Circumstances).

Parents need to be notified of any change in placement (interim alternative educational placement) and must receive procedural safeguards along with such notice.

Interim Alternative Educational Setting

This section will only be used when the IEP Team determines that the change of placement will be in a 45 school day interim alternative educational setting.

H.R. 1350 §615(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

(1) AUTHORITY OF SCHOOL PERSONNEL—

- (A) CASE-BY-CASE DETERMINATION—School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability that violates a code of student conduct.
- (B) AUTHORITY—School personnel under this subsection may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).
- (C) ADDITIONAL AUTHORITY—If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to subparagraph (E), the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in section 612(a)(1) although it may be provided in an interim alternative educational setting.
- (D) SERVICES—A child with a disability who is removed from the child's current placement under subparagraph (G) (irrespective of whether the behavior is determined to be a manifestation of the child's disability) or subparagraph (C) shall—
 - (i) continue to receive educational services, as provided in section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
 - (ii) receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.
- (G) SPECIAL CIRCUMSTANCES—School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child—
 - (i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
 - (ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
 - (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

(2) DETERMINATION OF SETTING—The interim alternative educational setting in subparagraphs (C) and (G) of paragraph (1) shall be determined by the IEP Team.

(3) APPEAL—

- (A) IN GENERAL—The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under this subsection, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.
- (B) AUTHORITY OF HEARING OFFICER—

- (i) IN GENERAL—A hearing officer shall hear, and make a determination regarding, an appeal requested under subparagraph (A).
- (ii) CHANGE OF PLACEMENT ORDER—In making the determination under clause (i), the hearing officer may order a change in placement of a child with a disability. In such situations, the hearing officer may—
- (iii) return a child with a disability to the placement from which the child was removed; or
- (iv) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

Complete this section for students considered for an interim alternative educational setting.

The interim alternative educational setting is _____

Effective date _____

Person responsible _____

Parent signature _____

I agree with the placement decision.

I disagree with the placement decision and request an expedited hearing [H.R. 1350

§615(k)(3) and 615(k)(4)].

The term “serious bodily injury” means bodily injury which involves:

- A substantial risk of death;
- Extreme physical pain;
- Protracted and obvious disfigurement; or
- Protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (18 USC 1365)

For removals involving drugs or weapons or infliction of serious bodily injury, all of the following must occur:

1. On the day on which the decision is made to remove the student because of violations involving weapons or drugs or infliction of serious bodily injury, the parents shall be notified of the decision and of all procedural safeguards [H.R. 1350 §615(k)(1)(H)].
2. A Manifestation Determination Review must be conducted.

On the EasyIEP site under the blue menu bar “Documents” link there is a “Interim Alternative Educational Setting (IAES)” form. This form can be used to document Short Term Removal not a change in placement, removal for special circumstances up to 45 days and change of Placement up to 180 days.

Functional Behavior Assessment and Positive Behavior Intervention and Support Planning Form

Student: _____ Grade: _____ Date of Birth: _____

School District: _____ Today's Date: _____

Team Members: _____

1. Student strengths, interests and preferences: 3 minutes

- Strengths: _____
- Interests: _____
- Preferences _____

2. Data Collection Checklist: 3-4 minutes

Indirect

- Record Review
- Behavioral Logs/Discipline Records
- Structured Interviews
- Reports from _____
- Rating Scales _____
- SWIS Data

Direct

- Consultant Observation
- ABC Data Collection
- Staff Direct Observation
- Other Direct Data Collection
- ALSUP

3. Problem Identification (Describe behaviors of concern): 5-10 minutes

List and prioritize-do not dwell on stories, behavior needs to be observable and measurable.

- _____
- _____
- _____

6. Positive Behavior Analysis:**15 minutes**

(When, where, with whom does Positive Behavior occur?)

Settings/Situations	Behavior Most Likely Occurs	Behavior Least Likely Occurs
Adults? (personality characteristics, approaches, teaching style, gender, disciplinary style, etc., no names)		
Peers? (personality characteristics, gender, etc., no names)		
Certain Activities? (independent work, lecture, writing activities, small group)		
Settings? (playground, math, science, lunch, school bus, unstructured time)		
Time of Day or Class? (morning, end of class, afternoon)		
Other? (home issues, bus, medication, health, sleep, developmental or cognitive abilities, etc.)		

7. List of Previous Strategies:**15 minutes**

What was effective in remediating the behavior?	What was ineffective?	How long were these strategies implemented?

