

## CHAPTER 15: DISCIPLINE CONSIDERATIONS FOR STUDENTS WITH DISABILITIES

Revised 1/14/09

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## GUIDELINES ON THE USE OF BEHAVIORAL INTERVENTIONS WITH STUDENTS WITH DISABILITIES

It is the practice of the Northern Lakes 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-regulated 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-regulated 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 each school within a district.*

All behavioral interventions not covered in the IEP will be consistent with a district's 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.

Member districts will review practices related to regulated 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 regulated procedures with specific populations of students or for the use of certain procedures; and
- provide staff training requirements for the design and use of regulated interventions 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 regulated procedures are use.

**The purpose of regulated 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 positive approaches (non-regulated procedures) have proven ineffective or 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. Regulated procedures include:**

- A. **Manual restraint** – physical intervention intended to restrict a child’s movement by using physical contact as the only source of restraint. Manual restraint does not include physical contact or a physical prompt used to facilitate completion of a task or to redirect a child’s behavior 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** – “Locked time-out” is a regulated intervention that involves involuntarily removing the child from the school activity during the school day and placing the child in a specially designed and continuously supervised isolation room that the child is prevented from leaving. A child is prevented from leaving by a locking mechanism which must disengage automatically when not continuously engaged by school personnel.
- D. **Seclusion** – “Seclusion” is a regulated 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. 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.

**Regulated procedures may only be used when:**

- A. the Behavioral Intervention Plan is written in the IEP; or
- B. it is an emergency situation.

## 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 regulated 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 regulated procedure is used for a student on an IEP in an emergency situation as described above, complete the **Emergency Use of Regulated Procedure for a Student on an IEP**.

If an emergency intervention is used twice in a month or a student's pattern of behavior is emerging that interferes with the achievement of the student's educational goals and objectives, a team meeting must be called to:

- A. determine if the student's IEP is adequate;
- B. determine if additional evaluation is needed; and
- C. if necessary, amend the IEP.

Districts may use regulated procedures in emergencies until the IEP team meets, provided the emergency measures are deemed necessary by a school 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 will be notified immediately when a regulated 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.**

## REGULATED PROCEDURES

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

1. identify the frequency and severity of target behaviors for which the regulated procedure is being considered;
2. identify at least two positive interventions implemented and the effectiveness of each; and
3. design and implement the regulated procedure based on present levels of performance, needs, goals and objectives, and document in the IEP:
  - a. the antecedent to the behavior that resulted in the use of the regulated intervention;
  - b. a description of the behavior that resulted in the use of the regulated intervention;
  - c. a description of the regulated intervention (consequence);
  - d. the length of time the regulated intervention was used;
  - e. the number of times the regulated intervention was used in each school day and by whom;
  - f. the child's response to the regulated intervention; and
  - g. the procedure used to return the child to the child's routine activities and educational setting.

**Whenever the use of a regulated procedure is being considered by a member district of the Northern Lakes 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 Regulated 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. presentation of intense sounds, lights or other sensory stimuli as an aversive stimulus;
4. noxious smell, taste, substance or spray as an aversive stimulus;
5. denying or restricting access to needed equipment and assistive devices, (including hearing aids and communication boards that facilitate the student's functioning, except when access is temporarily restricted to prevent distraction or damage to the equipment);
6. faradic skin shock;
7. totally or partially restricting a student's auditory and visual senses;
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. the use of a mechanical restraint that is contrary to a written order from a licensed physician; and
12. regulated interventions that:
  - a. are implemented by untrained personnel;
  - b. are not in the student's IEP and/or 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 Regulated and Prohibited Procedures annually for all staff, contracted personnel and volunteers who work with students with IEPs. Personnel development activities shall:

1. promote the use of positive approaches;
2. provide awareness of how to limit the use of aversive and deprivation procedures;
3. provide guidance in how to avoid abuse of these procedures; and

4. provide specific cautions for the use of regulated procedures with specific populations of students or for certain procedures.

## **DOCUMENTATION**

- **Recommendations and Requirements Under State and Federal Laws and Regulations/Rules for Suspensions/Removals of Students with Disabilities and Frequently Asked Questions Regarding Discipline of Students with Disabilities**
- **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 Regulated Procedures for a Student on an IEP**
- **Assessment Report for Use with Regulated Procedures**
- **Behavior Intervention Plan**
- **Example: Behavior Intervention Plan**
- **Time Out and Regulated Behavior Intervention Guidelines**
- **Locked Time Out Room Checklist**
- **Behavior Intervention Oversight Committee (BIOC)**
- **Behavior Intervention Oversight Committee (BIOC) Review Form**

## RECOMMENDATIONS & REQUIREMENTS UNDER STATE & FEDERAL LAWS REGULATIONS/RULES FOR SUSPENSIONS/REMOVALS OF STUDENTS WITH DISABILITIES

### Suspensions/Removals One Day and Under

<b>MN Rule:</b>	MN Rule does not count as a suspension, a removal from school for one day or less.
<b>Federal Regulations:</b>	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

<b>MN Rule:</b>	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
<b>Federal Regulations:</b>	No requirements.

### Suspensions/Removals More Than 10 Consecutive or Cumulative Days

<b>MN Rule:</b>	The MN Rule requires alternative educational services for all students, disabled or non-disabled, after the 5 <sup>th</sup> consecutive day of removal.
<b>Federal Regulations:</b>	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

<b>MN Rule:</b>	Follow Federal Regulations
<b>Federal Regulations:</b>	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: <ol style="list-style-type: none"> <li>1. the removal is for more than 10 consecutive school days;</li> <li>2. the student had been subjected to a series of removals that constitute a pattern:</li> </ol>

- 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 should be conducted as part of the identification process (Optional).
- B. An IEP team must meet to develop a FBA within 10 days:
  1. of removing a student for the 11<sup>th</sup> 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 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;
- B. Parent has requested an evaluation of the child pursuant to IDEA;
- C. 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.

**WHEN TO HOLD MANIFESTATION DETERMINATION MEETINGS**

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.


	IEP Team Meeting required?	Manifestation Determination required?	FBA Plan required?
Student removed for 1 school day or less (but not suspended)	No*	No*	No*
Student suspended for less than five consecutive school days	No*	No*	No*
Student suspended for 5 to 10 consecutive school days	Yes	Yes	No*
Student removed for 10 cumulative school days in a school year or less	No	No	No
Student removed for 11 cumulative school days in a school year or more	Yes	Yes	Yes
Student placed on in-school suspension	No**	No**	No**
Parent requests a manifestation determination following any removal for disciplinary reasons	Yes	Yes	No*
Student suspended from the bus	Depends***	Depends***	Depends***

\*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**

	_____ ISD # _____ <b>Address</b> <b>City, MN      Zip</b> <b>Telephone: ____-____-_____</b>	<b>Disability Manifestation Determination Form</b>
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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?

<b>TEAM DETERMINATION</b>	Yes	No
1. In relation to the behavior subject to disciplinary action, both * the IEP/IFSP and placement were appropriate, and * the special education services, supplementary aids and services, and behavior management strategies were provided consistent with the student's IEP and placement.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
2. The student's conduct was caused by/or had a direct and substantial relationship to the student's disability.	<input type="checkbox"/>	<input type="checkbox"/>

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.

<u>IEP Team Members Present</u>	<u>Title</u>	Agreement with Conclusions	
		<b>Yes</b>	<b>No</b>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**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 Coordinator

### SUSPENSION CHECKLIST

	_____ ISD # _____	Student's Name:	DOB:
	Address	Address	
	City, MN      Zip	Parent(s):	Phone:
	Telephone: ____-____-____	Parent(s):	Phone:

### OUT-OF-SCHOOL SUSPENSION

Date	✓	<b>Suspensions 1 day (or less) up to 10 days cumulative (Please check when completed)</b>
		<b>No Requirements</b>

Date	✓	<b>Suspensions of 5 (MN rule) or more consecutive days (please check when completed)</b>
		<b>Notice of a Team Meeting</b> (Manifestation and IEP Review)
		Manifestation Meeting (within 10 school days of removal) and conduct an IEP Review Meeting (review/develop behavior plan).
		<b>FAPE Requirements</b>
		General education curriculum
		IEP services and modifications
		Services and modifications designed to address misbehavior so it does not recur.

Date	✓	<b>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).</b>
		<b>Notice of a Team Meeting</b> (Manifestation and IEP Review)
		Manifestation Meeting (within 10 school days of removal) and conduct an IEP Review Meeting (review/develop behavior plan).
		Functional Behavioral Assessment (within 30 school days). The FBA requires parent informed consent.
		<b>FAPE Requirements</b>
		General education curriculum
		IEP services and modifications
		Services and modifications designed to address misbehavior so it does not recur.

