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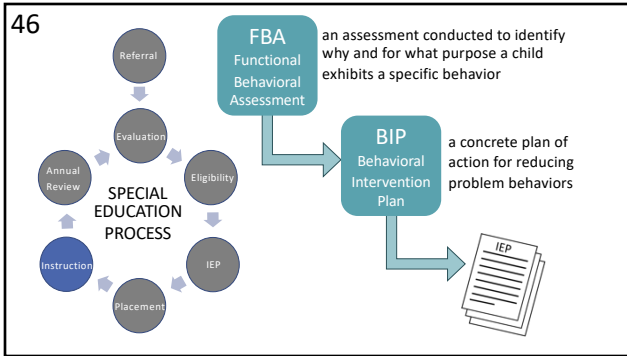
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Class #7: Student Discipline

This Chapter Will Discuss:

- 1 What parents need to know if their child exhibits behavior that impedes their learning or that of others
- 2 What parents need to know if the district is seeking to take disciplinary action against their child

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What is an FBA?

- No state or federal law defines a functional behavioral assessment (FBA).
- However, it is generally understood to be an “evaluation” to assist in making such determinations as:
 - whether a child is, or continues to be a child with a disability
 - the nature and extent of the special education and related services that the child needs, including
 - the need for a Behavior Intervention Plan (BIP).

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Behavioral Assessments help determine:

- Frequency
- Duration
- Intensity & Function

of the behavior

4 Basic Behavior Functions

- Access (items/acts)
- Escape (elopement)
- Attention
- Self-Stimulation

FERB: Functionally Equivalent Replacement Behavior

Types of Behavioral Assessments

- Indirect Assessments**
 - Observations and Interviews
- Standardized Assessments**
 - Behavioral Assessment for Children
 - Conners
 - Adaptive Behavioral Assessment Scale, etc.
- Functional Behavioral Analysis**
 - Antecedent
 - Behavior
 - Consequences

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BEHAVIOR SUPPORT PLAN

Student: _____ DOB: _____ Date of Plan: 3/19/2019

Target Behaviors to Increase:
Following Directions: When reminded about his token board and what he is working for, student will engage in on-task behavior such as sitting in his seat and attending to the lesson for the duration of the activity.
Time on Task: Student will increase his time in program by participating in classroom activities (wholegroup & independent work, etc.)

Target Behaviors to Decrease:
Aggression/Disruption: dropping to the floor, screaming, laughing loudly, scratching himself or others, or aggressing toward staff or students by kicking or hitting.
Off-task: walking around the classroom, work refusal by leaving the group activity, refusal to come in from recess by lying down or running to a different area.
Elopement: running or walking away from the classroom or designated area.

Hypothesized Functions(s):
 Aggression → Access to tangibles and escape
 Off-Task → Escape
 Elopement → Escape

Recommendations:

- Work/Break Schedule

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Procedures for Work/Break Schedule:

1. Throughout the day, student should follow a work/break schedule that is connected to his token board.
2. Before beginning work, student can choose the reinforcer he wants to work for (e.g., goldfish, iPad, oranges).
3. His token board will have 5 tokens on it. Student can earn a token about every 5 minutes for showing appropriate behaviors (e.g., following directions, sitting in chair, eyes on teacher, completing his work).
4. Time between tokens will be slowly extended by one minute to maximize time on task over this year.
5. Provide specific praise when delivering token (i.e., "good job sitting in chair, good job tracing your words").
6. When student receives all 5 tokens, give access to the reinforcer he chose for 5-minutes.
7. Use a timer to signal the start and end of break intervals.

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Preventive Strategies:

1. Use nice hand/feet = recess visual to let student know he has to be safe in classroom in order go to recess
2. Offer choices for work or seating when available.
3. If student refuses to go to class or goes to another area of the playground, remind him he cannot earn a reward if he refuses.

If Elopement:

1. Call on the radio for staff near gates to check and stand by all gates immediately.
2. Walk with student back to class and redirect back to activities and work/break schedule.