8. What **function** might the behavior be serving? (What is the student **getting** or **avoiding** by engaging in the behavior?) (15 minutes)

	Internal	External
ACCESS/GET Something	<input type="checkbox"/> Emotional _____ <input type="checkbox"/> Communication <input type="checkbox"/> Control <input type="checkbox"/> Sensory <input type="checkbox"/> Auditory <input type="checkbox"/> Revenge <input type="checkbox"/> Visual <input type="checkbox"/> Other _____	<input type="checkbox"/> Attention _____ <input type="checkbox"/> Tangibles _____ <input type="checkbox"/> Activities _____ <input type="checkbox"/> Other _____
AVOID/ESCAPE Something	<input type="checkbox"/> Emotional _____ <input type="checkbox"/> Sensory <input type="checkbox"/> Auditory <input type="checkbox"/> Visual <input type="checkbox"/> Other _____	<input type="checkbox"/> Setting _____ <input type="checkbox"/> Task _____ <input type="checkbox"/> Activity _____ <input type="checkbox"/> Person(s) _____ <input type="checkbox"/> Academic _____ <input type="checkbox"/> Other _____

9. Based on the information collected, fill in/edit the following to develop a **HYPOTHESIS STATEMENT:** (5 minutes)

When (this) occurs (antecedents/setting events), the student does (this) (describe the behavior), in order to get or avoid (this) (function of the behavior). (Be sure to include other relevant factors that may be having an impact on the behavior.)

When _____ occurs, the student does _____

in order to get or avoid _____.

Other factors that impact this student's behavior include: _____

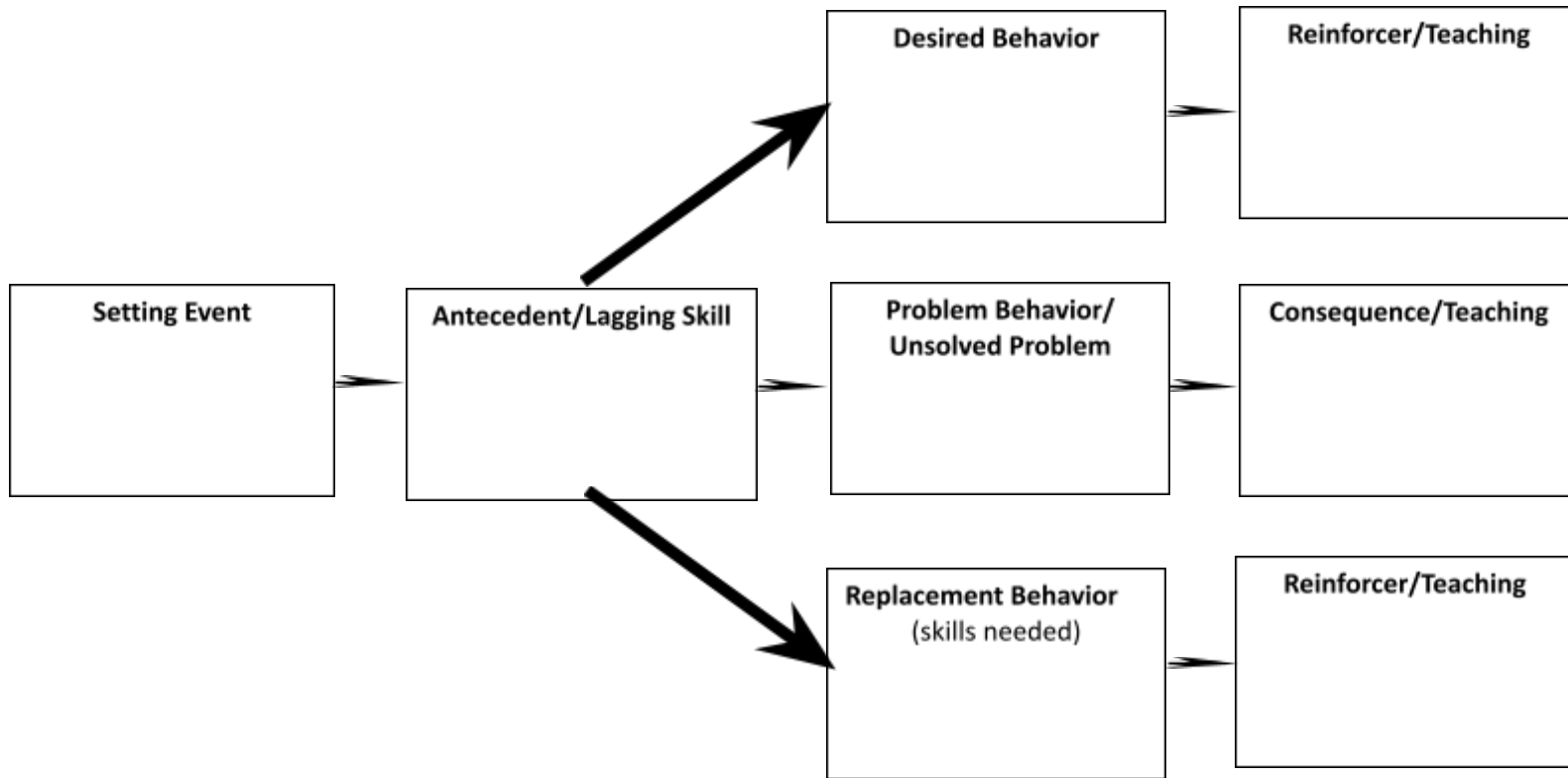
_____.