### IN-SCHOOL SUSPENSION

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

**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 \_\_\_\_\_ School 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 \_\_\_\_\_ School 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

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Sincerely,

**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
  - ◆ soup kitchens
  - ◆ homeless shelters
- Group instruction-- DWI model
  - ◆ 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
- ❖ interagency collaboration
- ❖ volunteers
- ❖ seniors
- ❖ interns
- ❖ retired professionals
- ❖ business partnerships

**The following list of Alternatives to Suspension was generated by E/BD case managers**

## **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
- Police liaison called to speak to student (when it is a consistent problem) - what would happen in the “real world”

## **Refusing**

- Don't earn points - give choices
- Problem solving sheets
- Boys Town curriculum
- 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

### **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
  - 1<sup>st</sup> week, check lockers daily
  - 2<sup>nd</sup> week, check 2-3 times week
- Pick up "butts"
- Day wellness curriculum/independent study
- Visit people with emphysema/follow-up report, written or oral
- Research paper on smoking and health
- Report to police for tickets

### **Assignment Completion**

- Saturday school
- 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

**RECOMMENDED STEPS BEFORE PROCEEDING TO AN EXPEDITED HEARING  
FOR CHANGE OF PLACEMENT**

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.

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.
- Does not include dismissals of one school day or less.
- 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.

**PROCEDURES RELATED TO REPORTING A CRIME COMMITTED BY A  
STUDENT WITH A DISABILITY**

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."

Northern Lakes Special Education Cooperative Districts (Hill City, Greenway, Deer River, Nashwauk-Keewatin and Floodwood) will comply with the law through the following practices:

1. Northern Lakes Special Education Cooperative 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 REGULATED PROCEDURE FOR A STUDENT ON AN IEP



\_\_\_\_\_ ISD # \_\_\_\_\_  
Address  
City, MN Zip  
Telephone: \_\_\_\_-\_\_\_\_-\_\_\_\_\_

### Emergency Use of a Regulated Procedure for a Student on an IEP

Student Name: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ DOB: \_\_\_\_\_

Categorical Disability: \_\_\_\_\_

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

1. Description of events and student behavior leading to use of emergency procedure (include any other interventions attempted):

2. Description of the regulated procedure (include staff involved, area used, duration, and rationale for decision).

3. What post-intervention strategy was used to resolve conflict/reacclimate student's return to pre-intervention?

4. List the names/titles of all staff who observed the student's behavior and the regulated procedure:

5. Parent(s)/Guardian(s) were notified on \_\_\_\_\_ by \_\_\_\_\_  
(Date) (Name)

via:  Telephone  Copy of this report  Home Visit

6. Does the use of this regulated procedure necessitate a Child Study Team meeting?  Yes  No

*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 REGULATED PROCEDURE**



\_\_\_\_\_ ISD # \_\_\_\_\_  
Address  
City, MN Zip  
Telephone: \_\_\_\_-\_\_\_\_-\_\_\_\_

**Assessment Report for Use with a  
Regulated Procedure**

Student Name: \_\_\_\_\_ ID: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ DOB: \_\_\_\_\_

**To be used for Consideration of the Planned Use of a Regulated Procedure [manual restraint, mechanical/locked restraint, time out (complete removal from regularly scheduled education program), or delay of meals or water]. MN 3525.2925**

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

[Empty text box for target behavior and data baseline]

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):

[Empty text box for purpose and effects]

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:

[Empty text box for positive interventions]

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

[Empty text box for treatable cause]

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

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

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

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

**BEHAVIOR INTERVENTION PLAN (Attachment to the IEP)**



\_\_\_\_\_ ISD # \_\_\_\_\_  
**Address**  
City, MN Zip  
Telephone: \_\_\_\_-\_\_\_\_-\_\_\_\_\_

**Behavior Intervention Plan**

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 regulated procedure is necessary for attainment of the following goal on the current IEP:

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

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

- List and describe regulated 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 regulated procedure be used?

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

Why was this regulated 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 regulated 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 regulated intervention.

Describe the effects on the student if the regulated 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 regulated 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 regulated 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 regulated 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)

**EXAMPLE: BEHAVIOR INTERVENTION PLAN (Attachment to the IEP)**

Northern Lakes Special Education Co-op  
PO Box 171, 200 Cole Street  
Coleraine, MN 55722  
Telephone: 218-245-3110

## Example: Behavior Intervention Plan

Student Name: James Student ID: 12345678910 Date: 11/25/07

School: Backyard Elementary Grade: 4 DOB: 7/15/91

Upon completion of the evaluation report, an IEP team meeting was held on March 11, 2008. It was determined that a regulated 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 regulated 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.