Data Collection:
 Please record instances of aggression, out of program/off-task, and elopement on the Time Allocation data sheet provided by the school psychologist.

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FRESNO UNIFIED SCHOOL DISTRICT
BEHAVIOR INTERVENTION PLAN

Student Name: [REDACTED] Birthdate: 5/15/2003 IEP Date: 4/25/2019 Date of BIP: [REDACTED]

This Behavior Intervention Plan is based on a Functional Behavior Assessment No Yes
If marked no, Behavior Intervention Plan is based on the following:
The problem behavior impeding learning is (describe what it looks like)

Frequency 5-7 a day Intensity N/A Duration N/A

Reported By Sped Aide and/or Observed by Sped Aide

PREVENTION, PART I: ENVIRONMENTAL FACTORS AND NECESSARY CHANGES

What are the antecedents for the problem behavior? (Situations in which the behavior is likely to occur: physical setting, social setting, instructional strategies, curriculum and activities, scheduling factors, degree of independence, degree of participation, social interaction, degree of choice, etc.)
SETTINGS: Disruptive classroom behavior occur across all classrooms
PEOPLE: Disruptive classroom behaviors occur across multiple staff members (e.g. general education teachers at [REDACTED] High School)
ACTIVITIES: Disruptive classroom behaviors tend to occur most often when 1) prompted to initiate a non-preferred task/activity/work demands (e.g. academic task, quiz) or task is perceived as difficult, 2) when asked to stop engaging in a behavior (e.g. texting, talking to peers in close proximity and across the rooms, 3) corrected (e.g. when asked to move to his assigned seat, when asked to remove his headphones/year buds, 4) when denied an item/actions (e.g. permission to use the restroom, talk to the counselor)
TIMES OF THE DAY: Disruptive classroom behaviors occur throughout the day

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

1. Provide choices in non-preferred activities (e.g. notes/homework from different classes, notes or homework during the same class)
2. Provide optimal seating arrangement (ex. central location, away from highly reinforcing peers, more than five feet away from aisle, accessible to teacher to provide discreet instruction (e.g. instruction given with away from reinforcing peers))
3. Provide clear and concise directives, expectations, and directions (e.g. written or verbal)
4. Provide school expectations and classroom expectations
5. Provide correctional/feedback away from reinforcing peers
6. Provide schedule or visual of daily tasks

ANALYSIS, PART II: FUNCTIONAL FACTORS

Team believes the behavior occurs because:

Access:

Avoid: Escape: [REDACTED] avoids task demands, to escape from activities/tasks/work demands that he does not understand or that is difficult.

Automatic Reinforcement:

Other: Peer Attention

FERB, PART III: FUNCTIONALLY EQUIVALENT REPLACEMENT BEHAVIOR

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

[REDACTED] will comply with school and class rules, routines, and procedures; increase cooperation with adults; increase problem solving, conflict resolution, and coping skills; increase independent and responsible decision making; assume responsibility for incidents and consequences; follow teacher and adult directives; decrease disruptive and delinquent behavior.

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

- Provide opportunities for [REDACTED] to develop plans to resolve his behavior
- When the student asks to leave to the restroom, [REDACTED] will be provided with the option of taking a less than five minute break or to use the restroom.
- Differential reinforcement of alternative behavior (DRA) to "catch" him engaging in desired behaviors. Student/teacher agreement that depicts when [REDACTED] records and receives check marks that can be exchanged for preferred activities/items (e.g. time on phone)
- o Teaching procedures: [REDACTED] will need to check-off questions that asks if he follows expectations and met criteria to earn checkmarks
- Provide organizational tools: checklists, schedules, homework routine task analysis, opportunities to organize binder/backpack;
- Provide [REDACTED] with alternative cues/signals for receiving assistance:
- o Meet with [REDACTED] and identify how they can communicate to receive assistance
- o Use simple cues/signals to minimize attention toward [REDACTED]
- Peer tutor/peer model: Teacher will provide [REDACTED] with a peer model/peer teacher to: create an environment that allows for [REDACTED] to ask questions in a least restrictive manner, create more learning opportunities, provide frequent and constant refocusing, and assist [REDACTED] in forming trusted relationships.
- Alternatives to suspension: Suspension does not decrease [REDACTED] problem behaviors and will increase school work burden. Alternatives to suspension will provide [REDACTED] with learning opportunities to correct his behavior:
- o In-school suspension, school service, parent supervision, behavior contract, loss of privileges (e.g. lunch break with peers)

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

1. Reinforcers must be given contingently following the desired behavior.

Selection of reinforcer based on:

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RESPONSE TO PROBLEM BEHAVIOR, PART IV: STRATEGIES

Student Behaviors	Staff Response
<p>Student early escalation behaviors may include: Precursor behaviors—engaging in noncompliance when presented with non-preferred tasks (e.g. task that he does understand how to do).</p>	<p>Staff response to early escalation behaviors may include: (e.g. prompting relaxation strategies, offering distractions) Provide discrete instruction to assist _____ in completing the task.</p>
<p>Student behaviors during problem behavior may include: _____ exhibiting any of the following behaviors within the classroom, during passing period, or break: raising his voice and talking back to school personnel, argumentative with school personnel, eloping from classroom, and delinquent behavior</p>	<p>Staff response during problem behavior may include: (e.g. monitor for safety, one step directions, neutral tone and affect) Staff will provide brief, to the point redirection and expectation in a calm and neutral tone.</p>
<p>Student behaviors during de-escalation may include: _____ exhibiting any of the following behaviors: speaking in a calm and authoritative manner, bargaining, justifying his actions</p>	<p>Staff response to promote de-escalation may include: (e.g. model deep breathing, encouragement). Speaking to him outside of class</p>
<p>Student behaviors during post incident may include: _____ will actively participate in the classroom routine and expectations.</p>	<p>Post incident strategies may include: (e.g. offer choices, refrain from discussing consequences). Provide consequence training: in a calm manner, state what _____ did and provide consequence (ex. "Because you did not follow the teachers, instructions you must complete a behavior reflection form")</p>
<p><input checked="" type="checkbox"/> Behavioral Goal(s) are part of the student's IEP. See Goal(s) numbered: Goals 4,5,7,8</p>	

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When is an FBA required?

Required when	Required "as appropriate" when	Required when
<ul style="list-style-type: none"> the district seeks to change placement because of misconduct, the IEP team determines that the conduct was a manifestation of the child's disability, AND the district had not conducted an FBA before the misconduct. 	<ul style="list-style-type: none"> disciplinary removal involves a change in placement AND the IEP team determines that the conduct was not a manifestation of the child's disability. 	<ul style="list-style-type: none"> the IEP team determines that it would be appropriate for the child.

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Who is qualified to conduct an FBA?

BCBA	&	<u>Other "trained & knowledgeable" personnel</u>
<p>"[A] person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst (BCBA) may conduct behavioral assessments . . . for individuals with exceptional needs."</p>		<p>Note: The California Commission on Teacher Credentialing standards relating to preparation for the School Psychology credential state that candidates must be well versed in a variety of assessment methods, including behavioral assessment.</p>
<p>(Education Code sections 56322, 56525(a) and (b))</p>		

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The same regulations apply to FBAs, including:

60 days from when you sign an assessment plan that includes an FBA to perform the assessment and to hold another IEP meeting to discuss the results of the assessment and to determine what services, supports and other positive behavior strategies your child needs.

If the school district conducts an FBA of your child but you do not think the assessment is helpful in determining what kinds of behavioral supports or services your child needs, or you disagree with the school district's assessment for other reasons, **you can request an IEE.**

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Who can develop a BIP?

"[B]ehavior intervention" shall be "designed or planned" only by personnel who have one of the following:

- pupil personnel services credential with authorization in school counseling or school psychology
- special education instruction credential
- Marriage and Family Therapist license
- Clinical Social Worker license
- Educational Psychologist license
- psychologist license
- master's degree in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or a related field.

5 CCR Sec. 3051.23(a)

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Who can provide behavior intervention?

A person qualified to design or plan behavior intervention

OR

- A person who:
- Is working under the supervision of someone qualified to design or plan behavior intervention,
 - possess a high school diploma or its equivalent, and
 - receives the specific level of supervision required in the pupil's IEP.

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District must ensure their staff is adequately trained to work effectively with behavioral intervention needs

parents can inquire as to the training of those who will be implementing their child's BIP

and

staff training can be included in a child's IEP

Parents' Right to Know Letter Regarding Teacher Qualifications (DOC)
Federal law requires that parents be notified at the beginning and/or when appropriate anytime during each year of their right to know the professional qualifications of their child's teacher(s).

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A BIP can be implemented before disciplinary action arises. The IEP team must address behavioral needs when developing, reviewing, and revising an IEP, which can include:

appropriate behavioral goals and objectives and	the use of positive behavioral interventions and supports
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A BIP must be implemented when

disciplinary action is taken that constitutes a change in placement or	the IEP team determines the behavior was a manifestation of the child's disability
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Behavioral Interventions

Generally	Emergency Intervention
<ul style="list-style-type: none"> Must be used in consideration of the child's physical freedom and social interaction Must be administered in a manner that respects human dignity and personal privacy Must ensure the child's right to placement in the LRE 	<ul style="list-style-type: none"> When IEP does not address behavioral needs A previously unforeseen behavioral problem arises or Previously designed intervention is proven ineffective

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Rules Regarding Emergency Intervention

WHEN

Emergency intervention is the temporary application of a technique used to contain behavior. **Emergency intervention** cannot

- replace a BIP or
- be employed for longer than is necessary to contain the behavior

Behavior that warrants emergency intervention is

- Unpredictable
- Spontaneous
- Poses a clear & present danger of serious harm to the child or others
- Cannot be immediately prevented by a less restrictive response

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Rules Regarding Emergency Intervention

WHAT

Emergency interventions must not	Unless
Include locked seclusion	It is in a facility otherwise licensed or permitted by state law to use a locked room
Utilize objects that simultaneously immobilize all four extremities	except use of techniques such as prone containment by trained staff
Use an amount of force that exceeds what is reasonable and necessary	

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Rules Regarding Emergency Intervention

NOTICE

If an emergency intervention is used, district must **notify parents within one school day**. The **notice** must include:

- 1) Child's name and age.
- 2) The setting and location of the incident.
- 3) The name of the staff or other persons involved.
- 4) A description of the incident and the emergency intervention used, and whether the child has a BIP.
- 5) Details of any injuries sustained by the child or others.

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Rules Regarding Emergency Intervention

Whenever emergency intervention is used, the IEP team must:

AFTER	If a child does not have a BIP:	If a child has a BIP:
	<ul style="list-style-type: none"> Schedule an IEP meeting within 2 days Review the emergency report Determine if an FBA is necessary Determine if an interim plan is necessary 	<ul style="list-style-type: none"> Review the emergency report Determine if the BIP needs to be modified

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Protections Afforded All Students

A student cannot be suspended or expelled unless the act being disciplined was committed:

01 On school grounds	02 While going to or coming from school	03 During the lunch period	04 During a school-sponsored activity
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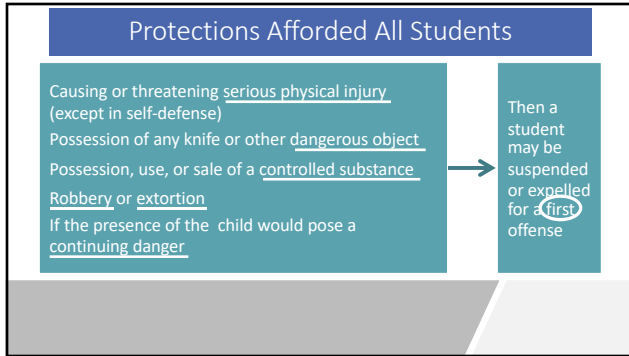
Protections Afforded All Students

District must first

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    A[Use alternatives to address problems of, truancy, tardiness, and other absences] --> B[Attempt other means of correction to bring about proper conduct BIP]
    B --> C[Then a student may be suspended or expelled]
  
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SB 419-an act, signed into law on 9/9/19, to:

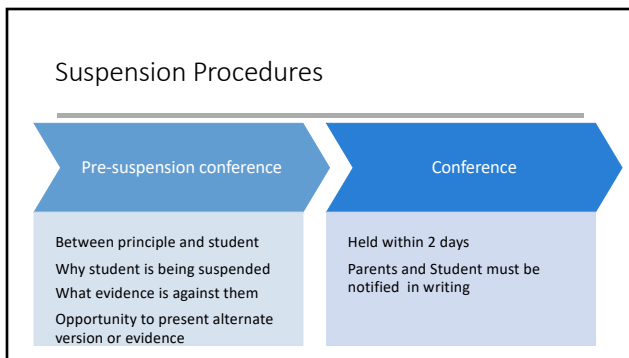
(1) Amend Cal Ed. Code Sec. 48900
 As of July 1, 2020 students in kinder-5th grade cannot be suspended for

- Disrupting school activities or
- Willfully defying authority

Temporarily extended to grades 6-8 until 2025

(2) Add Sec. 48901.1: Also applies to Charter Schools

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Expulsion Procedures

An expulsion hearing must be held within 30 school days after the district determines that the child has committed an act subject to expulsion.

- The student must be given **written notice** of the hearing at least 10 calendar days before the date of the hearing

The student is **entitled** to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days.

- Additional postponements may be granted at the discretion of the governing board of the school district.

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At the hearing, the district must prove:

1

The student did, in fact, commit the act

2

Other means of correction are not feasible or have repeatedly failed

or

Due to the nature of the act, the presence of the child causes a continuing danger

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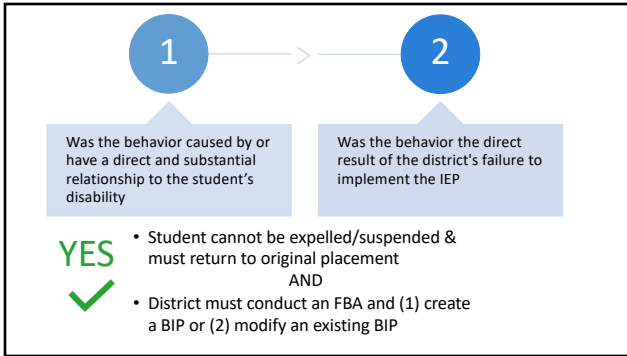
Protections Unique to Special Education Students

Can't be Expelled and Suspensions cannot exceed 10 days

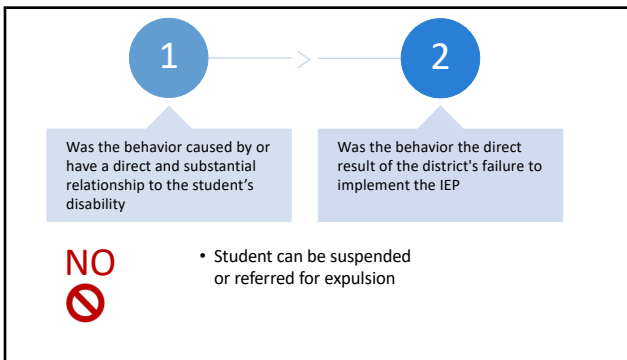
Without a Manifestation Determination

Because 10+ days is considered a change in placement

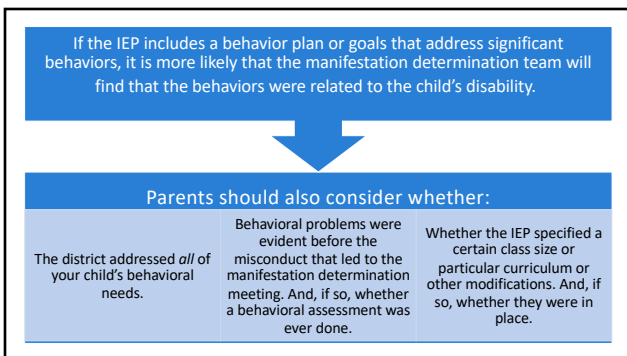
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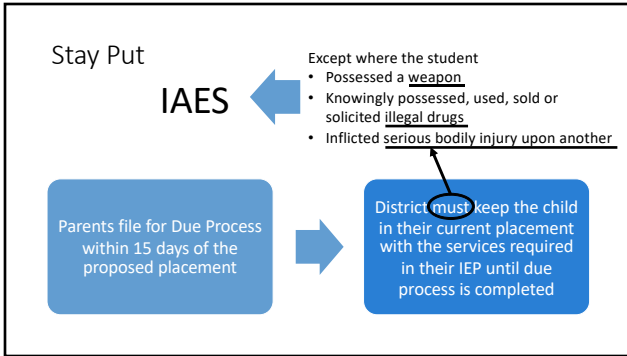
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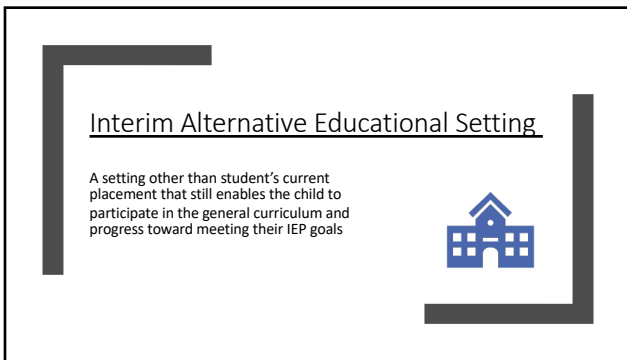
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Interim Alternative Educational Setting (IAES)		
District may place a student in an IAES for up to 45 school days, without parent's written consent, only if the student:	possesses or attempts to sell	a weapon or illegal drugs,
	inflicts serious bodily harm on another person	at school, on school grounds or at a school function

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Protections Unique to Special Education Students

- Can't be Expelled and Suspensions cannot exceed 10 days
- Without a Manifestation Determination
- Because 10+ days is considered a change in placement
Students receiving special education must continue to receive a FAPE during any period of:
 - Suspension beyond 10 days
 - Interim placement
 - Expulsion

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- participate in the general curriculum
- progress toward meeting IEP goals and
- receive needed behavioral assessments and services

Students receiving special education must continue to receive a FAPE during any period of:

- Suspension beyond 10 days
- Interim placement
- Expulsion

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If parents disagree with the IAES

File for Due Process and an Expediated Hearing

- There must be a "resolution session" or mediation held within 7 days of the due process request.
- An expedited hearing must be held within 20 school days from the date of the due process request.
- The hearing officer must issue a decision within 10 school days after the hearing.

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<h1 style="margin: 0;">01</h1> <p style="margin: 0;">They are previously identified as a special education student, or</p>	<h1 style="margin: 0;">02</h1> <p style="margin: 0;">The district "has knowledge" that the child has a disability</p>
<p>A student will be protected by the special education disciplinary rules if:</p>	

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A student will be protected by the special education disciplinary rules if:

<p>They are previously identified as a special education student</p>	<p>The district "has knowledge" that the child has a disability</p>
<p>Requests for an evaluation made after the misbehavior must be done more quickly.</p> <p>Until the results of the evaluation are available, the child</p> <ul style="list-style-type: none"> will remain in the educational placement determined by school officials and can be expelled before the expedited assessment process is completed 	<p>BEFORE the misbehavior</p> <ul style="list-style-type: none"> Parent expressed concern in writing Parent requested student be evaluated & district did not do so District personnel expressed concern

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Please Evaluate Our Class Today

- <https://forms.gle/SsC7XFmQbvaUis7r5>

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