Functional Behavior Assessment

(use 1 chart per behavior)

Student Name: _____ Date: _____ School: _____

Classroom Teacher: _____ Observable/Measurable Behavior: _____



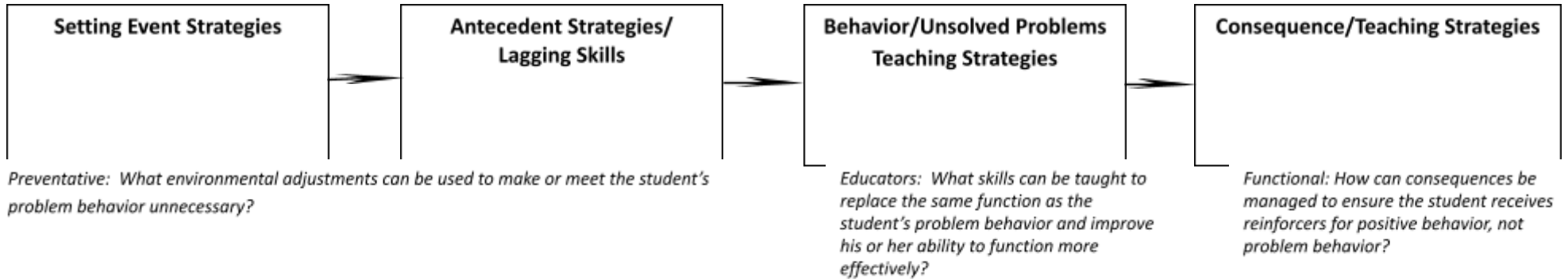
Hypothesis: _____

Positive Behavior Intervention Support Plan

(use 1 chart per behavior)

Student Name: _____ Date: _____ School: _____

Classroom Teacher: _____ Observable/Measurable Behavior: _____



Hypothesis: _____

I have reviewed this plan. I have received the training (if needed) to implement this plan. By signing below, I agree to this plan and will implement the portions of the plan I am responsible for to the best of my ability.

Signatures: _____

Behavior Escalation Plan

The Behavior Escalation Plan (BEP) can be used with students with intensive behavioral needs as a separate document. It can also be included with the Positive Behavior Intervention and Support Plan or added to the Individualized Education Plan (IEP) as a summary of the PBISP. The BEP should be used when behaviors exceed the PBISP and physical intervention will likely be required. The BEP should NEVER be used prior to or without the FBA & PBISP creation. After any use of a BEP, staff should debrief and consult with parents and students (as appropriate) regarding the determination of future actions. A debriefing form follows the sample BEP in this document.

The BEP could also be used for substitute staff, as a quick reminder posted in the classroom for all staff, for the general education teacher and for the building Principal.

If you see this:

Do this:

Level 1: Rumbblings <ul style="list-style-type: none"> ● 	Level 1: Staff Response <ul style="list-style-type: none"> ●
Level 2: Mild Escalation <ul style="list-style-type: none"> ● 	Level 2: Staff Response <ul style="list-style-type: none"> ●
Level 3: Moderate Escalation <ul style="list-style-type: none"> ● 	Level 3: Staff Response <ul style="list-style-type: none"> ●
Level 4: High Escalation <ul style="list-style-type: none"> ● 	Level 4: Staff Response <ul style="list-style-type: none"> ●
Level 5: Highest Escalation <ul style="list-style-type: none"> ● 	Level 5: Staff Response <ul style="list-style-type: none"> ●

Sample Behavior Escalation Plan

DATE:

TIME:

PARTICIPANTS:

Background Information

[Student Name] is a student identified with an Autism Spectrum Disorder. She is working on developing emotional and behavioral regulation skills to cope with moderate to significant stressors. At times she may experience cumulative stressors – multiple mild stressors – resulting in maladaptive responses. Antecedent variables, or triggers, that elicit maladaptive behaviors, often include the following: competition, especially if she is losing; substitute teachers; changes in routine; too much noise or activity; people standing over her or watching her work; and when she misperceives social intentions.