#### Locked exclusion time out:

Locked exclusion time out involves separating the student from peers and adults in a specially designed time out room until he regains self-control and demonstrates reasonably compliant behavior - reasonably compliant behavior would be indicated by Jimmy refraining from significant verbal or any physical aggression. Locked time out will occur in the specially designed time out room located in the resource room.

#### 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 school psychologist or 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 regulated procedure be used?

The regulated 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 to the time out room.

#### 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 regulated 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 regulated 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 assaultive 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 regulated intervention. He will then be provided with assistance in returning to the classroom and re-engaging in the daily routine.

#### Why was this regulated 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 regulated 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 regulated 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 regulated interventions.

Describe the effects on the student if the regulated 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 that 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 regulated 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 regulated procedure under consideration as well as a discussion of parent rights which appear below.*

*Parent consent: I have fully discussed the proposed regulated 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 regulated 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)

**TIME OUT AND REGULATED BEHAVIOR INTERVENTION GUIDELINES****TIMEOUT**

Time-out is a behavior change procedure that involves denying a student access to all sources of reinforcement (e.g., teacher and peer attention, participation in ongoing activities) as a consequence of undesired behavior. The purpose is to reduce future occurrences of such behavior. Time-out may be implemented on three levels: (a) contingent observation or non-exclusionary, (b) exclusionary, and (c) seclusionary\*. Contingent observation requires the student to remain in the classroom or area to observe the group without participating or receiving reinforcement for a specified period. Exclusionary time-out denies access to reinforcement by removing a student from the classroom or area. Seclusionary timeout removes the student from the instructional setting as a means of denying access to reinforcement and requires the student to go to a specially designed time-out room.

While timeout is a relatively intrusive behavior reduction procedure because it involves the removal of reinforcement and it interrupts the student's instructional program, its use may be required when the student's behavior impedes his or her learning or the learning of others. Therefore, time-out must be used with care and only in conjunction with teaching adaptive functionally equivalent alternative behaviors and consistently applied positive behavior intervention and support strategies. Behavior problems will not be positively affected by the use of timeout unless time-out is used in the context of a positive skill building behavior change program (e.g., teaching replacement behaviors, maintaining a high rate of teacher reinforcement for appropriate student behavior, etc.) and as one component on a continuum of behavior change strategies.

The foundation of a continuum of behavior change strategies must be frequent teaching of functionally equivalent alternative replacement behaviors and the frequent and consistent use of positive behavior intervention and supports (PBIS). For the purpose of illustration, these strategies will be grouped into three main categories:

1. Positive behavior intervention and supports that include: teaching social skills; behavior specific praise; token, tangible, social and activity reinforcers; choices, and differential reinforcement.
2. Behavior reduction strategies that include: verbal redirections, presenting consequences as choices, response cost, contingent observation and exclusionary time-out.
3. Crisis intervention strategies that include: seclusionary time-out, physical intervention (regulated interventions) and police or probation contact if a law has been violated.

This list of behavior change strategies identified here is meant to illustrate and provide examples of a continuum of interventions. It is not intended to include all behavior change strategies.

# CONTINUUM OF BEHAVIOR CHANGE TECHNIQUES AND POSITIVE BEHAVIOR INTERVENTIONS

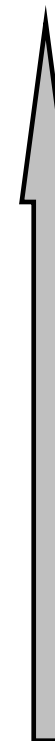
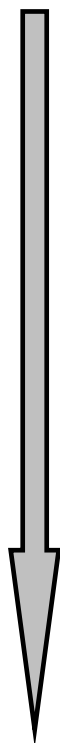
Strategy	Frequency of Use and Purpose
<p><b>Positive Behavior Intervention and Supports (PBIS)</b></p> <p>Social &amp; Problem Solving Skills Instruction</p> <p>Teaching and Reinforcing Competing Behaviors and Use of Positive Consequence Strategies</p> <p>Adult Modeling of Pro-Social and Respectful Behavior</p> <p>Behavior Specific and General Praise</p> <p>Token, Tangible, Activity &amp; Social Reinforcers</p> <p>Providing Choices</p> <p>Differential Reinforcement</p>	<p><b>Used Numerous Times Per Day to Teach, Encourage and Support Positive Student Behaviors.</b></p> <p>Social skill instruction done on a planned and preventative basis and following each incident of a challenging behavior.</p> <p>Provide and reinforce functionally equivalent replacement behaviors and alternative behaviors that will eventually elicit reinforcement in natural environment.</p> <p>Teacher and adult interactions with student are respectful and firm. Teacher combines compassion with firm limits.</p> <p>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.</p> <p>Reinforcement of desired &amp; newly learned/taught social and problem solving skills.</p> <p>Allow student some choice and control over environment and tasks.</p> <p>Reinforcement of socially acceptable behaviors &amp; extinction of undesired/maladaptive behaviors.</p>
<p><b>Behavior Reduction Strategies</b></p> <p>Verbal Redirections – Girls and Boys Town Coupling, Reality &amp; Empathy Statements</p> <p>Presenting Consequences as Choices</p> <p>Response Cost</p> <p>Contingent Observation Time-Out</p> <p>Exclusionary Time-Out</p>	<p><b>Used Daily in Response to Challenging Student Behavior</b></p> <p>Providing student with feedback on desired and undesired behaviors. Informing student of positive and impending reductive consequences.</p> <p>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.</p> <p>Loss of point(s) or privilege for occurrence of challenging behavior.</p> <p>Reduction of undesired behaviors via extinction</p> <p>Reduction of undesired behaviors via extinction</p>
<p><b>Crisis Intervention Strategies</b></p> <p><b>Seclusionary Time-Out &amp; Nonviolent Physical Crisis Intervention (Regulated Interventions)</b></p> <p>Law Enforcement or Probation</p>	<p><b>Used Infrequently and in Response to Extensive Property Damage, Extreme Verbal or Physical Aggression</b></p> <p><b>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 regulated BIP. Use is discontinued when student has regained self-control or no longer presenting danger to self or others.</b></p> <p>Used when student has violated a law.</p>

## OVERVIEW OF THE LEVELS OF TIMEOUT

Least Restrictive

Used Most Often

<u>Level of TimeOut</u>	<u>Example of Behavior</u>	<u>Conditions For Use</u>
<p><b>Contingent Observation</b>— 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.</p>	<p>A grade 4 student is disrupting the class by poking a neighbor and talking during class, despite teacher's behavior specific redirections.</p>	<p>Use is unrestricted. Document frequency and duration. Ensure positive behavioral supports and interventions are being used in conjunction with this procedure.</p>
<p><b>Exclusionary Timeout</b> — 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.</p>	<p>The student continues to talk while in contingent observation timeout. The student yells, throws a pencil and disrupts the class activity.</p>	<p>Use is unrestricted. Document frequency and duration. Ensure positive behavioral supports and interventions are being used in conjunction with this procedure.</p>
<p><b>Seclusionary (Exclusionary locked) Timeout</b> — 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.</p>	<p>The student physically assaults other students, becomes physically aggressive or is in danger of hurting self and/or others.</p>	<p>Use as an Emergency Procedure or as defined in student's regulated behavior intervention plan (BIP). Ensure positive behavioral supports and interventions are being used in conjunction with this procedure.</p>



Most Restrictive

Used Infrequently

## SECLUSIONARY TIMEOUT PROCEDURES

While the following procedures were written to specifically address the use of seclusion time-out, the strategies and procedures outlined here, with the exception of the need to write a regulated behavior intervention plan should also be used with contingent observation and exclusionary time-out.

It is the responsibility of the school staff to be aware of and follow the procedures for the correct use of seclusionary time-out, the student's Behavior Intervention Plan, and follow best practice in the implementation of time-out.

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

**Social skill instruction and verbal strategies used to address student noncompliance and disruptive behavior based on materials from Girls and Boys Town are the foundation teaching strategies used to teach adaptive alternative behaviors prior to and following acting out behavior.**

### Placing a Student in Time-Out

To place a student in the time-out room with the lock engaged the conditions in either items 1 or 2 below **and** 3 through 7 must be met:

- 1) The intervention was developed in accordance with the Northern Lakes Special Education Cooperative Guidelines on the Use of Behavioral Interventions with Students with Disabilities and is specified in the student's Regulated Behavior Intervention Plan attached to the student's IEP, **OR**
- 2) The intervention is being used in response to an Emergency as defined in MN Rule 3525.0850 and in the Northern Lakes Special Education Cooperative Policy on the use of regulated interventions, **AND ALL OF THE FOLLOWING:**
- 3) Positive and less intrusive reductive interventions were attempted and determined to be ineffective in reducing, controlling or eliminating the challenging behavior.
- 4) A functional assessment of the student's challenging behavior has been conducted and functionally equivalent replacement behaviors have been identified and are being taught to the student.
- 5) A school psychologist or behavior analyst has been involved in the development of the plan.
- 6) A rich schedule of reinforcement is in place and the student is receiving frequent reinforcement for exhibiting positive social behaviors.
- 7) Seclusionary time-out is only one of several behavior change procedures being used to assist the student in learning alternative behaviors.
- 8) The majority of the behavior change procedures being implemented in the student's behavior change program are positive behavior interventions and supports.

## When a Student is in Seclusionary Time-Out

Students should not have access to objects while in time-out. Objects that could be used as a toy or weapon should be removed from the student prior to the student entering the time-out room.

- 1) A student in seclusionary time-out must be observed at all times.
- 2) The magnetic lock should only be engaged when necessary to prevent the student from leaving the time-out room while still in an agitated or aggressive state. Engage the magnetic lock only when student is exhibiting aggressive behavior or attempting to leave the designated area.
- 3) The student should remain in the time-out room until she/he demonstrates reasonably compliant behavior (is no longer engaging in aggressive or severely disruptive behaviors) or as specified in the student's regulated behavior intervention plan.
- 4) Following completion of a time-out the student should be engaged in a process to return the student to the routine activities and regular education environment. This may include social and problem solving instruction in addition to other strategies designed to teach the student alternative adaptive behavior(s).
- 5) While the duration of a time-out should be brief to be effective and for the implementation to be ethical, release from time-out should be based upon the student's reasonably compliant behavior.

As a general guideline once the student demonstrates reasonably compliant behavior (is no longer engaging in aggressive or severely disruptive behaviors) for approximately one minute the time-out door should be opened. The student may be required to remain in the room with the door open for an additional time (e.g., 1-2 minutes) to ensure that the student is calm and ready to be engaged in a social skill instruction.

**It is not acceptable or allowable to place or have the student remain in the time-out room with the door closed and the lock engaged for simple noncompliance or other mild behaviors.** A less intrusive form of time-out (contingent observation or exclusionary) would be adequate to address these behaviors.

Duration of time in the time-out room with the door closed should be only as long as necessary for the student to regain self-control (student is no longer aggressive).

Individuals implementing a time-out procedure need to be aware of the possibility of the student demonstrating an extinction burst. An explanation of an extinction burst follows later in this section.

## Documentation of Time-Out

Each seclusionary time-out must be documented on the time-out log or data sheet, which should be kept near the time-out room in a secure place. Include on the data sheet an Antecedent-Behavior-Consequence (A-B-C) description of the incident that lead to time-out and a description of the procedure used to return the student to the classroom environment. This information will be necessary to make data based decisions on the function(s) of the student's challenging behavior.

Data on time-out use (frequency, duration, behavior, etc) should be analyzed on a weekly basis to determine if the intervention is reducing the challenging behavior.

When an emergency intervention is used the case manager must complete the *Emergency Use of a Regulated Procedure for a Student on an IEP* form in SPED Forms or the TSES Manual and inform the parent of the use of the intervention as soon as possible.

### **Guidelines for Giving Any Level of Time-Out** (Contingent Observation, Exclusionary, Seclusionary)

- Behaviors resulting in time-out should be clearly explained prior to implementing the time-out program.
- Explanations provided during use of time-out should be brief, but should adequately inform the student of his/her misbehavior. Girls and Boys Town interventions for ongoing behavior (specific praise, coupling statements, empathy and reality statements) are excellent for this.
- Students may receive a warning prior to the implementation of time-out if the behavior is of low or moderate intensity. To maximize student responsibility and allow the student some control, whenever possible present this warning in terms of the student's choices (e.g., "If you choose to hit, you will be required to go to the time-out room.").
- Do not speak to the student during time-out or provide any other type of stimulus or social contact. This includes direct eye contact. Engaging in a discussion, speaking to or making direct eye contact with a student in timeout provides the student with reinforcement and renders timeout ineffective.

### **Following Time-Out**

1. After each challenging behavior, a functionally equivalent adaptive alternative behavior should be taught to the student. The Girls and Boys Town situational teaching interaction is ideal for this.
2. Engage the student in a role-play or practice of the alternative behavior.
3. Provide behavior-specific positive and corrective feedback.
4. Return student to the instructional environment and assist in the transition to learning activities.
5. Quickly begin to provide praise and other reinforcement for compliant and pro-social behaviors.

### **Evaluating Time-Out**

1. Carefully and systematically collect data on duration of time-outs. Data collection forms should be in a convenient location near the time-out room to ensure that data will be recorded in a timely manner.
2. At a minimum of once each week, graph the time-out frequency and duration data to allow for easy analysis.

The most effective method of evaluating time-out is to graph the frequency and duration of time-out and observe trends (increasing or decreasing) in frequency and duration of time-outs. Most graphing programs have the capability of applying a trend line to the data. A trend line will assist in determining time-out effectiveness. Data can easily and efficiently be graphed using either an Apple Works or Excel spreadsheet or by accessing Chart Dog at [www.interventioncentral.org](http://www.interventioncentral.org)

3. In consultation with the school psychologist or behavior analyst, analyze the data.

4. Determine if the program is effectively addressing the challenging behavior(s).  
Trends of increasing frequency or duration of time-outs may indicate the need for increased reinforcement during the time in environment or reconsideration of the use of time-out.
5. Communicate the student's current level and progress to the parent and discuss any anticipated changes to the program.

### **Understanding an Extinction Burst**

It is important for anyone implementing a time-out or other limit-setting program to understand that initially the duration and intensity of a challenging behavior(s) may increase upon implementation of the program. When reinforcement for a challenging behavior is withdrawn, the individual will often respond by increasing the intensity and duration of the challenging behavior. This increase is an attempt to gain access to the reinforcer by exhibiting the behavior at a greater intensity or duration. This phenomenon is known as extinction burst.

An extinction burst is both normal and a strong indication that the time-out or limit setting program is reducing or eliminating the reinforcement that is maintaining the challenging behavior. An extinction burst may result in initial time-outs being of greater length than are typically recommended. This should be expected and explained to the parent as a normal process.

An extinction burst on the initial applications of time-out has been observed to last as long as 60 or 70 minutes. Time-outs after this burst typically quickly drop to 10 to 20 minutes or less in duration.

Staff need to carefully collect and analyze time-out data to determine if extended time-outs are due to an extinction burst. Consistent extended time-outs are likely not due to an extinction burst but rather due to either an avoidance behavior or an indication that the "time in" environment is not sufficiently reinforcing. If this is observed in the data, contact your school psychologist or behavior analyst for immediate programming assistance.

These procedures for the use of time-out are adapted from an exceptional article on and discussion of the procedures for correct application of time-out from the Kentucky Department of Education authored by C. Michael Nelson titled: Effective Use of Timeout. 1997.

**LOCKED TIME OUT ROOM CHECKLIST**

Location \_\_\_\_\_

Inspector \_\_\_\_\_

Date \_\_\_\_\_

- |    |                                 |                                |   |
|----|---------------------------------|--------------------------------|---|
| 1. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | Fixtures are tamper proof, walls and floors are properly covered, and control switches are located outside of the room.   |
| 2. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | Observation window or other device to permit continuous monitoring.   |
| 3. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | At least 5' x 6' or substantially equivalent; large enough to allow students to stand, stretch arms, and to lie down.   |
| 4. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | Well lighted, well ventilated, adequately heated and clean.   |
| 5. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | Is located on a floor that provides direct grade level access.  |
| 6. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | Locking switch requiring continuous engagement by staff.  |
| 7. | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | Meets all applicable fire and safety codes.   |
|    | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | a. Quick response sprinkler   |
|    | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | b. Automatic smoke detection  |
|    | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | c. Constructed of non-combustible materials with a minimum of one-hour fire resistive construction. The interior finish of the wall and ceiling surfaces must not exceed a Class III (or Class C) flame spread rating.  |
|    | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | d. Doors have a fire protection rating of not less than 20 minutes and egress travel from the room.   |
|    | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> | e. Lock will release upon any of the following conditions: <ol style="list-style-type: none"> <li>1. Activation of automatic sprinkler system;</li> <li>2. Activation of automatic fire detection;</li> <li>3. Automatic fire alarm system;</li> <li>4. Loss of electrical power to the locking device or the fire alarm system; or</li> <li>5. Activation of the fire alarm trouble signal.</li> </ol> |

**BEHAVIOR INTERVENTION OVERSIGHT COMMITTEE (BIOC)****Behavior Intervention Oversight Committee**

Legislation passed during the 84<sup>th</sup> legislative session (2005-2006) amends statute 121A.67 Aversive and Deprivation Procedures and requires that school districts or cooperatives develop oversight committees to monitor the use of regulated behavioral interventions. Northern Lakes Special Education Cooperative has developed a Behavior Intervention Oversight Committee for each district in response to this legislative change.

Each Behavioral Intervention Oversight Committee (BIOC) will have the following members:

1. School Psychologist or Behavior Analyst assigned to district
2. Principal
3. Case Manager
4. Mainstream Teacher (optional)

The BIOC team will have the following responsibilities:

1. Ensure that the proposed regulated behavior intervention plan is in compliance with law. The following items are required and will be used as a checklist:
  - a. A functional assessment and assessment report for use with a regulated intervention have been completed for all initial BIPs,
  - b. Description of proposed regulated intervention and how use will be measured and monitored,
  - c. Conditions under which the regulated interventions will be used,
  - d. Antecedent and positive behavioral supports that will be used to reduce the frequency of the use of the regulated intervention,
  - e. Explanation of why the regulated intervention was selected by the IEP team,
  - f. The expected change in the target behaviors,
  - g. A description of the target behaviors,
  - h. Functionally equivalent alternative behaviors to be taught,
  - i. A description of how the behaviors and under what conditions the skills will be taught,
  - j. Strategies to reinforce and generalize the alternative behavior,
  - k. Reductive strategies that will be used in response to the challenging behavior,
  - l. A description of any risks or side effects that could occur as a result of the use of the regulated intervention,
  - m. A description of the effect on the student if the regulated procedure is not used,
  - n. Names of individuals who will implement the procedure,
  - o. Anticipated review date, and
  - p. Coordination with home or care facility.
2. The majority of the interventions in the proposed BIP are positive in nature,
3. Data collection and analysis procedures are specified,
4. All procedures and behavioral interventions are identified in sufficient detail to be useful and understandable to the parent and school staff,
5. The proposed BIP meets the identified needs of the student,

6. Behavior plans that are currently in place will be reviewed by the Member district BIOC to confirm that the above requirements are met.

Case managers will be responsible for:

1. Submitting the functional behavioral assessment, assessment report for use with a regulated intervention and the behavior intervention plan to the BIOC. When possible, provide a copy of these documents to a member of the BIOC two weeks prior to the team meeting in which the plan is initially to be discussed with the parents.
2. Holding a team meeting to discuss the proposed BIP upon review by the BIOC. Note: the IEP team determines the need for a regulated behavior intervention plan. Provided a school psychologist or behavior analyst was involved in the development of the BIP, an FBA and assessment report for use with a regulated intervention were completed, the BIP can be implemented when the parent gives informed consent.
3. Informing the behavior analyst or school psychologist assigned to the district when a regulated behavioral intervention is used in an emergency situation. It is important to make this contact as soon as possible due to the limited time frame in which a behavior plan needs to be developed.
4. Providing a behavior analyst or school psychologist with data regarding the use of the regulated intervention at least one week prior to the required 60-day IEP review of the regulated behavior intervention plan. A member of the BIOC team may attend the review meeting.
5. Resubmitting the behavior plan to the BIOC if modifications are made that entail the use of more restrictive procedures.
6. Data collection, daily monitoring and implementation of the plan.
7. Scheduling a meeting and conducting 60 day reviews of the use of the regulated intervention.

**BEHAVIOR INTERVENTION OVERSIGHT COMMITTEE (BIOC) REVIEW FORM**

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

**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:** \_\_\_\_\_

# CHAPTER 15B: FUNCTIONAL BEHAVIORAL ASSESSMENT

Revised 1/14/09

## T a b l e o f C o n t e n t s

	Date of Last Revision	Page
Chapter 15B: Functional Behavioral Assessment, Behavior Interventions and Other Behavior Considerations for Students With Disabilities		
<b>Chapter 15B: Functional Behavioral Assessment</b>		
<b>Functional Behavioral Assessment (FBA) Definition</b>	New 3/08	56
<b>Example: Functional Behavioral Assessment (FBA)</b>	New 3/08	57

**FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA) DEFINITION**

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 regulated 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 regulated intervention may be contraindicated for psychological or health reasons.

**EXAMPLE: FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA)**

Northern Lakes Special Education Co-op  
PO Box 171, 200 Cole Street  
Coleraine, MN 55722  
Telephone: 218-245-3110

## Example: Functional Behavior Assessment

Student Name: Michael Watson ID: 12345678901 Date: 11/25/07  
School: Backyard 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 regulated 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 regulated intervention and documentation that the team has considered whether any regulated intervention may be contraindicated for psychological or health reasons:**

The team discussed the proposed regulated intervention in relation to the severity of the challenging behavior that requires the use of regulated 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.