The following is a Likert Scale providing a non-exhaustive list of Level 1 to Level 5 behavioral symptoms elicited by anxiety/frustration. Level 1 behaviors are mild and typically manageable by [student name]. They are referred to as “Rumblings.” Level 2 through 5 behaviors will require adult involvement.

Level 1 = Rumblings

Potential Behavioral Symptoms:

- Putting her head down
- Grumblings
- Acting annoyed
- Passive refusal
- Putting her hat over her head

Level 1 Staff Response:

[Student name] typically works through this level on her own. Please watch for further escalations. Refer to level 2 should they occur. Staff response will be limited. Show quiet support.

Level 2 = Mild Escalation

Potential Behavioral Symptoms:

- Assertively not listening to redirections – says “no”, “let me be”
- Cognitive inflexibility with distressed expressions (appearing stubborn)
- Wanting to leave the classroom – asks to go talk to someone
- Physically shuts down/ moves away from class

Level 2 Staff Response:

Immediate staff member should understand this is [student name] way of saying I am losing control, I need space and time and support. She should be allowed to seek one of her contact people outside of the classroom. Once [student name] believes she needs this, trying to get her to stay and work through it will escalate the problem. Contact the counseling office secretaries. They will contact the following individuals in this order:

- 1.
- 2.
- 3.
- 4.

5.

Level 3 = Moderate Escalation

Potential Behavioral Symptoms:

- Telling adults to “shut up” – “go away” – calling names
- Showing very visible and verbal signs of distress
- Fleeing the room

Level 3 Staff Response:

Contact Counseling Office Secretary. Secretary will locate contact person. Contact person will move in for support. [Student name] often likes to retreat to very quiet obscure places to be by herself. She may go into a restroom, in a conference room, or in the media center. Attempts to relocate her to an office when she is escalated (even when she appears quiet) can be met with protests. If [student name] has reached this level allow her some time to deescalate before placing any demands/making any requests/asking her to move to another area. If after a reasonable amount time you try again to move her to another place and she resists, say, “It is OK, I can see you are not ready. Let’s try again in 5 minutes. In 5 minutes I would like you to come with me so we can work through this.” She needs to hear this in a very reassuring voice.

Level 4 = High Escalation

Potential Behavioral Symptoms:

- May become very verbally threatening
- May yell/scream
- May plug ears and make loud screeching noises
- May push staff or kids away, strike out, pinch or kick
- May lunge toward equipment/property to destroy

Level 4 Staff Response:

Immediate staff will call counseling secretary who will contact two of the CPI trained staff listed on the below list, as well as an administrator if in a classroom, for classroom support. Staff needs to appoint a team leader to be the sole person providing directions and communications. Remove any other students from immediate area. Unless [student name] is in immediate danger to self or others, do not move in too close to her. Allow her time to deescalate. If she is not able to calm herself, assume preparation for CPI methodology of Team Control Dynamic. Use the process of the Team Control Dynamic only if [student name] is in immediate danger of significantly harming herself or others. First try allowing space and time. If [student name] has not escalated to physically acting out one person, gently attempt to ease her to a timeout room, using calm reassuring tones. Preferably one of her contact people walks with her. Allow her time to sit quietly. Staff should be in close proximity for constant observation, but not necessarily in the room with [student name]. Her contact person, if possible, should be the check in person. She responds better to adults she knows and trusts. Check in should be every 4 to 5 minutes. If [student name] requests to call her parent/guardian assure her she can when she feels she is in control. Lead her to a phone away from equipment. (See response below** should [student name] escalate to a physically acting out person who is an immediate threat to self or others.) **Document the incident.**

Level 5= Highest Escalation

Potential Behavioral Symptoms:

- [Student name] may become so escalated that she may run from the building in a state of complete cognitive shutdown causing potential imminent danger to self.

Level 5 Staff Response:

Contact administration. Administration contacts police if not able to retrieve her. Contact her parents. Attempt to have staff member take a phone and locate her, or follow her if she is visible.

[Student's] Contact people:

- 1.
- 2.
- 3.
- 4.
- 5.

CPI Trained Staff:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

****Physically Acting Out Person Team Control Dynamic Response- follow CPI guidelines for care, welfare, safety, and security.**

DEBRIEFING FORM

Name:

Incident began:

Date:

Incident ended:

I needed to use my Behavior Escalation Plan because:

The problem that occurred prior to using the Behavior Escalation Plan was:

My plan for next time is:

Further follow-up action needed: (Please list action plan)

Student signature:

Staff signature:
