



# Technical Assistance: Behavior Supports and Guidance for Students with Disabilities

Updated October 2022

## Table of Contents

<b>Welcome Letter</b>	<b>4</b>
<b>Prevention of Challenging Behavior (Tiered Intervention Systems)</b>	<b>5</b>
Multi-tiered Models	5
Implementation of PBIS	9
School-wide Interventions	10
Specific Setting Interventions	11
Classroom Interventions	12
Individual Interventions	17
Managing Crisis Behaviors	17
<b>Functional Behavior Assessment (FBA)</b>	<b>19</b>
What is an FBA?	19
When to Conduct an FBA	19
Conducting an FBA	20
Next Steps After Conducting an FBA	25
<b>Behavior Intervention Plans (BIPs)</b>	<b>26</b>
What is a BIP?	26
When to Consider a BIP	26
Writing a BIP	26
Behavior Goals in the IEP	31
Ongoing Considerations	31
<b>Prohibited Aversive Techniques, Use of Restraint, and Time-Out</b>	<b>34</b>
Prohibited Aversive Techniques	34
Use of Restraint	35
Time-Out	37
<b>IDEA Requirements for Placement and School Discipline</b>	<b>38</b>
Impacting Students' Futures	38
Types of Disciplinary Removals	40
Overview of IDEA's Discipline Procedures	43
Authority of School Personnel	43
Change of Placement	44
<b>Manifestation Determination Review (MDR)</b>	<b>46</b>
Disciplinary Removals Due to Special Circumstances	48
<b>Appeal a Disciplinary Decision</b>	<b>48</b>
Resolving a Dispute Outside of the Due Process Hearing	49
Due Process Hearings	49
Authority of the Hearing Officer	51

<b>Protections for Students Not Yet Determined Eligible for Special Education</b> .....	51
Request for an Evaluation .....	52
<b>Important Discipline Reminders</b> .....	52
Disciplinary Removals.....	52
<b>Final Thoughts</b> .....	53
<b>Categorized Resource List</b> .....	54
Behavioral Strategies .....	54
Center on Positive Behavioral Interventions and Supports (PBIS) Resources.....	54
Data Sheets and Templates .....	55
Dispute Resolution Resources.....	55
Federal and State Rules, Regulations, and Guidance .....	55
IRIS Center Resources.....	55
Texas State Leadership for Autism Training (TSLAT) Resources .....	56
Tiered Interventions Using Evidence-Based Research (TIER) Resources.....	56
Other Resources .....	56
<b>Appendix</b> .....	58
Appendix A .....	59
Appendix B .....	60
Appendix C .....	62
Appendix D.....	63
Appendix E.....	64
Appendix F.....	65

The Texas Education Agency has developed this document to provide technical assistance to local education agencies and parents/guardians. The intention of this document is to provide helpful, general information. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to a specific legal situation. This document may not include a complete rendition of federal law.

## Welcome Letter


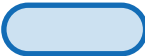
Dear Fellow Texas Educators,

Thank you for your service and dedication to all students in the Lone Star state! As a committed stakeholder in public education, you are charged with preparing all students for success in college, a career, or the military by providing students access to high-quality learning experiences, curriculum, and instruction.

The Texas Education Agency (TEA) Division of Special Education Programs is developing a series of [technical assistance guidance documents](#). These technical assistance guides are intended for use by Texas educators to support the implementation of services for students with or suspected of having disabilities.

There is so much useful information out there for school staff! Our goal with these guides is to gather and link information into one, easy-to-read resource. These guides help clarify TEA's recommendations for practice.

Included in each guide are requirements, links to resources, best practice tips, examples, and more. The following information will help you navigate the technical assistance guides:

- While you can read the documents from beginning to end, you do not have to use them that way. The table of contents links each section, so you can click to skip directly to that area.
- Links that are in lowercase, [like this](#), will take you to a related website, resource, or document that supports the information which you are reading.
- Links that use all capital letters, [LIKE THIS](#), will take you to a legal citation and definition.
- "Notes" point out important reminders or considerations. Notes use a pencil icon: 
- "Best Practice Tips" have a blue rectangle around them: 
- Various resources are linked within each section. All resources are provided in an alphabetized list at the end of the guide.
- There is also a resource page that provides links to TEA's Statewide Leadership Networks' websites, the TEA Special Education webpage, and other key state-level resources.

**For a glossary of special education terms, please see:** [The Legal Framework Glossary](#).

If you ever have a question, concern, comment, suggestion, or find a broken link within these documents, please email the TEA Special Education Division at [sped@tea.texas.gov](mailto:sped@tea.texas.gov).

Again, thank you for all you do, and we hope this document helps you in your journey of serving our students with disabilities and their families.

Sincerely,

The TEA Division of Special Education Programs, Technical Assistance Team

## Prevention of Challenging Behavior (Tiered Intervention Systems)

All students, whether in general education or special education, may demonstrate challenging behaviors. Educators are better equipped to address the needs of every student in their classroom when effective school-wide systems of support are in place for all students, not just for those in a particular subgroup. In a [DEAR COLLEAGUE](#) letter dated August 1, 2016, The United States Department of Education, Office of Special Education and Rehabilitative Services stated:

“As a matter of best practice, we strongly encourage schools to consider how the implementation of behavioral supports within the IEP could be facilitated through a school-wide, multi-tiered behavioral framework...”

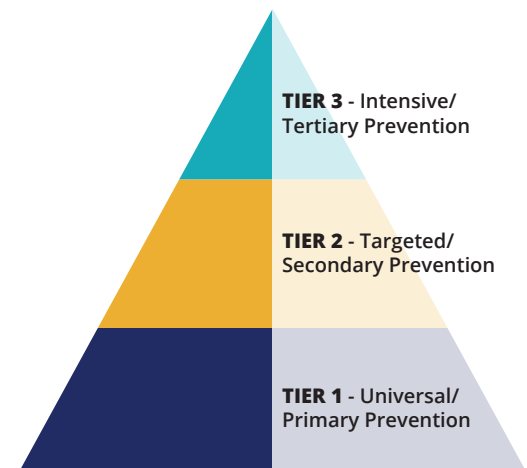
With this call to action in mind, the focus of this chapter is on creating school-wide systems that elevate behavioral and mental health outcomes for all populations.

### Multi-tiered Models

[Positive Behavioral Interventions and Supports \(PBIS\)](#) is an evidence-based, data-driven, systems approach to creating safer and more effective schools. It incorporates a broad range of research-based supports that include prevention strategies to very targeted and direct interventions. The goal of PBIS is to achieve important social and learning outcomes while preventing and reducing challenging behavior for all students. The most common framework for its implementation is a three-tiered model where a continuum of supports is provided across the tiers.

[School Mental Health \(SMH\)](#) systems provide a continuum of services and supports intended to:

- Promote a positive school climate
- Teach and support skills for social, emotional, and behavioral health
- Prevent mental health and substance use problems
- Intervene early to reduce the severity of mental health concerns; and
- Provide access to school-based and community-based interventions and supports to students and families.



Check out TEA’s SMH [Toolkit](#) for LEA resources.

Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make healthy choices. Mental health is important at every stage of life, from childhood and adolescence through adulthood. Mental health is equally as important as physical health. (Centers for Disease Control and Prevention, 2020)

Integrating PBIS and SMH within school systems creates the [Interconnected Systems Framework \(ISF\)](#). When PBIS and SMH are truly integrated, [“a broader continuum of prevention and intervention strategies across tiers can result in improved outcomes for more youth and families”](#)(Barrett et al, 2013). The goal of ISF is to improve outcomes for all students by blending resources, training, systems, data, and practices. The emphasis within ISF is on prevention, early identification, and intervention of the social, emotional, and behavior needs of students.



**Best Practice Tip:** PBIS and SMH (also called ISF when combined) work best when integrated into a fully functioning [multi-tiered system of supports](#) (MTSS) that includes supports for academics, behavior, and mental health. Tiered Interventions using Evidence-based Research (TIER) is a TEA technical assistance network focused on MTSS implementation and intervention best practices. For more information about this network, visit the [TIER website](#) to find a [certified trainer](#) in your region. This process of full integration of PBIS, academic interventions, and SMH can take 3-5 years to fully integrate as LEA staff review and solve barriers and create new pathways for support.

Because this guidance document is primarily focused on supports for behavior prevention and intervention, the next section focuses on PBIS; however, some concepts from SMH and integrated MTSS models are included as applicable.

“ Research shows that implementing evidence-based, multi-tiered behavioral frameworks can help improve overall school climate, school safety, and academic achievement for all children, including children with disabilities. In general, behavioral supports are most effectively organized within a multi-tiered behavioral framework that provides instruction and clear behavioral expectations for all children, targeted intervention for small groups not experiencing success, and individualized supports and services for those needing the most intensive support.

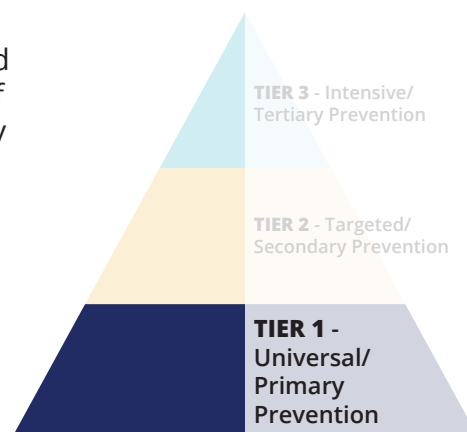
United States Department of Education, Office of Special Education and Rehabilitative Services, August 1, 2016, [DEAR COLLEAGUE](#) letter

## Tier 1 - Universal/Primary Prevention

Tier 1 of PBIS focuses on proactive prevention across all settings. At this tier, all students receive direct instruction in expected behavior and routines. Universal intervention and supports are designed for 100% of students, but these supports typically meet the needs of approximately 80% of a school's population.

For students, Tier 1 practices include the following:

- Teaching expected behaviors in their natural setting
- Providing [varying forms of recognition](#) (positive reinforcement) when students demonstrate school-wide expectations
- Addressing challenging behavior consistently while considering developmental and behavioral functions
- Providing refresher lessons and targeted recognition throughout the school year to reinforce skills
- Having students and families share their perspectives on school climate, instruction, rewards, and discipline to inform implementation
- Building school community
- Universal screening and school climate surveys



## Examples for Tier 1

- Behavioral expectations defined and taught
- Positive, proactive discipline policies and whole-school approaches (e.g., positive school climate, universal design for learning)
- Social and emotional skill lessons and character education programs

- Active supervision and monitoring (including hallways and other communal areas)
- Positive reinforcement systems (e.g., positive referrals, bus bucks, caught being good raffles)
- Firm, fair, and corrective discipline
- Common language used by all
- Consistent expectations and consequences
- Keeping students in the learning environment

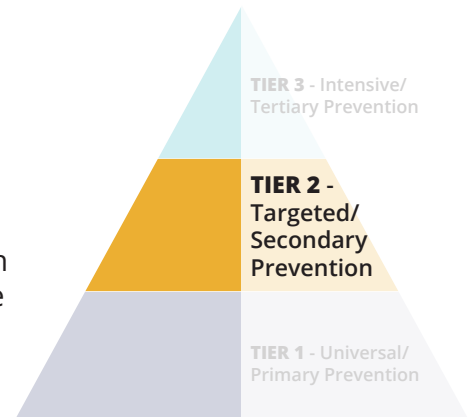
## Tier 2 - Targeted/Secondary Prevention

Tier 2 targets students who are not responding to universal interventions and supports and need more focused instruction and intervention. While there are variations in the percent of students in a specific school who may need targeted support, research suggests that when more than 20% of students require this level of support, it may signal a need to re-examine universal practices to ensure proper implementation.

Tier 2 interventions are often delivered to small groups of students with similar needs. Students receiving targeted intervention should continue to receive universal supports. Depending on their response, students may return to Tier 1, continue in the intervention, or move to Tier 3 supports.

Tier 2 practices commonly include the following:

- Provided for at-risk students
- Provides targeted or specialized group-based strategies
- Increased intensity of Tier 1 supports (e.g., customized or more frequent Tier 1 social and emotional skill lessons)



## Examples for Tier 2

- Direct social skills teaching
- Focus on self-control and anger management
- [Self-management programs](#)
- Mentoring programs
- Increased academic support
- Increased adult supervision and opportunity for positive reinforcement
- Therapeutic or didactic group work
- [Check-in/check out](#)
- [Check and connect](#)
- Mediation/conflict resolution
- Brief counseling
- Skills groups
- Role- play groups
- [Restorative practices](#)

## Tier 3 Intensive/Tertiary Prevention

Tier 3 is for students who do not respond to Tier 2 interventions or who demonstrate more significant needs that could, for example, create a danger to themselves or others. Typically, these students have serious concerns that affect daily functioning. While there are variations in the percent of students in a specific school who may need intensive support, research suggests that when more than 5% of students consistently require this level of support, it may signal a need to re-examine universal and targeted practices to ensure proper implementation.

Tier 3 interventions are more intensive in that they are more individualized for each student, can require multiple personnel, and usually require more time and resources to implement. Often, a Functional Behavior Assessment (FBA), which will be discussed in-depth in Chapter 3, is used to customize an individual behavior plan for this level of support.

Tier 3 practices include the following:

- Provided for high-risk students
- Provides more individualized, wrap-around services

### Examples for Tier 3

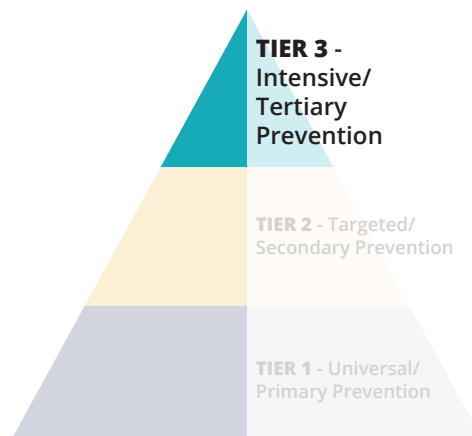
- Individual behavior support plans
- Parent or guardian training and collaboration
- Multi-agency collaboration ([wrap-around planning](#))
- Evidence-based Individual counseling
- Crisis intervention protocols

### Movement Between Tiers

Students' skills define the levels of support they need, and they will not necessarily move through the tiers linearly. Student progress may not be constant when receiving an intervention. Additionally, students' needs change, and therefore, school teams need to adapt the supports they provide accordingly. Tiered intervention is a fluid process that provides a continuum of supports.

Tiers 2 and 3 supplement Tier 1; intervention does not replace Tier 1 supports. When students struggle, they need more supports, not less. With tiered intervention, it is important to layer additional supports for students to stabilize them, so they can once again respond to universal supports.

A comprehensive, school-wide system supports all students so that they continue to receive their education in the least restrictive environment, which ideally means as much time in the general education setting as possible. Interventions in all three tiers could be provided by a variety of providers and/or collaborative partners. Remember, a student is not required to complete an intervention before a referral is made if the student is suspected of having a disability and needing special education services. A staff member, parent, or other person involved in the care or education of a student may refer them for a full and individual initial evaluation (FIE) at any time.





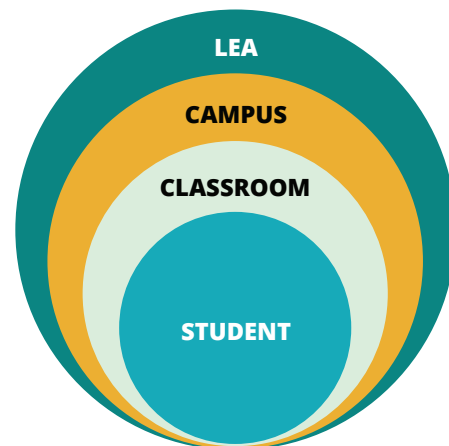
**Best Practice Tip:** Campuses must explicitly and routinely teach school-wide expectations, monitor teacher implementation and student use of the expectations, provide opportunities to practice social skills in real-life settings, and provide specific encouragement to students. (adapted from [10 Key Policies and Practices for Schoolwide and Classroom-Based Behavioral Supports With Strong Evidence of Effectiveness From High-Quality Research](#))

## Implementation of PBIS

This graphic represents PBIS implementation across all levels:

- LEA
- Campus
- Classroom
- Student

Implementation begins with the outer circle—LEA-level systems and supports—and progresses inward, always with the goal of supporting individual student success. Each level reduces barriers and provides supports to facilitate successful implementation at the next level.



### PBIS at the LEA Level

LEA leaders provide all staff with support for PBIS implementation via:

- Political support
- Visibility
- Policy alignment
- Funding
- Coaching
- Professional development
- Program and implementation evaluation
- Access to content expertise

### PBIS at the School Level

School leaders, supported by LEA leadership, provide teachers with the following:

- Access to curricula and professional development
- Evidence-based school-wide practices
- School-wide systems of support (e.g., teaming structures, scheduling practices, staff selection)
- Efficient systems of delivery to optimize time and effort (time for planning and problem solving)

### PBIS at the Classroom Level

Teachers, supported by school leadership, provide students with the following:

- A structured environment
- Clear expectations
- Engaging lessons (academic and behavioral)
- Feedback that is positive, specific, and timely



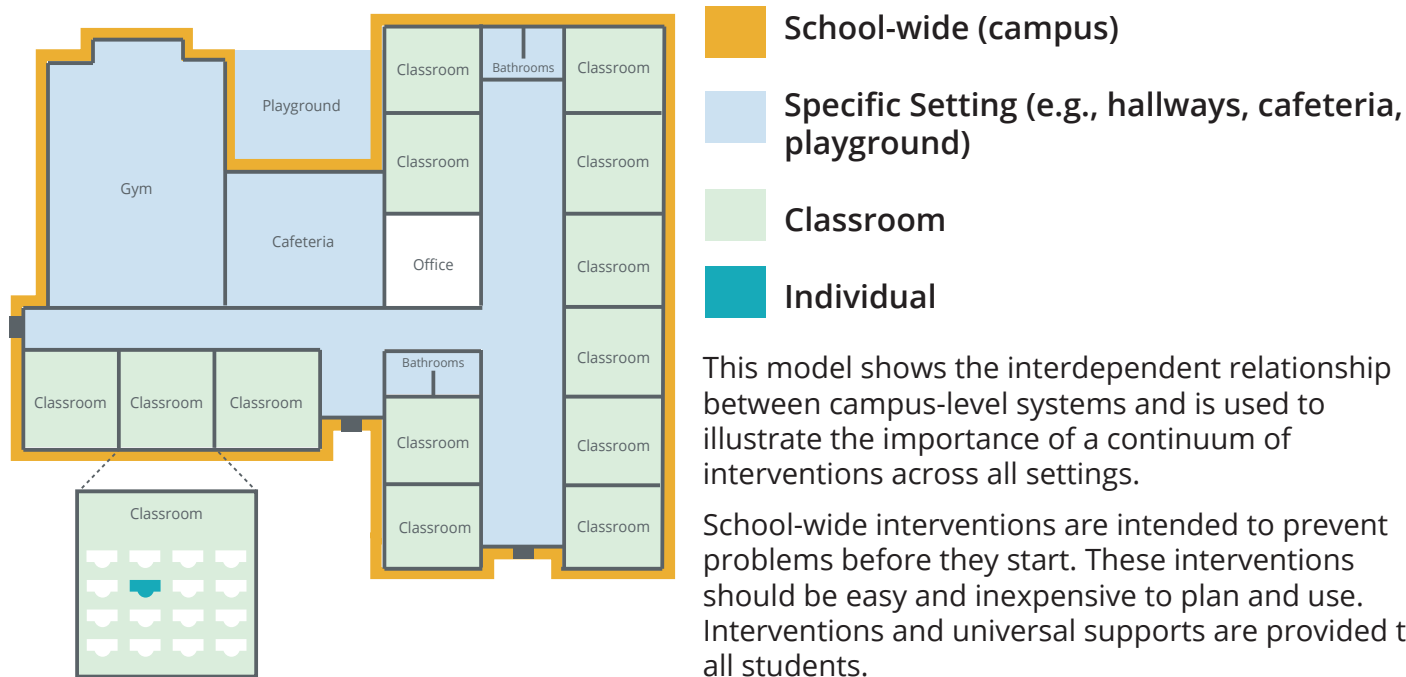
## PBIS at the Student Level

School leaders and teachers partner with families to help students do the following:

- Take ownership of their learning and behavior
- Set their own academic and behavioral goals
- Develop lifelong skills

## School-wide Interventions

This graphic represents the levels of implementation of PBIS across four major school systems:



A team of campus personnel should be formed to collect data on current conditions in the school, evaluate the data, and design interventions to improve safety and achievement for all students. Input from the entire staff, students, and families is critical to ensure an effective needs assessment and buy-in.

There are three key concepts involved in the start-up phase of PBIS implementation.

### 1. Data-Driven Decision Making

PBIS is data-driven, which means the team of campus personnel must collect data regularly for decision-making purposes for planning and instruction. Look for "red flags" such as too many absences, fluctuating achievement results, and circumstances surrounding each disciplinary referral. The following forms of data can be useful in helping campuses develop customized school-wide plans:

- Teacher, student, and family surveys of school needs regarding school climate, discipline, and management
- Structured observations of classrooms, hallways, cafeteria, bus areas, etc.
- Office discipline referrals
- Attendance records
- Academic achievement data

## 2. School-wide Expectations

All schools should have a brief list of school-wide rules or expectations that will serve as a common means of communication across all school settings. They are general, overarching terms that are different than rules in a student code of conduct. They define expected behaviors and routines for all areas of the school. School-wide rules, such as “Be respectful, be cooperative, and be safe,” set the tone for the building and are general enough to be appropriate across settings.

## 3. Procedure for Teaching Expectations

This critical concept involves teaching expected behaviors and targeted social skills. This is done across all settings with consideration of the instructional and curricular needs of students, staff, and the school. Students are then given multiple opportunities to practice and generalize expected behaviors and social skills across all school settings. Schools should institute practices that:

- Tell - inform the student what is expected
- Show - model what the skill looks like
- Practice - allow student to practice (role-plays and in-vivo)

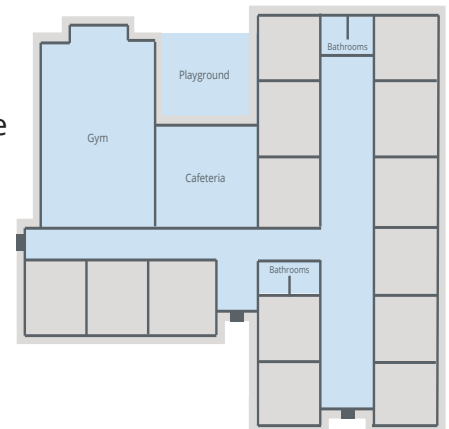
In a [technical assistance document](#) dated July 19, 2022, The United States Department of Education, Office of Special Education and Rehabilitative Services (OSERS) stated:

“To fully access and participate in the learning environment, all children should know the school- and program-wide behavioral expectations required to be successful, have opportunities to practice meeting those expectations, and receive support for and reinforcement of those behaviors by skilled adults trained in evidence-based practices.”

## Specific Setting Interventions

Specific (non-classroom) settings are part of the larger school-wide system that requires modifications in school-wide procedures to accommodate their unique features. Modifications need to focus on the specific area (e.g., hallway, cafeteria, playground). The following are some school-wide procedures to consider:

- Examples of Routines
  - On inclement weather days we...
  - We stay on the right side of the hall as we walk to the cafeteria for lunch and as we enter
  - For fire drills we...
  - Bus lines should look like...
- Examples of Setting-Specific Behaviors
  - While waiting for the bus in the gym, we keep our hands and feet to ourselves and sit cross-legged in our bus line.
  - In the hallways we stay to the right side with our hands and feet to ourselves.
  - In the cafeteria, the hot lunch line is on the left, and those who brought lunch head to tables on the right.
  - Campus has defined what “Be respectful,” for example, looks like in the cafeteria, the hallway, etc.



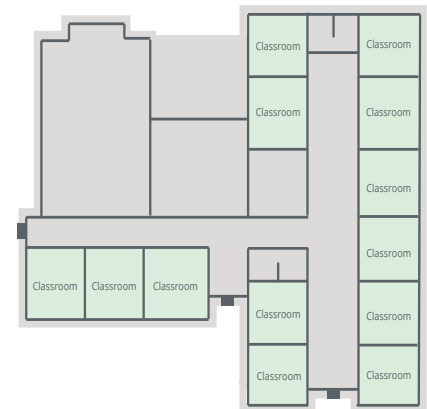
- Examples of Instructional Strategies
  - Asking students to define “Be respectful” and have everyone agree to the definition.
  - Be explicit and give examples of all expectations.
  - Have students demonstrate/role-play each expectation.
- Examples of Implementing and Monitoring
  - Explicitly teach the expectation, and then have students practice.
  - Observe students walking in the hallway and give feedback. (positive and correction).
  - Monitor library book finding and check out process while giving guidance and reinforcing routines.
  - Campus has shared expectations so any staff member can assist and reinforce as necessary.

It is critical to consider the larger number of students that these settings involve and to ensure that strategies focus on added supervision, the physical features of each setting, and routines for these settings.

## Classroom Interventions

Classroom management systems should reflect teacher preferences while providing an extension of the school-wide system into the classroom setting. This connection helps facilitate uniform communication with staff, students, and parents or guardians and ensures a comprehensive prevention and intervention plan is in place across all school settings.

- Extend the school-wide system to help ensure student success with a variety of instructional styles and classroom routines (e.g., Be Respectful is shown by... in this classroom).
- Ensure classroom routines overlap with school-wide positive behavior support systems.



## General Classroom Prevention Strategies

The ultimate goal of a classroom behavior management plan is that a student never exhibits a crisis behavior. Although students will struggle from time to time depending on their unique needs/situations, the following are eight prevention strategies that can be proactively implemented to reduce or eliminate potential behaviors. Please keep in mind that for any strategy to be successful, it should align with school-wide processes.

### 1. Designing Classroom Space

Many activities take place in classrooms. Teachers must systematically arrange the classroom to ensure these different activities can take place effectively. Teachers select areas in the classroom to maximize the operation of instructional activities while maintaining behavior management. Some common classroom areas include:

- Independent and group workspaces
- Space for free choice activities

# Behavior Supports and Guidance for Students with Disabilities

- Cool down area (similar to a quiet area but specifically designed for students with this need)
- Space for easily accessing materials and supplies
- Teacher's desk area
- Notice/information boards
- Space for media equipment in the room
- Flexible seating arrangements with adequate space
- Station workspaces
- Space for students to do independent work without others getting into their personal space
- A quiet area, such as a library space or other relaxing area, for anyone to use



## 2. Setting a Practical Schedule

Teachers should regard schedules as flexible time management tools designed to best serve the educational needs of students. The key is to carefully plan the schedule to keep students actively engaged and minimize down time (including transition time).



### For elementary level

Construct schedules after consulting with colleagues and specialists to ensure students are engaged in appropriate instructional activities.

### For secondary level

Pay attention to managing instruction within large blocks of time. Unscheduled/free time needs to have parameters and expectations.

## 3. Managing Instruction

If students are productively engaged in instruction, challenging behavior is less likely to occur. Conversely, if they are bored with their work or cannot do it, then challenging behaviors are more likely to arise. Research and practice show a strong correlation between academic underachievement and challenging behavior. Consequently, managing instruction is a major key to preventing behavioral issues. There are several critical steps for effectively managing instruction in the classroom:

- **Assess students' skill level (80% rule)**  
Assess students' skill levels so they are placed appropriately in the curriculum. A good rule of thumb is that students should be 80% successful with new work after the initial delivery of material and concept is taught. For example, a teacher introduces and teaches a concept and assigns 10 problems to students; students should be able to successfully complete 8 out of 10 of the problems. Consider implementing [Universal Design for Learning \(UDL\)](#) strategies and scaffolding to support students missing key skills or knowledge.
- **Utilize high quality instructional materials**  
Choose [materials and curriculum](#) that ensure full coverage of Texas Essential Knowledge and Skills (TEKS), align with research-based instructional strategies for the subject area, and support all learners.

- **Utilize research-based instructional strategies**

Utilize effective time-tested strategies for the delivery of instruction, such as:

- Teacher-directed explanations
- Demonstrations
- Discussion
- Question and answer activities
- Oral and written practice
- Flexible grouping
- Media presentations
- Independent and cooperative activities
- Direct and explicit instruction



- **Teach Study Skills**

Study skills help students gain information, respond to information, and organize the information presented during instruction. The following list of areas to address was adapted from [The University of Lynchburg](#) and, if reinforced during classroom instruction and throughout the school day, can assist students to be successful and potentially reduce behavior issues.

- Time management assists a student with organization, planning, and prioritizing.
- Note-taking skills will assist a student in a variety of ways, such as studying for an exam, re-reading to understand a concept or as a reminder, organization, etc.
- Teaching independent reading skills is a critical skill that everyone can use.
- Test preparation is another skill that should be explicitly taught.

“Repeated disciplinary exclusions from instruction keep students from learning many specific learning strategies, or study skills, necessary for success in school.”

- Geoff Colvin

- **Collaborate with education staff**

Collaborate with other professionals, including special education staff, grade-level colleagues, and other support staff, to implement IEP goals, interventions, accommodations or modifications, and supplemental services for students served through special education in all settings.

## 4. Teaching Expectations

Presenting classroom behaviors as skills that need to be learned and then teaching them directly can effectively establish behavioral expectations. Here are some tips:

- Explain reasons for expectations
- Specify required behaviors
- Practice behaviors
- Monitor performance
- Provide feedback



## 5. Establishing Classroom Routines

Classroom routines are regular activities that students complete with minimal assistance from a teacher. The goal is to have students manage their tasks and responsibilities independently. The teacher needs to identify the key routines to be established, and then systematically teach the routines directly, practice them, and review them repeatedly, especially in the beginning. Use the same instructional procedures for teaching routines as for teaching classroom expectations.

Some common routines include:

- Starting the day
- Entering classroom
- Accessing materials or supplies
- Turning in homework or completed assignments
- Obtaining assistance
- Taking quizzes
- Organizing assignments
- Moving around the room
- Talking with other students
- Transitions



## 6. Teaching Social Skills

Social skill development, specifically the ability to relate appropriately with peers and adults, is a crucial aspect of students' development. Social competence, such as developing and maintaining successful relationships, gaining acceptance, etc., is predictive of long-term success in school. Empathy teaching or having a student think about how I would feel if...happened is an excellent way to start teaching social skills. Some examples of social skills to teach are:

- How to work with a partner
- How to interact in small groups
- How to participate in a classroom setting
- How to self-advocate
- Use teachable moments to reinforce appropriate responses or create them and have students discuss how to react (e.g., someone's pet passed away/got lost, a student lost their lunch money/book fair money, a student fell off the jungle gym and got hurt)

## 7. Implementing Proactive Behavior Intervention Systems

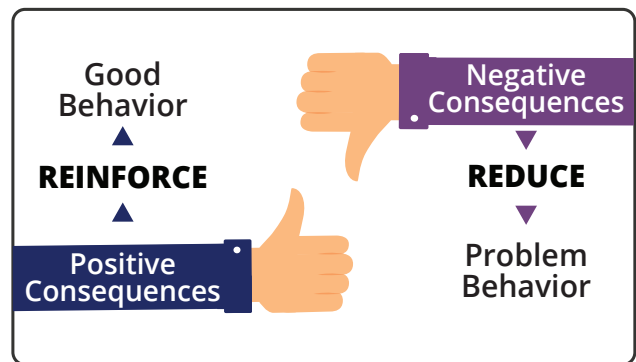
An effective behavior intervention system should provide clear and consistent reminders to the students that good behavior leads to positive (reinforcing) consequences while challenging behavior leads to negative (detering) consequences. In this way, positive consequences serve to reinforce expected behavior, and negative consequences serve to reduce or eliminate problem behavior. Here are some rules for using positive and negative consequences.

### **Positive (reinforcing) consequences for appropriate behavior:**

- Deliver reinforcement at a high rate, especially right after teaching a new skill or expectation, and for students who have challenging behavior.
- Deliver [reinforcement as immediately](#) as possible after the desired behavior.

# Behavior Supports and Guidance for Students with Disabilities

- Emphasize social reinforcement (e.g., smiles, high fives, praise) versus tangible reinforcers (e.g., toy, certificates, stickers) when possible.
- Always [pair verbal praise/social reinforcement](#) with tangible reinforcement when it is used.
- Include reinforcement that is immediate, delayed, and longer-term (e.g., earning points to cash in for reinforcement).
- Mix and vary reinforcers.
- Maintain consistent criteria for earning reinforcement.



## Examples of positive (reinforcing) consequences for appropriate behavior include:

- [Teacher praise](#) and demonstrations of teacher approval (e.g., high fives, certificates, positive calls home)
- Points earned by individual students, groups of students, or the whole class for certain rewards or privileges
- Contingent use of privileges (e.g., first complete work then get a break)
- Reinforcing activities (e.g., extra recess, time on computer)
- [Contracts](#) and token economies
- [Mystery](#) awards
- Public recognition school-wide and community-wide
- Find more examples [here](#)

## Negative (detering) consequences for unacceptable behavior:

- Deliver the consequences contingent upon the occurrence of problem behavior.
- The consequence should be mild.
- Negative consequences are applied in conjunction with positive consequences. Apply positive consequences at the earliest opportunity following a correction or reprimand.
- Maintain the student's respect and dignity when delivering negative consequences.

## Examples of negative (detering) consequences for unacceptable behavior include:

- Loss of teacher attention (i.e., [planned ignoring](#))
- Verbal reprimand
- Loss of privileges
- Brief removal or delay in accessing a preferred activity\*
- Restitution where the student is required to provide some service or help to make up for the problems he or she caused
- Response cost where a student loses points or minutes of free time
- Parent or guardian contact and conference



\* Removal or delay in accessing recess is not generally recommended and some LEAs have policies prohibiting this. Additional information can be found [here](#).

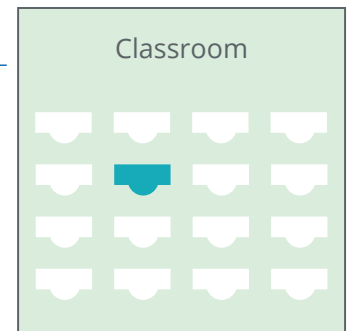
## Best Practice Tip:

- The ratio of positive (reinforcing) to negative (detracting) consequences should be at least three to one if not higher.
- Pay attention to whether a behavior increases or decreases in response to consequences. What one student finds reinforcing may not be reinforcing for another. Similarly, some actions that are deterring for one student may not be for another.

The overall purpose of a well-designed class-wide behavior intervention system is to establish, reinforce, and maintain expected behavior and to reduce problem behavior. In this way, a positive classroom environment can be established that is conducive to learning. It is important to remember that any classroom-based reinforcement strategy will need periodic adjustment. It is always a promising idea to rotate classroom-based reinforcement strategies throughout the year to keep students interested and excited. Of course, it is critical to know what your students desire (e.g., tangible, social, activity-based reinforcements). Remember that without relevant reinforcers and positive relationships, the program will not work.

## Individual Interventions

Even with the best prevention and classroom management strategies, some students may require individual behavioral interventions (see [Appendix B: Steps in Designing Individual Interventions](#)). Some of these students may receive special education services and require a behavior intervention plan (BIP) as part of his or her individualized education program (IEP). To have the best chance of working, individualized interventions should be data-based, taking into consideration the foundational concepts of behavior change.



- Behavior serves a function (meets a need for the student).
- Environment impacts behavior.
- Skill deficits impact challenging behavior.
- Team approach and consistency is critical.
- The student-teacher relationship matters.
- Behavior change takes time and consistency.



**NOTE:** For students with disabilities, school and classroom PBIS systems support the student's IEP, which includes the goals and interventions necessary for the student to access a free and appropriate public education (FAPE). School and classroom wide PBIS and annual goals in an IEP and/or a BIP (discussed on [page 27](#)) support one another.

## Managing Crisis Behaviors

When working with students with challenging behaviors, the situation in the classroom can often escalate quickly through an [acting out cycle](#) or behavior chain into a critical situation. To prevent this from happening or at least manage it in a way that reduces the likelihood of escalation, there are four critical phases of intervention that should be addressed in a comprehensive intervention plan for managing crisis behavior.

### Phase 1 – Prevention

Initially, the student may be productively or satisfactorily engaged in the class or school activity (i.e., calm). In this phase, strategies are designed to maintain student safety and prevent crisis behavior. However, certain events or triggers may unsettle the student, giving rise to the beginnings of challenging behavior.

## Phase 2 – Interruption

At this point, strategies are designed to [defuse the behavior pattern](#). In other words, catch the problems early and redirect the student to engage in the present class or school activity. These strategies are most effective when employed during the first signs of agitation.

## Phase 3 - Crisis Response

This phase involves what is typically referred to as crisis behavior. The behavior chain accelerates and runs its course as the student exhibits serious behavior. The intent of the strategies in this phase is to ensure safety, prevent anyone from getting hurt, and minimize level of disruption to the class or school activity.

## Phase 4 - Follow-up

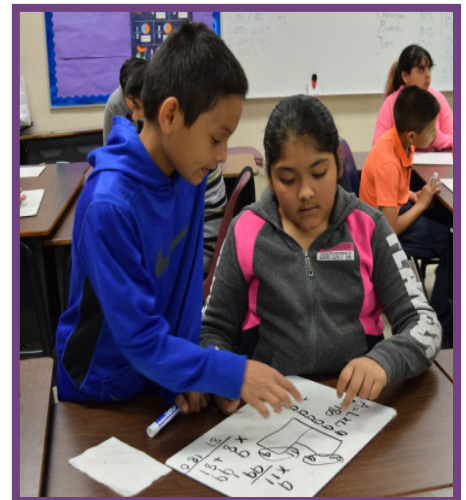
This phase refers to the period of time following an incident or the prevention of an incident. In this phase, the emphasis is on follow up where staff and families debrief the situation and develop or modify plans accordingly. Parents or guardians are an important part of the follow-up and debriefing phase. They should be notified about the incident and included in the development of appropriate plans to support the student.



**NOTE:** Some crisis situations, or other harmful, threatening, or violent behaviors may trigger involvement from the [THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL PROGRAM TEAM](#). Special education personnel should be part of the threat assessment team. Behavioral threat assessment provides a proactive, evidence-based approach for identifying individuals who may pose a threat and for providing appropriate interventions. [The Texas School Safety Center \(TxSSC\)](#) provides [model policies and procedures](#), [behavioral threat assessment training](#), and an [online toolkit](#).

## Additional Resources:

- [How to Get PBIS in Your School](#)
- [PBIS Tiered Fidelity Inventory \(TFI\)](#)
- [Restorative Discipline Practices in Texas](#)
- [Fact Sheet - Interconnected Systems Framework 101: An Introduction](#)
- [Fact Sheet - ISF 201: When school Mental Health is Integrated within MTSS: What's Different](#)
- [Fact Sheet - ISF 301: Installing an Integrated Approach](#)
- [App for providing prompts and reminders to track positive reinforcement](#)
- [Reducing Behavior Problems in the Elementary School Classroom](#)
- [Preventing Dropout in Secondary Schools](#)
- [Texas School Mental Health Toolkit](#)
- [Intervention Central Behavior Interventions](#)
- [TEA's list of PBIS support trainings, frameworks, interventions, registries, and supplemental programs](#)
- [Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders \(US Department of Education\)](#)
- [Texas Complex Access Network \(TX CAN\) Universal Design for Learning \(UDL\) course](#)



## Functional Behavior Assessment (FBA)

### What is an FBA?

Even when strong prevention systems are in place for all students, some will require more specialized intervention planning. In some situations, it is helpful or even required to conduct an FBA, which is an evaluation that assists in determining the reason for, or “function,” of a student’s behavior. An FBA can help an admission, review, and dismissal (ARD) committee identify the educational needs of a student with a disability and develop positive behavior supports and effective programming to meet those needs. In other words, the FBA drives the development of a strong BIP. FBAs typically consist of indirect data collection methods, such as rating scales, record reviews, and interviews, as well as data collected through direct observation of the student’s behavior.



An FBA can help the ARD committee answer questions related to behaviors that interfere with learning, including:

- What variables in the environment make the behavior more or less likely to occur?
- Why does the student engage in the interfering behavior?
- What reinforces the interfering behavior?
- What replacement behaviors can be taught to the student?
- What positive interventions can help decrease the interfering behavior and increase the desired behavior?

### When to Conduct an FBA

#### When is an FBA required?

Federal law under the Individuals with Disabilities Education Act (IDEA) requires an FBA in the following instances:

- When, at a [MANIFESTATION DETERMINATION](#) review (MDR), it is determined that a student’s behavior is a manifestation of the student’s disability (unless the LEA had conducted an FBA before the behavior that resulted in the change of placement occurred).
- When, at an MDR, it is determined that a student’s conduct is not a manifestation of the disability, but the ARD committee determines that an FBA is necessary.
- When a student is placed in an interim alternative educational setting (IAES) for not more than 45 school days for behavior involving a dangerous weapon, illegal drugs, or infliction of serious bodily injury (unless the LEA had conducted an FBA before the behavior that resulted in the change of placement occurred).

However, [STATE LAW](#) also requires that whenever a disciplinary action results in a [CHANGE OF PLACEMENT](#) the LEA must no later than the 10<sup>th</sup> school day after the change of placement:

- Seek parental consent to conduct an FBA of the student if an FBA has never been conducted on the student or the student’s most recent FBA is more than one year old; and
- Review any previously conducted FBA of the student and any BIP developed for the student based on that assessment; and as necessary
- Develop a BIP for the student if the student does not have a plan; or
- If the student has a BIP, revise the student’s plan.





**NOTE:** If the parent or guardian refuses to grant consent for an FBA that focuses on the educational and behavioral needs of the student in response to these disciplinary situations, the LEA may request a due process hearing to determine whether the FBA may be conducted without parent or guardian consent.

## What are other situations where an FBA may be appropriate?

### When an FBA should be considered:

When a student's behavior impedes their learning or the learning of others.

When a student's behavior presents a danger to themselves or others.

When a student's suspension or placement in an IAES approaches 10 cumulative days.

When considering the use of Positive Behavior Support Strategies as part of the [Autism Supplement](#). Commissioner rules [REQUIRE](#) the consideration of a BIP developed from an FBA that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings.

When interfering behavior is preventing progress on IEP goals.

When new behavioral challenges are keeping a student from making progress.

When a previously evaluated behavior is thought to now serve a different function than was previously identified.

When a restraint occurs, especially if staff must restrain a student on more than one occasion.

## Conducting an FBA

### Step 1. Obtain Consent

If an FBA is used to evaluate an individual student to assist in [DETERMINING](#) whether the student is a student with a disability and the nature and extent of special education and related services that the student needs; it is considered an [EVALUATION](#). It is also considered an evaluation under IDEA for a student who has already been determined to be a student with a disability if it focuses on the educational and behavioral needs of the student. Parent or guardian [CONSENT](#) is required for an FBA conducted as an individual evaluation or reevaluation. Likewise, Texas state law requires that the LEA seek parental consent to conduct an FBA within 10 school days after a change in placement if one has never been conducted on the student or the current one is older than a year.

The consent requirement for an FBA as an evaluation under IDEA does not apply if an LEA is investigating the behaviors of a student who is not receiving special education services or will not be completed as part of an evaluation for a suspected disability or to inform an ARD committee.



**NOTE:** The U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS) stated in its [2009 Q&A document](#) that consent is required for conducting an FBA (question E-4) and that a parent or guardian who disagrees with the student's FBA would have the right to an independent educational evaluation (IEE) at public expense (question E-5). More recently in the [July 2022 Stakeholders' Guide](#), OSERS noted that as a result of a U.S. Court of Appeals for the Second Circuit case that disagreed with OSERS' interpretation, they intend "to review its previously stated positions on this matter."



## Best Practice Tip:

- Even when not required, it is highly recommended to seek consent and fully explain to parents or guardians the reason(s) and process for the FBA. Family members are an important source of information about behaviors outside of school.
- Pending completion of the FBA consider what positive behavior supports and interventions can be put into place immediately to assist the student.

## Step 2. Identify the Evaluation Team

The IDEA does not specify any members of a particular profession, or of the ARD committee, who might be qualified to conduct FBAs. IDEA 2004 provisions call for schools to have “properly trained professionals” available to conduct FBAs and develop appropriate BIPs. Although IDEA does not specify what is meant by “properly trained professionals,” some recommendations include school staff with knowledge and training related to the following areas:

- Variables that impact challenging behavior
- Functions of behavior
- Assessment strategies that guide the development of effective interventions
- Collecting and analyzing data on behavior
- Behavioral observation and interviewing
- Curriculum and instruction at appropriate developmental levels
- Development and implementation of effective interventions based on functions of behavior



School personnel who may be able to fill these roles at varying levels of expertise are licensed specialists in school psychology (LSSPs), behavior specialists, Board Certified Behavior Analysts (BCBAs), school counselors, school social workers, special education teachers, and other persons with specific training in behavioral assessment, behavioral analysis, and intervention. A team approach is often most effective.

## Best Practice Tip:

When conducting an FBA:

- Have an evaluation team consisting of varied roles (e.g., specialists, teachers).
- Train the evaluation team on data collection methods prior to conducting an FBA.
- Incorporate multiple sources of both indirect and direct data.
- Ensure data collection techniques are appropriate and align with best practice in measuring, observing, and tracking the identified target behaviors (e.g., frequency counts for high-rate behavior, durational counts for behavior that is ongoing for periods of time).

## Step 3. Identify Target Behaviors

As part of the FBA, the ARD committee and the evaluation team should identify the interfering behaviors that will be assessed and should decide upon clear, objective, and measurable target behavior definitions.

For example, the ARD committee may identify “physical aggression” as a target behavior for evaluation in the FBA. The evaluation team should then decide upon a clearly stated definition for this type of behavior, such as “striking others with an open hand or closed fist and/or kicking others.” This is sometimes referred to as an “operational definition” of a target behavior. This will ensure the collection of accurate data and the design of individual programming to meet the student’s needs.



## Example Target Behaviors and Operational Definitions

Target Behavior	Operational Definition
John is off task during class.	John puts his head down on his desk or walks around the classroom during instructional time.
Beverly is disrespectful to staff.	Beverly raises her voice, curses, and tells staff members to “shut up.”
Cara is disruptive in class.	Cara speaks out of turn during instructional time and laughs loudly when redirected to the instruction.

## Step 4. Collect Data

*Indirect sources* of data are those that do not require the direct observation of the behavior. Some examples of indirect data for an FBA include:

- Interviews
- Behavior rating scales
- Surveys
- Review of records (e.g., historical information, teacher collected data, office discipline referrals, grades, attendance)

Indirect data should be provided by those familiar with the student about the behaviors of concern, including but not limited to:

- Parent or guardian, other caregivers
- General education teachers (including electives or specials)
- Special education teachers and related services personnel
- Paraprofessionals
- School counselors and social workers
- Campus administrators
- The student
- Behavior specialists or interventionists



The purpose of collecting indirect sources of data is to:

- Identify the behaviors that interfere with student learning and progress
- Describe the behaviors of concern clearly
- Identify variables in the environment that occur before and after the behavior of concern
- Identify how different individuals may respond to the behavior of concern
- Identify settings or situations where the behaviors are more or less likely to occur
- Identify what interventions, if any, have been implemented and the results
- Start to identify patterns

# Behavior Supports and Guidance for Students with Disabilities

Direct sources of data for an FBA involve direct observation of the behaviors interfering with learning. Examples of direct data for an FBA include:

- [Antecedent-Behavior-Consequence \(A-B-C\) data](#)
- [Frequency](#) or event data
- [Duration data and Latency data](#)
- Interval and [scatter plot](#) data

A-B-C data collection serves to identify the antecedents (A) that set the stage for or trigger problem behavior (B) to occur and the consequences (C) that appear to maintain that behavior. This is also referred to as the [three-term contingency](#). Typically, this data is collected over multiple sessions and is used to identify patterns and functions of behavior (see [Appendix A: ABC Questions](#)). Other forms of direct data collection (e.g., frequency, duration) serve to establish baselines from which the team can establish goals and monitor progress.

## Examples of A-B-C Data Collection

Date/Time	Setting	Antecedent	Behavior	Consequence	Effect
When did the interfering behavior occur?	Where did the interfering behavior occur?	What happened immediately before the interfering behavior?	Objectively describe the interfering behavior.	What happened immediately after the interfering behavior?	What effect did the consequence have on the behavior?
3-10-21 9:09 a.m.	Specials (Music) classroom	The teacher asked John to play on the keyboard.	John shook his head repeatedly then placed his head on the floor.	The teacher stated, "That's okay, John," and called on another student.	John kept his head down for ~30 more seconds then returned to sitting upright.

## Step 5. Analyze Data and Write Function Statements

Once data is collected for the FBA, the evaluation team should analyze the data for patterns to determine the function of the interfering behavior(s). Based on the data, a function statement can be written for each target behavior. A function statement should include the antecedent, behavior, reinforcing consequence, and hypothesized function of the interfering behavior.

### Example of Function Statement

Antecedent	Behavior	Reinforcing Consequence	Hypothesized Function
When presented with a request to participate in a non-preferred activity, such as music,	the student will repeatedly shake his head and/or put his head down on the desk,	and receive a break from the activity or alternate assignment from the teacher.	Therefore, the function of the behavior is thought to be escape from non-preferred activities, such as music.



**NOTE:** Although various environmental consequences may occur immediately after a behavior is displayed (e.g., different peer reactions, different staff responses, materials falling to the floor), not all consequences that occur may play a role in maintaining the interfering behavior. Appropriately detailed data collection procedures and data analysis (including careful review of antecedents) helps to determine which consequence(s) are maintaining the interfering behavior over time.

## Step 6. Recommend Intervention(s)

The FBA should provide recommendations for interventions based on the identified function(s) of interfering behavior. As part of the FBA, recommendations for the following areas should be outlined:

- Antecedent/prevention strategies
- Replacement behaviors
- Teaching and reinforcement strategies
- Consequent strategies

Example: A student who has escape behaviors for the nonpreferred activity of music.

Antecedent	Prevention	Replacement Behaviors	Teaching/ Reinforcement	Consequent Strategies
Presented with a request to participate in a non-preferred activity, such as music	Review music activity and expectations before class, Adjust demand difficulty, Offer choices, Incorporate student interests and strengths in an activity	Verbally requesting a break* or an alternative assignment	Model appropriate requesting, Role-play requesting	Staff provide the student with a short break or alternative task

\*Ensure that the student has the skill to reliably make verbal requests and does not need to use another form of communication. [See here](#) for examples of visual break cards.

## Review of Key Components of an FBA

Key Component	Example
Clearly identified target behavior(s)	Cursing, yelling, throwing materials
Gather and analyze multiple sources of data	Parent or guardian and multiple staff members complete surveys and interviews. Members of the FBA team collect A-B-C and scatter plot data through direct student observation.
Direct observation and data collection	The evaluation team completes multiple observations across multiple school settings until functional relationships become clear.
Documented events, times, and environmental situations when behavior does and does not occur	Data shows the behavior is most likely to happen during math or writing independent work. Data shows the behavior has never occurred during recess or lunch.
Reinforcement obtained that maintains problem behavior(s)	Teachers remove materials. Teachers sometimes send student to the principal.
Function statement	When presented with tasks such as math or writing, the student engages in the behavior of cursing, yelling, and throwing materials to escape from the academic task.

## Next Steps After Conducting an FBA

### Review FBA

After an FBA has been completed, the ARD committee must meet to review the results. The behaviors of concern, their corresponding functions, and individualized programming (including positive behavior supports) should be reviewed by the ARD committee. The ARD committee should then determine what programming changes, if any, are needed to provide FAPE to the student. This likely includes developing a BIP for the student.



When reviewing the FBA, the ARD committee should keep in mind the following considerations:

- Some behaviors can serve multiple functions.
- Functions of behavior can shift over time, requiring ongoing monitoring and data collection of behavior.
- Consider deficits in academics, self-regulation, and social skills that may be contributing to the behavior.
- Consider medical factors that may be contributing to the behavior, especially for students with limited communication (e.g., history of ear infections, sleep deprivation related to recent changes in the home).
- Consider what replacement behaviors can be taught to the student to accomplish a similar outcome more appropriately.
- Consider antecedent interventions and environmental changes that can be made to decrease the likelihood of the student needing to engage in the challenging behavior.

### Identify Replacement Behaviors

[Replacement behaviors](#) should serve the same function, or be functionally equivalent to, the interfering behaviors they are replacing. For example, if the FBA process determined the student engages in physically aggressive behavior to escape from a non-preferred academic task, then any replacement behavior selected must meet that same need (escaping the task). Next, a BIP will be developed based on the function of the challenging behavior and the new replacement behavior.



### Example of Function Statement and Functionally Equivalent Replacement Behavior

FBA Function Statement	Replacement Behavior
When presented with tasks such as math or writing, the student engages in the behavior of <i>cursing, yelling, and throwing materials to escape from the academic task.</i>	Verbally requesting a break or an alternative assignment

### Additional Resources:

- [Texas Statewide Leadership for Autism Training \(TSLAT\): FBA and BIP Issues and Strategies](#)
- [TSLAT: Functional Behavior Assessment](#)
- [TSLAT: Behavior is Communication Course](#)
- [IRIS Center - Functional Behavior Assessment: Identifying the Reasons for Problem Behavior and Developing a Behavior Plan](#)
- [Question and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions Section G \(OSERS, 2022\)](#)

## Behavior Intervention Plans (BIPs)

### What is a BIP?

Once an FBA is completed, the ARD committee can use this evaluation to, if necessary, develop a plan that meets the individualized behavioral needs of the student. A BIP is developed by the ARD committee and used to teach or reinforce positive behaviors. The BIP typically includes:

- teaching strategies designed to increase appropriate replacement behaviors that serve the same function as the interfering behavior for the student
- changes that will be made in classrooms or other environments to reduce or eliminate problem behaviors (antecedent/prevention strategies)
- supports for the student that promote the appropriate behaviors (e.g., reinforcement).
- Consequent strategies (what to do when challenging behavior occurs, what to do when replacement behavior occurs)

### When to Consider a BIP

A BIP is [REQUIRED](#) when a student has been removed from his current educational placement for a behavioral or disciplinary offense determined to be a manifestation of the student's disability (if a BIP has not already been developed).

Additional situations may occur where the ARD committee should consider developing a BIP. Certainly, any of the situations noted on page 20 that may trigger the need for an FBA may also lead to the development of a BIP. In general, whenever a student's behavior impedes his learning or the learning of others, IDEA requires that the ARD committee consider the use of PBIS. These supports may include a BIP.



**NOTE:** The [AUTISM SUPPLEMENT](#) requires ARD committees to [consider specific strategies](#) that may be necessary to support students with autism. Positive behavior strategies, including an FBA and BIP, is one of the required considerations for all students with autism. For some students with autism, a BIP will be a necessary component of providing FAPE.

### Writing a BIP

A BIP includes multiple components to ensure it is appropriately designed to reduce interfering behaviors and teach and promote replacement behaviors aligned with the functions identified in the FBA. A comprehensive BIP includes the following components: descriptions of the interfering behavior(s), function(s) of the interfering behavior(s), appropriate replacement behaviors, antecedent/prevention strategies, instructional strategies, and consequences (i.e., responses to interfering behaviors, reinforcement for replacement behaviors).

#### Descriptions of Behavior

Interfering behaviors targeted in the BIP should have clear and objective descriptions. The detailed descriptions of behaviors used to record data, sometimes referred to as operational definitions, often come from the FBA.





## Functions of Behavior

A BIP needs to clearly outline the function(s) of the behaviors that impede learning. This ensures that the ARD committee can design a plan best aligned to the individual behavioral needs of the student. These functions typically come from the FBA.

Functions of behavior may differ slightly in their descriptions across professional disciplines and research literature (e.g., Automatic vs Sensory reinforcement). Regardless, all functions should be identified in the BIP in such a way that the ARD committee can determine appropriate replacement behaviors that meet the same functions as the interfering behaviors. Functions of behavior can typically be categorized into social and non-social functions, and further divided into functions that serve to either obtain or remove something.

## Examples of Behavioral Functions

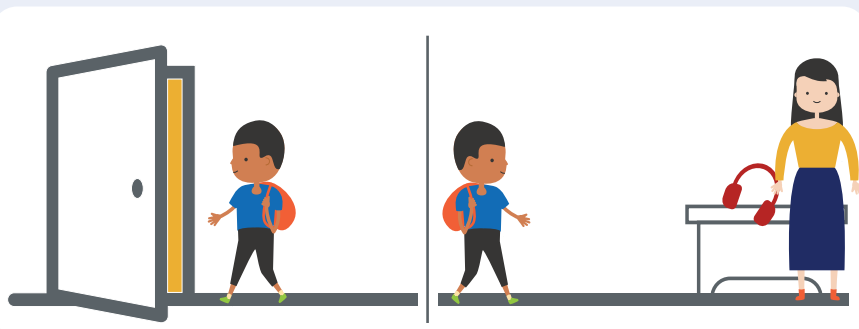
Obtain		Remove (Escape)	
Sensory	Example: Picking skin on the finger, resulting in bleeding, as a desirable sensory input.	Sensory	Example: Running out of the gymnasium to escape an intolerable level of sound.
Activities/Items	Example: Leaving a seat without permission to access a preferred toy.	Activities/Items	Example: Ripping and throwing materials when presented with a writing assignment to avoid the task.
Attention	Example: Repeatedly calling out in class to obtain verbal and non-verbal reactions from peers.	Attention	Example: Putting head down on the desk and shaking head side to side when a peer says hello to escape the social interaction.

## Replacement Behaviors

As previously mentioned, the BIP must include a plan to teach and/or reinforce [replacement behaviors](#) that serve the same function(s) as the interfering behaviors. This is sometimes referred to as functional equivalency. For example, if an FBA determines that a student engages in behavior such as tearing materials to avoid a non-preferred task, a replacement behavior should also serve to avoid that non-preferred task.

**Best Practice Tip:** Replacement behaviors should not be beyond the student's current skill level (e.g., a vocal verbal request as a replacement behavior for a student in the beginning stages of learning a picture communication system). Also, replacement behaviors should require less effort for the student to engage in than the interfering behavior.

For example, if a student can escape a loud environment by walking quickly out the door, then a replacement behavior of walking to a staff member to request noise-canceling headphones in the loud environment would require more effort for the student to meet their needs. This could lead to a replacement behavior that is rarely or never displayed by the student.



## Examples of Alignment of Replacement Behaviors to Interfering Behavior Function

Interfering Behavior	Example Function*	Function Based Replacement Behavior
Crying and yelling	Escape from non-preferred math work	Request (through gestures or verbally) an alternate assignment
Throwing items in the classroom	Obtain attention from staff and peers	Use a conversation starter to gain the attention of staff and peers; Wait until designated social times to access attention
Elopement (running away)	Escape from sensory input (e.g., loud environment)	Independently put on noise-canceling headphones

\*The function listed is an example, the same exact behavior (e.g., elopement, crying, throwing items) may serve a different function for a different student. The replacement behavior selected should always be based on the function(s) identified in the FBA.

Over time and based on student success, the replacement behaviors can be altered to more closely approximate the behavior that is ultimately desired in order to maximize success and progress in the learning environment. For example, an initial replacement behavior may allow a student to request a break each time a non-preferred task is presented. Over time the replacement behavior that is reinforced may shift to requesting a break after first engaging in the non-preferred task for a set amount of time (which can also increase incrementally as the student is successful). This type of process is often referred to as [shaping](#).

### Antecedent/Prevention Strategies

The BIP should include strategies designed to prevent interfering behaviors from occurring. These strategies may include both environmental changes and staff implemented strategies. Antecedent strategies should be functionally aligned to the interfering behaviors, such as embedding scheduled breaks for students likely to engage in behavior to avoid prolonged academic tasks. Antecedent strategies serve to decrease the student's need or motivation to engage in the behavior.



## Examples of Antecedent/Prevention Strategies by Function

<b>Remove/Avoid Activity</b>	Embed choice into tasks	Set up a system to request help	<u>Priming</u> (i.e. previewing materials, activities, and expectations ahead of time)	Address task difficulty (modify amount or type of activity)
<b>Obtain Attention</b>	Increase opportunities for positive recognition throughout the day	Increase opportunities to respond	Increase opportunities for peer interaction	Schedule more frequent adult interactions (i.e. noncontingent attention)
<b>Obtain Activity/Items</b>	Visual schedules that show when desired activity will occur	Clear routines and warnings to transition	Clarify expected behavior and provide specific pre-corrects	Provide an opportunity to engage in a preferred activity first
<b>Obtain/Remove Sensory</b>	Preferred seating away from loud areas (e.g., air conditioner, classroom intercom)	Access to noise-canceling headphones	Schedule movement breaks throughout the day	Access to fidget items designed to provide desired sensory input

## Instructional Strategies

The BIP should include a section that describes the instructional strategies staff will use to teach the appropriate replacement behaviors to the student. This section can ensure continuity of behavior strategies across staff members and school settings, which will improve the acquisition, generalization, and maintenance of replacement behaviors. A student should be systematically and explicitly taught behaviors/skills that will meet the same function as his/her interfering behavior. This will make the problem behavior less efficient and effective and the acceptable behavior easier to perform and more likely to be reinforced.

Special consideration should be provided to skill deficits related to a student's disability areas. Students may have skill deficits related to areas such as academics, social skills, communication, and organization that impact their ability to acquire, generalize, and maintain taught replacement behaviors. For example, a student with executive functioning deficits that make organizational strategies challenging would not benefit from simply being provided with a school planner. The student would require explicit teaching on how to use the planner, with frequent checks for understanding. Similarly, if the academic tasks a student with work avoidance behaviors is asked to engage in are above the student's instructional level, the behavior is unlikely to improve without instructional strategies aimed at increasing the student's academic skills (while also implementing antecedent strategies to make the work task more appropriate).



Teaching a replacement behavior should include:

- Reviewing the student's strengths and preferences
- Reviewing the student's needs as they relate to skill deficits
- Consideration of both skill and performance deficits (Sometimes students need practice to implement a skill in the moment with fluency)
- Practicing the behavior when the student is calm, relaxed, and at times when problems do not typically occur
- Instructing the student when the replacement behavior should be used
- Modeling the replacement behavior for the student to see
- Providing opportunities for the student to role-play and practice using the new behavior
- Teaching the behavior in the natural setting as much as possible

## Responses to Behavior

The BIP should include a section that describes the staff's response to the interfering behaviors, should they still occur despite the implementation of individualized behavior strategies.

In developing appropriate responses or consequent strategies the ARD committee should consider:

- Student and staff safety
- Staff responses that will promote the use of the replacement behaviors
- Staff responses that will discourage future use of the interfering behaviors
- Student specific history of trauma, especially for the use of strategies such as planned ignoring, physical prompting, or keeping a demand after student refusal behavior
- Recent changes in the student's life which may temporarily reduce responsiveness to BIP strategies (e.g., change in housing, illness, medication changes)
- The inability of the student to learn while the behavior is occurring because the student is experiencing distress and is not regulating their emotions



## Reinforcement

The BIP should include a description of the reinforcement procedures used to ensure the continued use of the replacement behaviors. Without the consistent application of the appropriate amount and type of reinforcement provided for the replacement behavior, lasting behavior change is not possible. In establishing appropriate reinforcement systems, ARD committees should consider results of [preference assessments](#), student input on what would help motivate them, and parent or guardian and staff feedback on what the student responds positively to.

## Sample BIP Components

BIP Section	Example
Description of Interfering Behavior	Physical aggression - may look like, but is not limited to, hitting, kicking, and/or pinching others
Function(s) of Behavior	Escape/avoidance of task demand
Replacement Behaviors	Request a break, assistance with work, or alternate assignment using the Augmentative and Alternative Communication (AAC) device
Antecedent/Prevention Strategies	Visual schedule; Chunking of assignments; Pre-teaching of concepts; Priming, choice between two assignments that serve same learning outcome
Instructional Strategies	Modeling use of AAC device; Social Narratives; Role-play use of AAC device
Responses to Behavior	Staff prompting the use of replacement behavior; Ensuring peers are not within reach; Redirection to assigned task
Reinforcement	As identified in preference assessment: high fives, stamps on hand, short music/dance break. Functionally aligned reinforcement examples are breaks from work, assistance with work, and providing alternate assignments each time requested.

## Behavior Goals in the IEP

For students who require a BIP to address interfering behaviors, the ARD committee should develop behavior goals in the IEP to progress monitor how well the BIP is working. Behavior goals should follow the same format as any other goals in the IEP, with a clearly outlined timeframe, condition, behavior, and criteria for mastery. In addition, behavior goals should be aligned to the student's Present Levels of Academic Achievement and Functional Performance (PLAAFP), typically using baseline data gained from the FBA.

Timeframe	Condition	Behavior	Criteria
By the end of the sixth progress reporting period	given implementation of antecedent strategies from his BIP and instruction to complete a math assignment	John will either work on the assignment or use a replacement behavior (request a break, staff assistance on the assignment, or an alternate assignment)	across 70% of math assignments during a reporting period for mastery.

To learn more about developing measurable IEP goals, please refer to these TEA resources:

- [Question and Answer Document: IEP Measurable Annual Goals](#)
- [Individualized Education Program \(IEP\) Development](#)
- [Writing PLAAFP and Developing Measurable Annual Goals](#)



## Ongoing Considerations

### State Law Requirements

[STATE LAW](#) requires BIPs to be reviewed at least annually by the ARD committee, or more frequently if appropriate, to consider the safety of the student or others or to address changes in circumstances that may impact the student's behavior. According to the law, examples of changes in circumstances that may impact a student's behavior include:

- (A) the placement of the student in a different educational setting,
- (B) an increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents,
- (C) a pattern of unexcused absences, or
- (D) an unauthorized unsupervised departure from an educational setting.

Please refer to [TEA's House Bill 785 Frequently Asked Questions](#) for additional information about this requirement.

### Best Practice Tip:

LEAs should maintain documentation to demonstrate the following:

- Parent or guardian involvement in creating the BIP (ARD committee meeting participation and deliberation notes)
- Review/training of the BIP with the student's teachers and LEA staff who work with the student. Remember to include other school staff who may need to be aware of or implement the BIP (e.g., cafeteria monitors, bus drivers, special area teachers, campus administrators). Documentation that LEA staff received the BIP, understand how to implement it, and who to contact if they have questions.
- Implementation of the BIP (e.g., checklists, data collection, [fidelity checklists](#), or notes)
- Ongoing data collection related to student behavior and any goals developed

### Social Validity

The ARD committee should, on an ongoing basis, review the behavioral aspects of the IEP for appropriate social validity. Social validity, as defined by the [Iris Center](#),

“ Refers to whether the proposed intervention and the desired replacement behavior represent socially accepted practices. To determine social validity, the team members need to identify whether:

- The intervention will address socially significant goals
- Those involved with the intervention feel that it is socially acceptable
- The intervention will produce socially important outcomes

”

Social validity focuses on the usefulness of the skills to the student and to those who care about the student. Reviewing social validity helps the ARD committee focus on how the BIP might improve the quality of life for the student and the family.



## Progress Monitoring

Ongoing monitoring of progress toward behavior goals is essential for the ARD committee to determine the effectiveness of the BIP. School staff should outline a plan to monitor student progress, considering the following:



- What behaviors should be monitored?
- What settings the data collection will occur in.
- Who will collect the data?
- What data measures (e.g., frequency counts, interval data, behavioral duration, severity rubrics) can accurately capture the necessary data?
- How often data will be collected and reviewed?

Regular progress monitoring and review will help the ARD committee determine necessary changes and consider how best to support generalization and maintenance of appropriate replacement behaviors over time.

## Fidelity of Implementation

The failure to properly and consistently implement the student’s BIP can amount to a denial of FAPE. LEAs should incorporate periodic fidelity of implementation (FOI) checks for BIPs. These fidelity checks can ensure that BIP strategies are implemented correctly across settings and staff members. This not only serves to ensure that the appropriate supports are delivered but also assists with ensuring the current strategies listed in the IEP are effective for the student. The ARD committee should consider how to best support the generalization (e.g., across settings, staff members, peers) and maintenance overtime of the behavioral skills outlined in the BIP/IEP.

### Example FOI Check

Date:	Instructor Name:	Observer Name:		
Student Name:	Setting:			
The student has access to preferential seating near a staff member	Yes	No	N/A	
The student has access to OT provided sensory items	Yes	No	N/A	
The visual schedule is reviewed with the student	Yes	No	N/A	
The student is provided with reinforcement	Yes	No	N/A	
Staff prompts the use of an AAC device for communication attempts	Yes	No	N/A	
Notes:	# Yes/Yes + No = _____ %			

### Additional Resources:

- [IRIS Center - Functional Behavior Assessment: Identifying the Reasons for Problem Behavior and Developing a Behavior Plan](#)
- [TSLAT: Differential Reinforcement](#)
- [TSLAT: FBA and BIP Issues and Strategies](#)
- [TXCAN: Behavior as Communication \(Video\)](#)
- [TSLAT: Why is Fidelity Important?](#)
- [TSLAT: What is a Replacement Behavior?](#)

## Prohibited Aversive Techniques, Use of Restraint, and Time-Out

When the statute that addresses the [USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT](#) was passed, it required the Commissioner of Education to create a rule adopting specific [PROCEDURES](#) for the use of restraint and time-out in schools. Both the law and the rule recognize that it is the state's policy to treat all students with dignity and respect. To that end, the law provides that a student served by special education may not be confined in a locked box, closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

Seclusion is defined as a behavior management technique where a student is confined in a locked box, closet, or room that is designed solely to seclude a person and contains less than 50 feet square feet of space. Except in very limited circumstances, a school district employee, volunteer, or independent contractor is prohibited from placing a student in seclusion. Note that in an emergency, if a student has a weapon and it is necessary to confine the student to prevent them from causing bodily harm to self or others, the student may be placed in locked, unattended confinement while awaiting the arrival of law enforcement.

With very limited exceptions, the use of aversive techniques is prohibited. Restraint and time-out are permissible only in certain, specific circumstances. The following section details those exceptions and circumstances and gives more information about these techniques and the limited situations in which they may be allowed.

### Prohibited Aversive Techniques

#### Definition

State [LAW](#) defines an "aversive technique" as a technique or intervention intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain.

The term includes a technique or intervention that:

- is designed to, or is likely to, cause physical pain, including through the use of electric shock or any procedure that involves the use of pressure points or joint locks,
- involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face,
- denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility,
- ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse,
- employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint,
- impairs the student's breathing, including any procedure that involves:
  - applying pressure to the student's torso or neck, or
  - obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face,
- restricts the student's circulation,
- secures the student to a stationary object while the student is in a sitting or standing position,
- inhibits, reduces, or hinders the student's ability to communicate,

#### DEFINITION:

**"Aversive technique"**  
is a technique or intervention intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain.

- involves the use of a chemical restraint,
- constitutes use of time-out that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's IEP, including isolating the student by the use of physical barriers, or
- deprives the student of the use of one or more of the student's senses.

A school district employee, volunteer, or an independent contractor of a school district may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied to a student. However, a technique that deprives the student of the use of one or more of the student's senses may be used if it is executed in a manner that:

- does not cause the student discomfort or pain, or
- complies with the student's IEP or BIP.

These prohibited aversive technique requirements apply to all students, including students in off-campus placements. Additional guidance, including an FAQ section, can be found within the TEA [Aversive Techniques document](#).

## Use of Restraint

### Definition

State law, [USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT](#), defines "restraint" as the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

Restraint does not include:

- physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
- limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors (although it is expected that the student's IEP will reflect instruction to promote student learning and reduce and/or prevent the need for ongoing intervention); or
- seat belts and other safety equipment used to secure students during transportation.

#### DEFINITION:

#### "Restraint"

is the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

### How and when may restraint be used?

[PROCEDURES FOR USE OF RESTRAINT AND TIME-OUT](#) allow a school employee, volunteer, or independent contractor to use restraint only in an emergency. An "emergency" is when a student's behavior poses a threat of imminent, serious physical harm to the student or others or imminent, serious property destruction.

Any school employee, volunteer, or independent contractor restraining a student must:

- limit the force used to what is reasonably necessary to address the emergency,
- discontinue the restraint as soon as the situation is no longer an emergency,
- implement the restraint in such a way as to protect the health and safety of the student and others,
- ensure that the student is not deprived of basic human necessities



**NOTE:** Residential facilities that are licensed by the Texas Department of Family and Protective Services, or Department of State Health Services, and are approved by TEA as a nonpublic educational program, are subject to state laws and rules regarding prohibited aversive techniques and restraint, time-out, and seclusion.

## Training Requirements

Every campus must have a core team that receives [TRAINING ON USE OF RESTRAINT](#). This team must include a campus administrator or designee and any general or special education personnel likely to use restraint. TEA highly encourages schools to ensure that both general and special education educators are on this core team. If a person who has not been trained restrains a student, they must receive training within 30 school days of when the restraint occurred. Training on restraint must include information on prevention and de-escalation techniques, alternatives to restraint, and professionally accepted practices regarding behavior management and the use of restraint. The [Texas Behavioral Support Initiative \(TBSI\)](#) training offered through TEA’s TIER network helps campuses fulfill this training requirement. Staff training should also include practice and demonstration of appropriate restraint techniques with regular refresher training.

## Documentation Requirements

### [DOCUMENTATION AND NOTIFICATION ON USE OF RESTRAINT](#)

Timeline	Documentation Requirement
On the day of restraint	<p>The campus administrator or designee must be notified verbally or in writing regarding the use of restraint.</p> <p>A good faith effort must be made to verbally notify the parent or guardian(s) regarding the use of restraint.</p>
Within one school day of restraint	<p>Written notification for <b>each use*</b> of restraint must be placed in the mail or otherwise provided to the parent or guardian. The <a href="#">DOCUMENTATION</a> must include:</p> <ul style="list-style-type: none"> <li>- Name of student</li> <li>- Name of the individual(s) administering restraint</li> <li>- Date of restraint</li> <li>- Time the restraint began and ended</li> <li>- Location of restraint</li> <li>- Nature of the restraint</li> <li>- Description of activity the student was engaged in immediately preceding the restraint</li> <li>- Behavior of the student that prompted restraint</li> <li>- De-escalation efforts and any alternatives to restraint that were attempted</li> <li>- Observation of the student at the end of the restraint</li> <li>- If the student does not have a BIP, information on the procedure for the student’s parent or guardian to request an ARD committee meeting to discuss the possibility of conducting an FBA and developing a plan for the student</li> <li>- If the student does have a BIP, whether the BIP may need to be revised as a result of the behavior that led to the restraint and, if so, identification of the staff member responsible for scheduling an ARD committee meeting to discuss any potential revisions</li> <li>- Information documenting parent contact and notification</li> </ul> <p>Consider using the TEA developed <a href="#">Written Summary of Restraint Use Sample Form</a> to document restraints.</p>
In a timely manner after restraint	<p>Written documentation regarding the use of restraint must be placed in the student’s special education eligibility folder so the information is available to the ARD committee when it considers the impact of the student’s behavior on the student’s learning and/or to create or revise a BIP.</p>

\* If a student is restrained multiple times during an event, each restraint is considered an individual incident and must be written up as such.



**NOTE:** Campuses are [REQUIRED](#) to report cumulative data regarding the use of restraint on students (including students in off-campus instructional settings) through [the Public Education Information Management System \(PEIMS\)](#).

## Time-Out

### Definition

[TIME-OUT](#) is defined in statute as a behavior management technique that, in order to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a non-locked setting, from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

### Limitations on the Use of Time-Out

Commissioner's Rule, [PROCEDURES ON USE OF RESTRAINT AND TIME-OUT](#), specifies that a school employee, volunteer, or independent contractor may use time-out with the following limitations:

- Physical force or threat of physical force must not be used to place a student in time-out.
- Time-out may only be used in conjunction with an array of positive behavior intervention strategies and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior.
- Use of time-out must not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately towards attaining IEP goals. The [PROHIBITED AVERSIVE TECHNIQUES](#) statute also states this limitation by prohibiting " use of time-out that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers."

### DEFINITION:

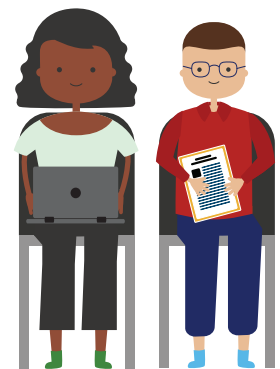
#### "Timeout"

is a behavior management technique that, in order to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a non-locked setting, from which the exit is not blocked and the student is not physically prevented from leaving.

### Training Requirements

[TRAINING](#) for school employees, volunteers, or independent contractors must be provided according to the following requirements:

- Any general or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out.
- Newly identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
- Training on the use of time-out must be provided as part of a program that addresses a full continuum of positive behavioral intervention strategies and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
- All personnel who are trained must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.



The [TBSI](#) training offered through the TIER network helps campuses fulfill this training requirement.



## Documentation Requirements



Necessary [DOCUMENTATION](#) or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or BIP. If a student has a BIP, the school district must document each use of time-out prompted by a behavior specified in the student's BIP, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use. See [appendix E](#) and [appendix F](#) for documentation forms that may assist with these requirements.

## Additional Considerations

In behavioral terms, time-out is a behavior reduction technique designed to reduce or eliminate target behaviors maintained by attention or other positive reinforcers. It is important to remember that time-out will not be effective for behaviors that are motivated by escape or avoidance. Time-out is only effective to the extent that the time-in environment is a place students want to be. If the time-in environment is boring, frustrating, or where students are unsuccessful, time-out may actually be reinforcing. Also, time-out is not effective and not recommended for self-reinforcing behaviors, self-stimulatory behaviors, self-abusive behaviors, daydreaming, etc.

Time-out must be used in conjunction with positive behavioral supports designed to increase and strengthen students' appropriate behaviors. Students with chronic behavior problems often have behavioral skill deficits; for example, they may not possess the behavioral skills for dealing with rejection, frustration, boredom, or how to say no in a socially acceptable manner. For this reason, negative behaviors cannot simply be eliminated. Students must be taught appropriate replacement behaviors and be reinforced for displaying those behaviors. This way, students have a way to get their needs met without engaging in inappropriate or even dangerous behaviors.



## Additional Resources:

- [House Bill 785 Frequently Asked Questions](#)
- [TEA Aversive Techniques document](#)
- [Texas Behavior Support Initiative \(TBSI\)](#)
- [Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities \(OCR, 2016\)](#)

---

## IDEA Requirements for Placement and School Discipline

---

### Impacting Students' Futures

States, schools, and communities are understandably genuinely concerned with school safety. Providing a safe environment in which students can learn and be free of drugs and violence, is one of education's top priorities. Students with disabilities are more than twice as likely to be suspended as students without disabilities, and the loss of instructional time increases the risk of repeating a grade and dropping out. For the 2017-2018 data collection, the U.S. Education Department, Office for Civil Rights reports that students with disabilities served under IDEA represented 13.2% of total student enrollment (50.9 million students attended public schools) but received 20.5% of one or more in-school suspensions and 24.5% of one or more out-of-school suspensions. Disparities worsen when the data are disaggregated by race. Black students served under IDEA accounted for 2.3% of total student enrollment but received 6.2% of one or more in-school suspensions and 8.8% of one or more out-of-school suspensions. Based on this

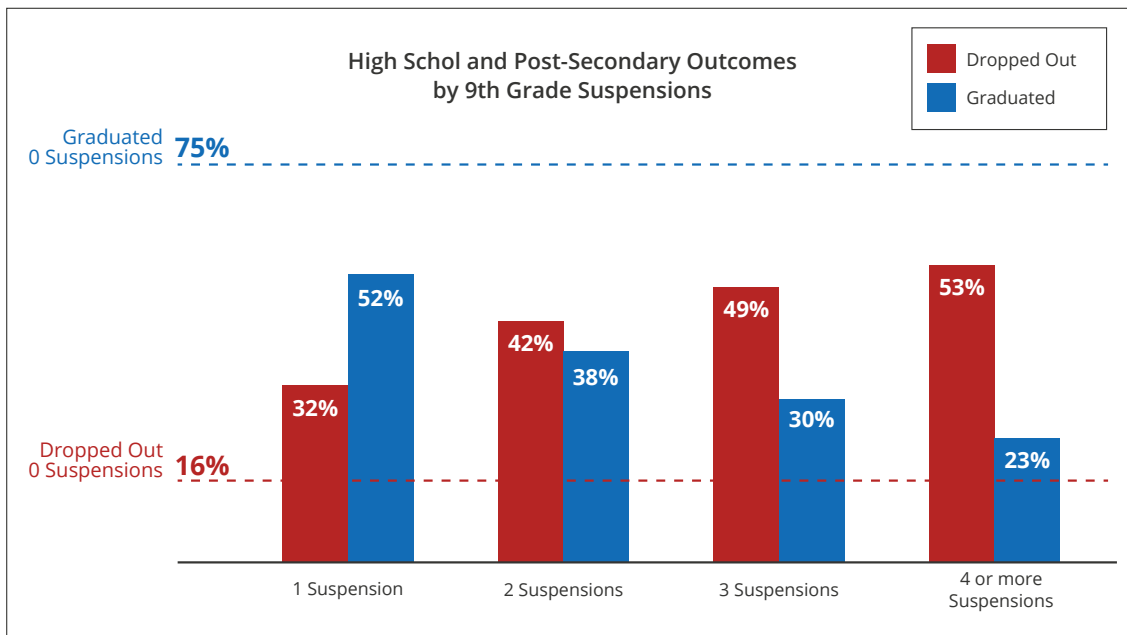


# Behavior Supports and Guidance for Students with Disabilities

information, it is not surprising that IDEA includes provisions that address the discipline of students with disabilities in school settings.

At the beginning of the school year, students often receive guidelines on expected standards of behavior, dress, academic integrity, and attendance and the consequences of violating those standards. [IDEA](#) addresses the extent to which schools may take disciplinary action when a student with disabilities violates a local code of student conduct.

Discipline decisions have consequences. Studies show that students who receive one out-of-school suspension incident (based on 1-3 days for each suspension) in ninth grade are a quarter less likely than their peers who are not suspended to graduate high school. Studies also show they are a third less likely to enter college, and more than twice as likely to drop out of high school. The graph below shows the results of a 2014 study revealing that suspension increased the chance of leaving school before graduation from 16% to 32%. Also notice that the effects of exclusion can be cumulative, with each additional suspension increasing the risk of dropping out by about 10%.



Source: [Balfanz, Robert; byrnes, vaughan; and Fox, Johanna \(2014\) "Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade," \*Journal of Applied Research on Children: Informing Policy for Children at Risk\*: Vol.5 : iss.2, Article 13.](#)

Further, in a 2014 study "[More than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline](#)", researchers found that exclusion predicts school-level dropout rates, with high suspension rate schools having higher dropout rates.

In [recent guidance](#), the US Department of Education offered the following commentary regarding exclusionary discipline:

“ Proactive systematic approaches that focus on instruction and supports, and that are implemented with fidelity and cultural responsiveness, are likely to address disparities; reduce the use of exclusionary discipline; and result in positive developmental, academic, and behavioral outcomes for all children including those with disabilities. Further, in the Office of Special Education and Rehabilitative Services’ (OSERS’) view, exclusionary discipline should not be used for non-violent offenses such as, tardiness, absenteeism, or subjective offenses such as defiance or disrespect. ”

## Best Practice Tip:

Since research clearly indicates the harmful effects of exclusionary discipline practices, consider alternatives to classroom removals (e.g., reteach appropriate behavior and provide time for modelling and practice, private discussion and problem solving, behavior contract, pair with mentor, before or after school detention, loss of privileges, peer mediation programs, restorative practices) dependent upon the severity of the student infraction.

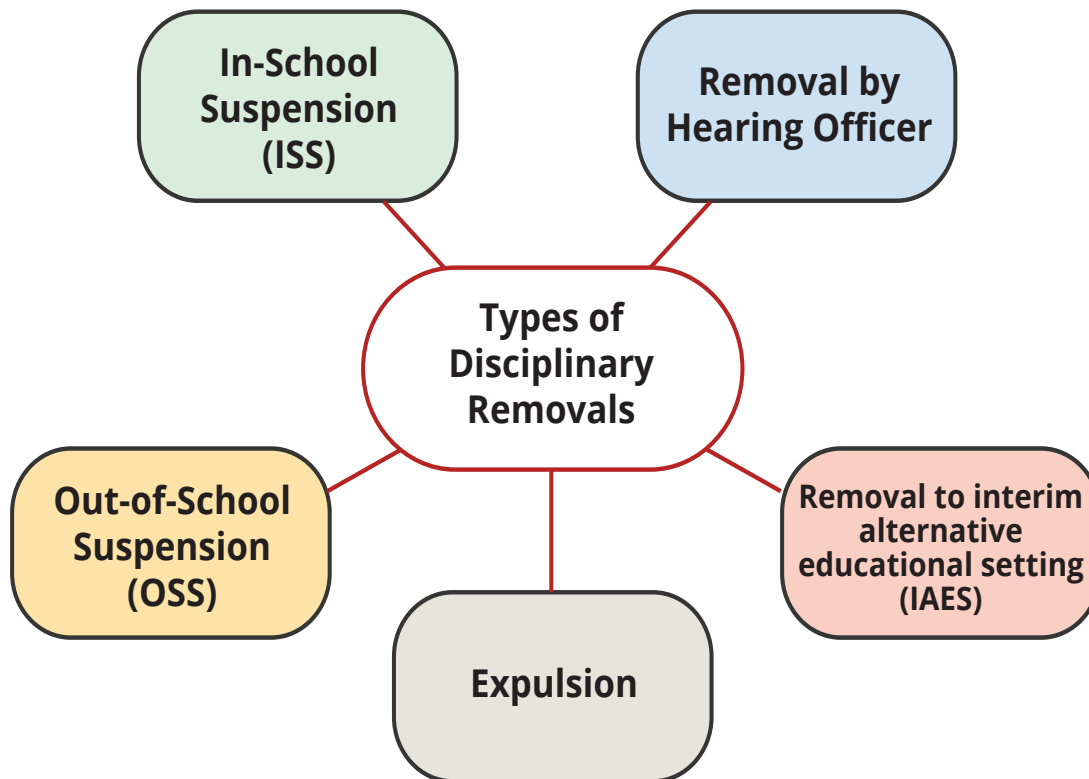
Out-of-school suspensions are more strongly related to negative outcomes than in-school suspensions (Noltemeyer et al., 2015), so if the behavior is consistent or serious enough to remove the student from the classroom, it is important to pair the following in-school instructional supports with the removal to ensure everyone involved is working towards the student's successful reentry into the classroom:

- student debrief,
- skills coaching on appropriate behaviors,
- reentry plan with rehearsal, and
- transition supports with a reconnection conversation.

[\(PBIS Forum 2021: Instructional Alternatives to Exclusionary Discipline\)](#)

## Types of Disciplinary Removals

States and LEAs must report five types of disciplinary removals for students with disabilities.



## In-School Suspension (ISS)

### In-School Suspension (ISS)

ISS includes instances in which the student is removed from his or her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as the student under their supervision. Beginning on the 11<sup>th</sup> day of removal the student must receive services that enable progress towards the IEP. Prior to the 11<sup>th</sup> day, IEP services may be provided.

## Out-of-School Suspension (OSS)

### Out-of-School Suspension (OSS)

OSS includes instances in which the student is temporarily removed from his or her regular school to another setting (e.g., home, behavior center) for disciplinary purposes. This includes both removals in which the student receives no IEP services because the removal is 10 days or less and the school district does not provide services to a student without disabilities who is similarly removed, as well as removals in which the student continues to receive services according to his or her IEP.

## Expulsion

### Expulsion

Expulsion involves removing a student from his or her regular school for disciplinary purposes for the remainder of the school year or longer by LEA policy. This includes removals resulting from violations of the [Gun-Free Schools Act](#). IEP services continue, and the student will receive FAPE.

## Removal by Hearing Officer

### Removal by Hearing Officer

An impartial hearing officer may order the removal of a student from his or her current educational placement to an appropriate alternative educational setting for not more than 45 school days based on the hearing officer's determination that maintaining the student's current placement is substantially likely to result in injury to the student or others. The ARD committee is responsible for determining the IAES and will continue implementing the IEP services.

## ARD Committee Removal to Interim Alternative Educational Setting (IAES)

### Removal to interim alternative educational setting (IAES)

The ARD committee determines an appropriate IAES for no more than 45 school days. This setting enables the student to continue to receive educational services and participate in the general education curriculum and progress toward meeting the goals set out in the IEP. While in this setting, the student must receive, as appropriate, an FBA and behavioral intervention services and modifications to address the behavior violation so that it does not recur. In Texas, these placements may also be referred to as an Alternative Educational Placement (AEP) or a Disciplinary Alternative Education Program (DAEP).

**Disciplinary Alternative Education Program (DAEP):** Disciplinary programs operated by the LEA for students who have committed a range of offenses specified in state law or the LEA's student code of conduct are called DAEPs. Students with disabilities who are in DAEPs are still entitled to special education services, a full school day of instruction, and access to courses needed for graduation.

In most cases, placement in a DAEP cannot exceed one year unless the LEA determines that:

- the student is a threat to the safety of other students or LEA employees; or
- extended placement is in the best interest of the student.

**Juvenile Justice Alternative Education Program (JJAEP):** The most restrictive placement a student may be placed in beyond a DAEP is a JJAEP. Disciplinary programs operated by the juvenile justice system for students who have committed a range of offenses specified in state law or the LEA's student code of conduct are called JJAEPs. Students with disabilities who are in JJAEPs are still entitled to special education services, a full school day of instruction, and access to courses needed for graduation.



**NOTE:** When students are transitioning back to the LEA from a DAEP or JJAEP, there are specific [REQUIREMENTS](#) for notification and coordination that help support the student's return to campus.

## Reminders about FAPE Once a Student Accumulates More than 10 Discipline Removals During the School Year

- Visit [TEA's Discipline and School Removals webpage](#) for a summary of federal and state rules and regulations.
- The student must be able to continue participating in the general education curriculum although in a different setting.
- The student must continue to make progress toward meeting the goals set out in the IEP.
- The student does not have to receive the same services in the same setting as before the disciplinary action.
- The ARD committee should adjust the student's IEP to reflect what will be provided in the discipline setting. It is also recommended, but not required, for the ARD committee to draft an expected schedule for when the student returns to his or her campus so that all parties are aware of and understand the changes occurring.
- Even if the student is properly expelled for misbehavior that is not a manifestation of his or her disability, the obligation to provide FAPE continues.



**NOTE:** Charter schools may expel a student with disabilities as a disciplinary consequence. Charters do not typically have an IAES; therefore, the student must be provided educational services (as determined by the ARD committee and documented in an IEP or IEP amendment) to participate in the general education curriculum in another setting (typically the home) and progress toward meeting IEP goals. Charters may also petition/contract with the local DAEP or JJAEP to use their facilities in providing services to expelled students with disabilities.

## Considerations when Determining what Constitutes a Disciplinary Removal

A disciplinary removal generally occurs when a student violates the student code of conduct and is removed from their current placement and put in an appropriate interim alternative education setting, another setting, or is suspended. OSEP guidance indicates that in some situations the determination as to what counts as a day of removal towards a [pattern of removals](#) depends on the unique circumstances of each case.

[OSEP guidance](#) (see page 46715) states that portions of a school day "may be considered as a removal in regard to determining whether there is a pattern of removals." In other words, exclusion from portions of the school day may count as a removal (e.g., ½ day, 2 periods, 30 minutes). For example, disciplinary removals where the student is waiting in the office to see an administrator, sent into the hallway or another room to work, sent home early, or taken out of a school event such as a pep rally or assembly should all be tracked and considered in making determinations. For more information about these types of "informal" removals please see question C-3 and C-6 in [Questions and Answers: Addressing The Needs of Children With Disabilities and IDEAs Discipline Provisions](#) (OSERS, 2022).

# Behavior Supports and Guidance for Students with Disabilities

Suspensions from the bus are considered a removal if bus transportation is a related service documented in the student's IEP and the school does not provide alternative transportation. Alternate transportation may be paying a parent's/guardian's mileage, using the school van, contracting with a ride company, or other alternate vehicles. Regardless of if the bus suspension counts as a day of removal, schools should consider whether the behavior of concern on the bus is similar to classroom behaviors and may need to be addressed as part of a BIP. Please also review question C-8 in [OSERS question and answer document](#).

[ISS would generally be counted as](#) a day of removal when determining whether a removal constitutes a change of placement, unless the student:

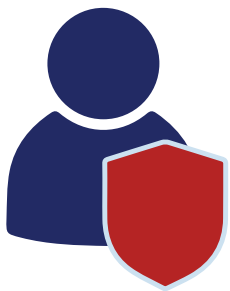
1. is afforded the opportunity to appropriately participate in the general curriculum;
2. continues to receive the services specified in their IEP; and
3. continues to participate with nondisabled students to the extent they would have in their current placement.

However, LEAs must keep in mind that repeated use of ISS, even when it meets the three factors above, likely indicates a need to revisit the student's IEP to consider whether additional positive behavioral interventions and supports or other strategies are needed to better address the behavior. Please also review question C-7 in [OSERS question and answer document](#).

## Overview of IDEA's Discipline Procedures

IDEA outlines various procedures for discipline. The following aspects must be considered when disciplinary action occurs with a student with a disability.

### Authority of School Personnel



Let's say a student with a disability has violated a code of student conduct. What is the [AUTHORITY OF SCHOOL PERSONNEL](#) to discipline this student?

**First-Time Violation.** School personnel, depending upon the severity of the violation, may remove a student to an appropriate DAEP or another setting or suspend the student for not more than 10 school days in a row, to the extent that those alternatives are applied to students without disabilities.

Schools do not have to provide students with disabilities special education services during a removal of up to 10 school days cumulatively in one school year, as long as they also do not provide educational services to students without disabilities who are similarly removed.

**Additional Violations.** Additional removals from the current educational placement may occur so long as they do not constitute a [CHANGE OF PLACEMENT](#). Multiple short-term removals totaling more than 10 school days in a school year may or may not constitute a pattern of removal (see below for five factors to consider when determining if multiple short-term removals constitute a pattern). Once the student has been removed for a series of removals that constitute a pattern, he or she may not be removed again without an MDR.

Beginning with the 11th cumulative day in a school year in which a student is removed, the school system must provide [SERVICES](#) to the student to the extent required. The student must continue to receive educational services so that the student can continue to participate in the general education curriculum and progress toward meeting the goals in his or her IEP.



## Case-by-Case Determinations

Under a provision in IDEA, school personnel may consider whether a change in placement otherwise permitted under the disciplinary procedures is appropriate and should occur. This allows the campus administrator the authority to review any extenuating circumstances and the option to choose an alternate consequence instead of suspension or expulsion that may result in a change of placement. According to the Department of Education:

“Factors such as a student's disciplinary history, ability to understand consequences, expression of remorse, and supports provided to a student with a disability before the violation of a school code [of student conduct] could all be unique circumstances considered by school personnel when determining whether a disciplinary change in placement is appropriate for a student with a disability...[W]e do not believe it is appropriate to define a role for the IEP committee [ARD Committee] in this paragraph. However, there is nothing in the Act or these regulations that would preclude school personnel from involving parents or guardians or the ARD Committee when making this determination. ([71 Fed. Reg. 46714](#))”

## Change of Placement

Removal of a student from their current educational placement for more than 10 consecutive days is a change of placement. This is often referred to as long-term removal. For example, a 30-day assignment to the DAEP or expulsion is considered a change of placement.

Multiple short-term removals that total more than 10 cumulative school days in a school year are also considered a change of placement, if the removals constitute a [PATTERN OF REMOVALS](#). Consider the following five factors in determining if multiple short-term removals constitute a pattern:

1. The student has been subjected to a series of removals that totals more than 10 school days in a school year,
2. The behavior is substantially similar to the previous incident(s) that resulted in removal,
3. The length of each removal,
4. The total amount of time the student has been removed, and
5. The proximity of the removals to each other.

The Department of Education acknowledged in response to public comment:

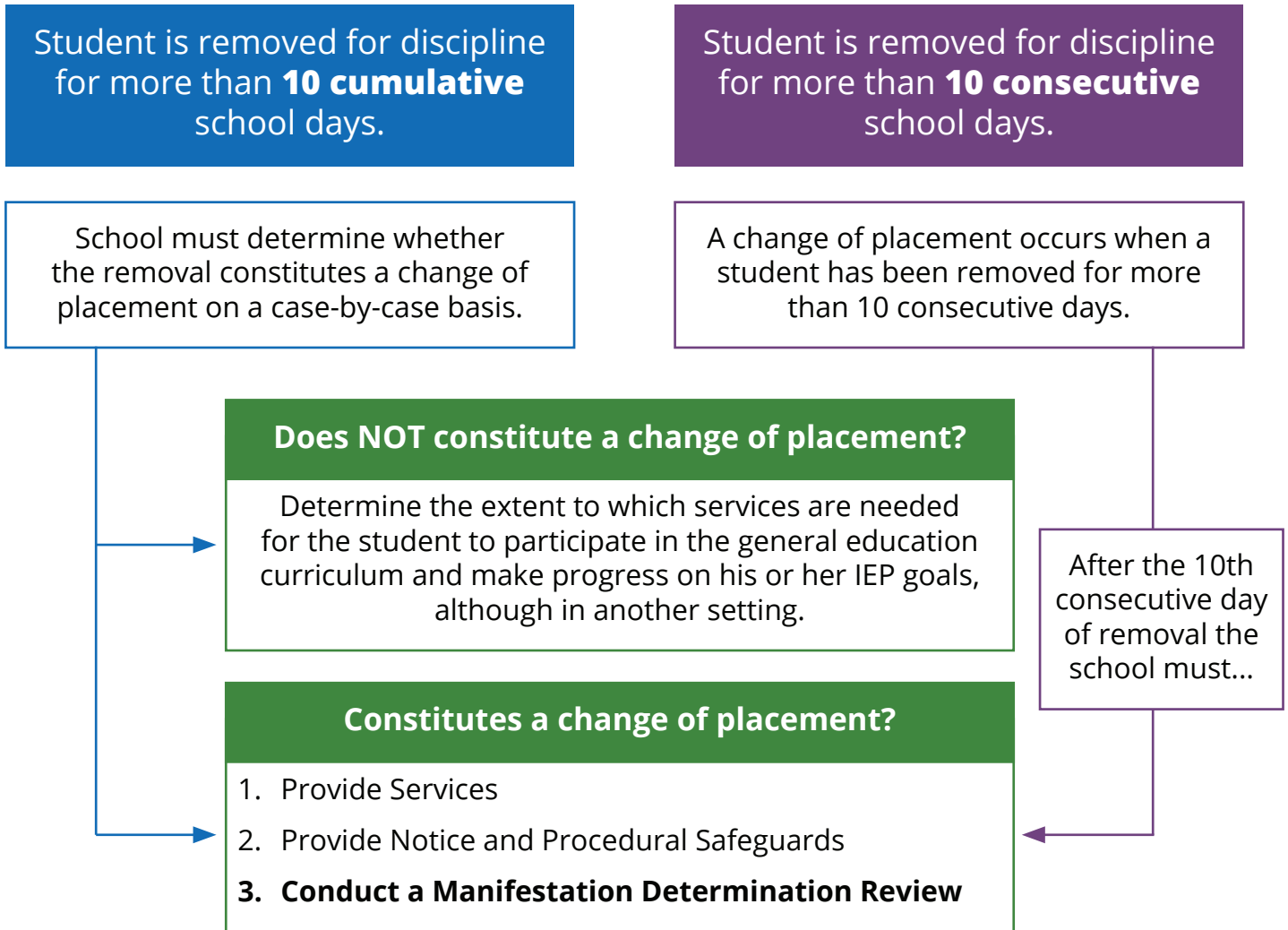
“...what constitutes “substantially similar behavior” is a subjective determination. However, we believe that when the student’s behaviors, taken cumulatively, are objectively reviewed in the context of all the criteria in paragraph (a)(2) ...for determining whether the series of behaviors constitute a change in placement, the public agency will be able to make a reasonable determination as to whether a change in placement has occurred. Of course, if the parent or guardian disagrees with the public agency’s determination, the parent or guardian may request a due process hearing according to [34 CFR §300.532](#).”





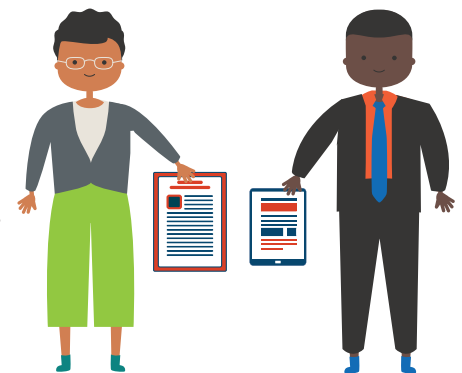
# Behavior Supports and Guidance for Students with Disabilities

The following graphic differentiates the steps for when a student is removed for more than 10 *cumulative* school days (multiple short-term removals) versus more than 10 *consecutive* school days (long-term removal).



## What to Do When the Removal Constitutes a Change in Placement

1. **PROVIDE SERVICES:** The student must be provided educational services (as determined by the ARD committee and documented in an IEP or IEP amendment) to participate in the general education curriculum, although in another setting, and progress toward meeting IEP goals.
2. **PROVIDE NOTICE** and **PROCEDURAL SAFEGUARDS:** Communicating with parents or guardians is a crucial aspect of implementing IDEA's discipline procedures. On the date when the decision is made to remove a student, constituting a change of placement, due to a violation of a code of student conduct, the LEA must notify the parent or guardian of that decision and provide the parent or guardian the [procedural safeguards notice](#).



# Behavior Supports and Guidance for Students with Disabilities

3. [CONDUCT A MANIFESTATION DETERMINATION REVIEW \(MDR\)](#): The LEA must conduct an MDR within 10 school days of the decision to change a student's placement. The parent or guardian, LEA, and relevant members of the student's ARD committee (as determined by the parent or guardian and the LEA) meet and review all relevant information to determine if the conduct in question was caused by or had a direct and substantial relationship to, the student's disability, or if the conduct in question was the direct result of the LEA's failure to implement the IEP.

For additional guidance on change in placement please see section C in [Questions and Answers: Addressing The Needs Of Children With Disabilities and IDEA's Discipline Provisions](#). (OSERS, 2022).



## Manifestation Determination Review (MDR)

When a student with a disability faces a change in placement as a result of a removal, the LEA must conduct an MDR with members of the ARD committee, including the parent or guardian. An MDR is a process in which the ARD committee reviews all corresponding data and the relationship between a student's disability and the behavior subject to the disciplinary action. The team must look at a range of information, including:

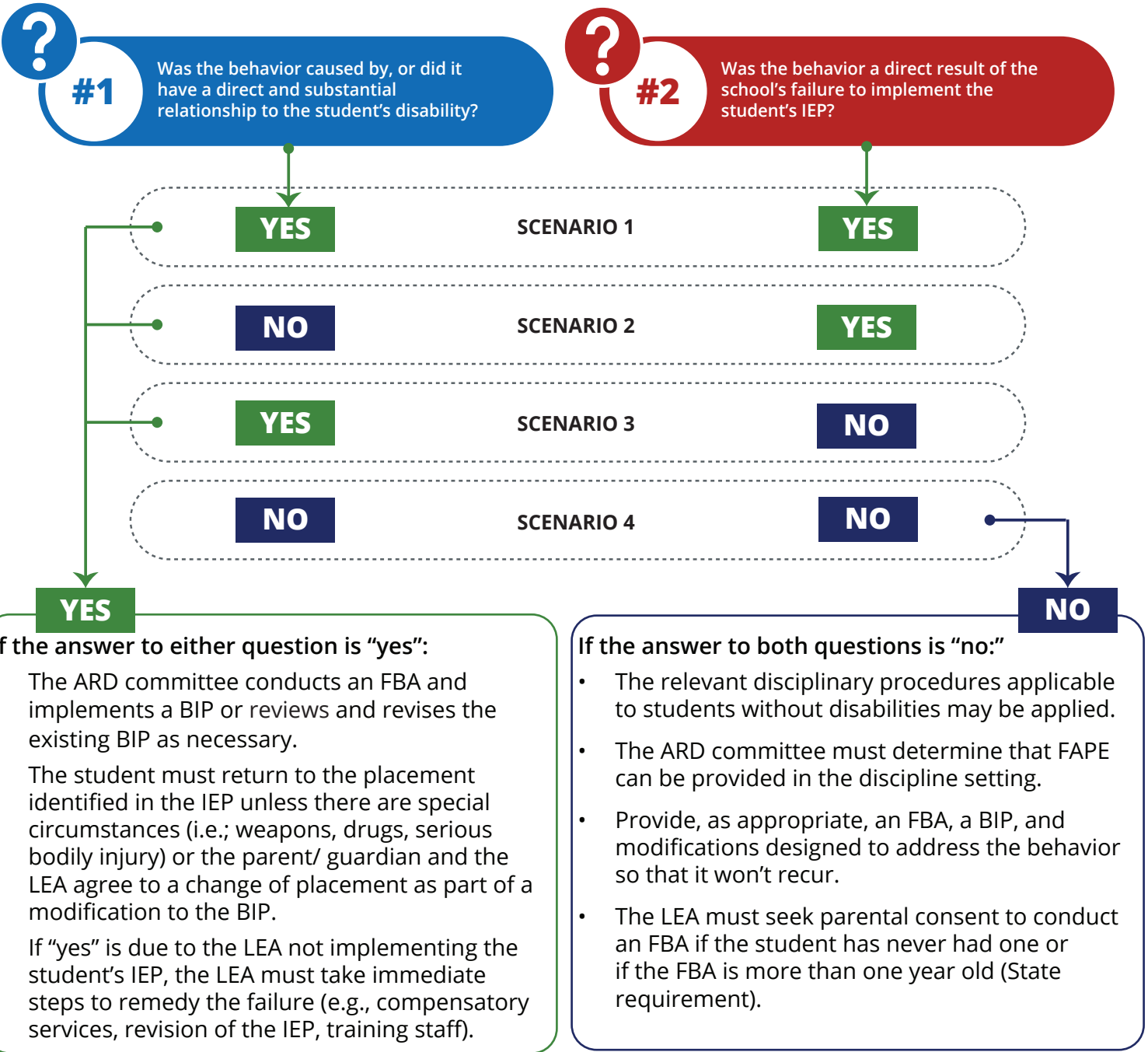
- The student's evaluation, IEP, BIP and placement
- All relevant information in the student's file
- Observations of the student by teachers and others
- Any further relevant information supplied by the parent or guardian

**The ARD committee members will then use this information to answer two questions:**

An illustration of a woman with dark skin, wearing a teal shirt and a purple skirt, standing in the center. She is holding two large circular question marks. The one on the left is blue with a white question mark, and the one on the right is red with a white question mark. To the left of the woman is a blue rounded rectangular box containing the text: "Was the behavior caused by or directly related to the disability?". To the right of the woman is a red rounded rectangular box containing the text: "Was the behavior due to the LEA's failure to implement the IEP?". The background is plain white.

# Behavior Supports and Guidance for Students with Disabilities

The following graphic details the MDR steps and the four scenarios that may occur during the process.



For additional guidance on manifestation determination reviews please see section F in [Questions and Answers: Addressing The Needs Of Children With Disabilities and IDEA's Discipline Provisions](#) (OSERS, 2022).

## Disciplinary Removals Due to Special Circumstances

Special circumstances apply when the behavior in question involves **weapons, drugs, or serious bodily injury**. In this case, school personnel may remove the student to an IAES/DAEP to provide FAPE for up to 45 days without regard to whether the behavior is a manifestation of the student's disability.

### Drugs:

The special circumstance related to drugs is when the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function. IDEA defines an "[ILLEGAL DRUG](#)" as a controlled substance but does not include a controlled substance that is "legally possessed or used under the supervision of a licensed healthcare professional." A "[CONTROLLED SUBSTANCE](#)" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the [CONTROLLED SUBSTANCE ACT](#).

### Weapon(s):

The special circumstance for weapons involves carrying or possessing a weapon at school, on school premises, or at a school function. The IDEA adopts the definition of "[WEAPON](#)" provided in the [U.S. CRIMINAL CODE](#). This provision defines the term "dangerous weapon" as "a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of fewer than 2 1/2 inches in length."

### Serious Bodily Injury:

The special circumstance for serious bodily injury occurs when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. The term "serious bodily injury" means bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

When placing a student in an IAES due to special circumstances, follow the same procedures for when a student is removed for more than 10 consecutive school days, including providing services, providing timely notice and procedural safeguards to the parents or guardians, and conducting an MDR.

For additional guidance on special circumstances please see section E in [Questions and Answers: Addressing The Needs Of Children With Disabilities and IDEA's Discipline Provisions](#) (OSERS, 2022).

## Appeal a Disciplinary Decision

In the general disciplinary context, there are two distinct types of appeals. One is a local appeal at the administrative level and the other is an IDEA due process hearing. The local appeal is one in which a parent or guardian disagrees with the violation of the code of conduct or the consequences. This type of appeal would follow the LEA's policies and procedures, and the campus administrator would provide the parent or guardian with the procedural requirements for the appeal. If not resolved through the steps of the local appeal, the determination ends up before the school board.

Under the IDEA when a parent of a student with a disability disagrees with a disciplinary placement decision or the results of the manifestation determination, the parent may appeal the decision by requesting a due process hearing. Likewise, the LEA may request a due process hearing to appeal a disciplinary placement decision if the LEA believes that maintaining the student's current placement is substantially likely to result in injury to the student or to others.



## Resolving a Dispute Outside of the Due Process Hearing

As referenced in [TEA's Special Education Dispute Resolution Systems Handbook](#), IDEA strongly favors resolving disputes through alternate, less adversarial, and more cost-effective means than through a due process hearing. The parent or guardian and the LEA have available either the resolution process or the mediation process as vehicles for resolving their differences outside of a due process hearing.

### Resolution Process

The resolution process gives the parties a chance to try to resolve their differences before going to a hearing. When a due process hearing involves a disciplinary change of placement, it is expedited and shortened timelines apply to the resolution meeting and the resolution process. The resolution meeting must occur within 7 days of receipt of the due process complaint unless the parent and school district agree in writing to waive it or agree to go to mediation. The due process hearing may proceed unless the matter is resolved by the parties within 15 days of receipt of the due process complaint. A non-expedited hearing has a longer resolution timeline.

### Mediation Process

TEA offers mediation to parents and school districts who have a disagreement involving any matter arising under IDEA-Part B. Mediation is voluntary, meaning that both parties must agree to participate in mediation. TEA provides information about mediation each time it receives a special education complaint or a due process hearing request, but parents and LEAs may request mediation at any time. For more information about mediation, see the [Office of Legal Services, Special Education Mediation Program](#).

## Due Process Hearings

A special education due process hearing is one of the dispute resolution processes available to parents or guardians and LEAs. A due process hearing may be requested by the parent or guardian or the LEA by filing a due process complaint when one does not agree about the identification, evaluation, educational placement, or services of a student with a disability, or regarding the provision of a FAPE to a student with a disability. When a party files a due process complaint, the IDEA regulations allow the parent or guardian and the school to resolve the dispute at a resolution meeting. If the parties do not resolve the dispute, they may go to a hearing, which is a legal process where the parent or guardian and the school present their case to a hearing officer who will issue a decision. When there is a disagreement with certain decisions involving discipline, the hearing and decision will be expedited (see expedited hearing below).



### Procedures for Filing a Due Process Complaint

A hearing is requested by [FILING A DUE PROCESS COMPLAINT](#).

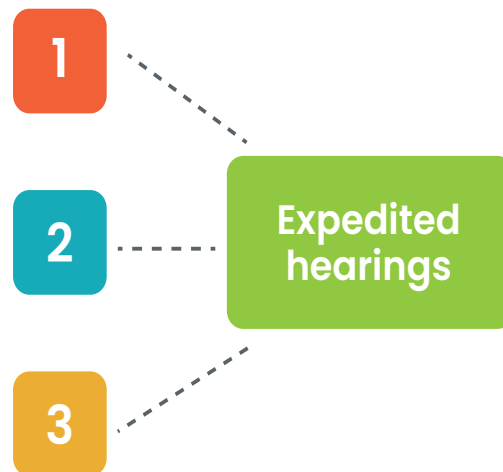
- To file a due process complaint, a party must send a written due process complaint to TEA. TEA has developed a model due process complaint form that is available on [TEA's website](#). A party is not required to use the model form, but TEA encourages its use to ensure that all required information is included in the request. The form is also available on request from TEA, through all regional education service centers, and through all LEAs.
- The public agency must inform the parent or guardian of any free or low-cost legal or other relevant services in the area.
- The due process complaint must remain confidential.



- The party who files a due process complaint must forward a copy to the other party at the same time the party sends it to TEA.
- The due process complaint must include specific information: name of the student; address of the student's residence; the name of the student's school; description of the nature of the problem, including any related facts; and a proposed resolution of the issue (to the extent known and available to the filing party at the time). If the student is homeless (per the McKinney-Vento Homeless Assistance Act), the complaint must include available contact information for the student and the student's school.
- The due process complaint must be e-mailed, mailed, hand-delivered, or faxed to:  
Texas Education Agency Office of General Counsel  
1701 North Congress Avenue  
Austin, TX 78701-1494  
Fax: (512) 463-6027 [SE-Legal@tea.texas.gov](mailto:SE-Legal@tea.texas.gov)

## Expedited hearings can only be requested on three grounds:

1. A parent or guardian can request an expedited hearing if they disagree with the LEA's conclusions in the MDR (i.e., whether the conduct in question results from the student's disabling condition or the LEA's failure to implement the student's IEP).
2. The parent or guardian can request an expedited hearing if they disagree with the LEA's decision to move the student to an IAES due to conduct involving a drug or weapon or where the conduct resulted in serious bodily injury to another student or a member of the school staff.
3. The LEA can request an expedited hearing if it believes that the student's conduct was dangerous and that their continued presence in the current setting is substantially likely to injure other students, school staff, or the student.



## The differences between an expedited hearing and a standard due process hearing are as follows:

- Unlike the standard hearing which allows the parties up to 30 days to work out their differences in the [Special Education Dispute Resolution Process](#), the parties are given only 15 days to complete the resolution period in an expedited hearing. The parties must have a resolution meeting within 7 calendar days of receipt of the request for a hearing unless the parties waive the resolution meeting in writing or agree to go to mediation.
- Parties may use [the Office of General Counsel, Special Education Mediation Program](#), instead of the Resolution Process, to discuss a potential settlement. Still, the mediation cannot delay the hearing timelines.
- In an expedited hearing, the hearing must begin within 20 school days of the date that the due process hearing request is filed.
- In an expedited hearing, the hearing officer is given 10 school days from the end of the hearing to render the decision. The hearing officer cannot grant any extensions of these hearing and decision timelines.



- When an expedited hearing has been requested, the student must stay in the disciplinary placement designated by the LEA while awaiting the decision of the hearing officer or until the end of the time period in which the student was required to be in that placement.

## Authority of the Hearing Officer

If the due process hearing proceeds, the hearing officer must issue a decision within the timeframe set out above and may:



1. Return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of federal law or that the student's behavior was a manifestation of the student's disability; or
2. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the student's current placement is substantially likely to result in injury to the student or others.

Due process hearing [PROCEDURES](#) may be repeated if the LEA believes that returning the student to the original placement is substantially likely to result in injury to the student or others (e.g., if at the end of the IAES placement the LEA does not believe the student can safely return to the original placement, another expedited hearing can be requested).

The hearing officer's decisions are appealable in federal or state court.

## Protections for Students Not Yet Determined Eligible for Special Education

A student who has not been determined to be eligible for special education and related services who has violated a code of student conduct may assert IDEA discipline protections if the LEA knew or should have known that the student is a student with a disability before the behavior resulting in disciplinary action occurred. The LEA must be deemed to have knowledge if any of the following occurred before the behavior that resulted in disciplinary action:

- The parent or guardian expressed concern in writing to supervisory or administrative personnel or the student's teacher that the student needs special education and related services.
- The parent or guardian of the student requested an [EVALUATION](#).
- The student's teacher or other LEA personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or other supervisory personnel of the LEA.
- The LEA initiated an evaluation under IDEA, but the evaluation is not yet complete.



**NOTE:** The LEA is not considered to have knowledge if:

- The parent or guardian did not allow a special education evaluation of the student.
- The parent or guardian refused special education and related services.
- The student was found to not be a student with a disability after an evaluation.

If the LEA has [KNOWLEDGE](#) that a student is a student with a disability, then the IDEA disciplinary protections, including the manifestation review provisions apply. In [recent guidance](#) OSERS noted that where the LEA cannot conduct or finish the evaluation before the timeline for conducting a manifestation determination review, it would still need to convene a group of knowledgeable persons, as determined by the parent and the LEA, to conduct the manifestation determination review even though the LEA has yet to make its eligibility determination. In these cases, the group would review relevant information (e.g., parent and teacher input and observations, discipline records) to consider the relationship of the student's behavior to the suspected disability. A determination about the LEA's failure to implement the IEP would not be possible in the case where the student does not have an IEP. Please refer to [questions I-7 and I-8](#) for additional information.

If the [LEA DOES NOT HAVE KNOWLEDGE](#) that the student is a student with a disability, general education disciplinary procedures are followed.

## Request for an Evaluation

---

When a request is made for an evaluation during the time in which the student is subjected to disciplinary measures, the LEA [MUST](#):

- **Conduct an expedited evaluation:** Complete a thorough evaluation in an expedited manner. While neither federal nor state law defines the timeline for an expedited evaluation, guidance from the [United States Department of Education](#) explains that an expedited evaluation “should be conducted in a shorter period of time than a typical evaluation conducted [under IDEA].” While the evaluation is ongoing, school personnel may apply the same disciplinary procedures to non-disabled students.
- **Keep the student in the educational placement determined by school authorities:** Until the evaluation is completed, the student remains in the educational placement determined by the school authorities, including suspension or expulsion without educational services.
- **Take action based on evaluation results:** If the student is determined to be a student with a disability and eligible for special education, taking into consideration information from the evaluation conducted by the LEA and information provided by the parent or guardian, the LEA must provide special education and related services including the IDEA discipline protections.

---

## Important Discipline Reminders

---

### Disciplinary Removals

---

- A disciplinary removal generally occurs when a student violates the student code of conduct and is removed from their current placement and put in an appropriate interim alternative education setting, another setting, or is suspended. Portions of the school day may be considered a removal (e.g., ½ day, sending students home early, asking parents to pick up their child, or waiting in the office).
- Suspensions from the bus are considered a removal if bus transportation is part of the student's IEP.
- In-school suspension is counted as a day of removal when determining whether a removal constitutes a change of placement, unless:
  - The student is allowed to continue to participate in the general curriculum appropriately,
  - The student continues to receive the services in their IEP, and

- The student continues to participate with non-disabled students to the extent they [would have in their current placement](#).
- An eligible student under the IDEA who violates the student code of conduct may be removed from their current placement for up to 10 school days without implementing any IDEA procedures if the same discipline would be applied to students without disabilities.
- Removals of 10 consecutive school days or less are often referred to as “short-term removal.”
- A student can have multiple short-term removals in a school year if the cumulative days do not constitute a “change of placement.”

---

## Final Thoughts

---

As we conclude this guide, here are a few important takeaways:

- Behavior is communication.
- Intervening with challenging behavior is a team effort.
- Include multiple sources of data, from families, teachers, and other campus staff in a variety of settings, when deciding how to intervene with students who display challenging behavior. Monitor progress and adjust as necessary.
- Strong school systems that focus on preventative strategies and early interventions based on data are key to reducing challenging behaviors and teaching appropriate replacement skills. The goal should always be building strong relationships and teaching students the skills necessary for success in school and beyond.

“The single most important thing a teacher can do to improve the overall behavior of students in their classroom is to increase the number of positive interactions they have with each student.

-Randy Sprick, Safe and Civil Schools”

Working with students who display challenging behavior can be a complex issue for families and schools. The intent of this guide is to provide you with information, guidance, and helpful resources that simplify and clarify what to do prior to, during, and after a behavior event. Again, thank you for all you do, and we hope this guide helps you in your journey of serving our students with disabilities and their families.

## Categorized Resource List

---

### [Behavioral Strategies](#)

[Center on Positive Behavioral Interventions and Supports \(PBIS\) Resources](#)

[Data Sheets and Templates](#)

[Dispute Resolution Resources](#)

[Federal and State Rules, Regulations, and Guidance](#)

[IRIS Center Resources](#)

[Texas State Leadership for Autism Training \(TSLAT\) Resources](#)

[Tiered Interventions Using Evidence-Based Research \(TIER\) Resources](#)

[Other Resources](#)

## Behavioral Strategies

---

[Antecedent-Behavior-Consequence \(A-B-C\) Analysis Activity \(IRIS Center\)](#)

[Behavior Contracts](#)

[Behavior as Communication](#)

[Check and Connect Intervention](#)

[Check-in/Check-out Intervention](#)

[Defuse the Behavior Pattern \(de-escalation strategies\)](#)

[Intervention Central: Behavioral Interventions](#)

[Intervention Central: Ideas for Classroom Rewards](#)

[Intervention Central: Mystery Motivator Intervention](#)

[Intervention Central: Reward Finder](#)

[Intervention Central: Self-Management](#)

[Intervention Central: Teacher Praise](#)

[Shaping](#)

## Center on Positive Behavioral Interventions and Supports (PBIS) Resources

---

[Aligning and Integrating Mental Health and PBIS to Build Priority for Wellness](#)

[Center on Positive Behavioral Interventions and Supports \(PBIS\)](#)

[Center on PBIS App for Tracking Positive Reinforcement](#)

[Fact Sheet - Interconnected Systems Framework 101: An Introduction](#)

[Fact Sheet - ISF 201: When school Mental Health is Integrated within MTSS: What's Different](#)

[Fact Sheet - ISF 301: Installing an Integrated Approach](#)

[How to Get PBIS in Your School](#)

[Interconnected Systems Framework \(ISF\) Introduction Video](#)

[Instructional Alternatives to Exclusionary Discipline](#)

[PBIS Implementation Blueprint](#)

[PBIS Tiered Fidelity Inventory \(TFI\)](#)

## Data Sheets and Templates

---

[Duration Data](#)

[Frequency Data](#)

[Implementation Fidelity Checklist \(Example\)](#)

[Latency Data](#)

[Scatter Plot: What is a scatter plot and how do you use it?](#)

[Written Summary of Restraint Use Sample Form \(TEA Webpage\)](#)

## Dispute Resolution Resources

---

[CADRE: The Center for Appropriate Dispute Resolution in Special Education](#)

[Special Education Dispute Resolution Process \(TEA Webpage\)](#)

[TEA Special Education Dispute Resolution Systems Handbook \(April 2021\)](#)

## Federal and State Rules, Regulations, and Guidance

---

[18 USC §930: Possession of firearms and dangerous weapons in Federal facilities](#)

[19 TAC Chapter 89: Adaptations for Special Populations \(TEA Webpage\)](#)

[21 USC § 812: Schedules of controlled substances](#)

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[Guidance on Procedural Safeguards Production and Required Dissemination \(TEA Webpage\)](#)

[House Bill 785 \(FBAs and BIPs\)](#)

[House Bill 785 Frequently Asked Questions \(TEA Guidance\)](#)

[Individuals with Disabilities Education Act \(IDEA\)](#)

[The Legal Framework for the Child-Centered Special Education Process](#)

[Office of Special Education and Rehabilitative Services \(OSERS\) Dear Colleague PBIS Correspondence](#)

[OSEP: Guidance on Portion of School Day Removal \(found at 71 Fed Reg 46,715\)](#)

[OSERS: Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#)

[OSERS: Questions and Answers: Addressing the Needs Of Children with Disabilities and IDEA's Discipline Provisions \(2022\)](#)

[OSERS Questions and Answers on Discipline Procedures \(2009\)](#)

[Senate Bill 712: Aversive Techniques \(TEA Guidance\)](#)

[Texas Education Code \(TEC\) Chapter 29, Subchapter A: Special Education Program](#)

[Texas Education Code \(TEC\) Chapter 37, Subchapter A: Alternative Settings for Behavior Management](#)

## IRIS Center Resources

---

[IRIS Center](#)

[Functional Behavioral Assessment: Identifying the Reasons for Problem Behavior and Developing a Behavior Plan](#)

[Overview of the Acting-Out Cycle](#)



## Texas State Leadership for Autism Training (TSLAT) Resources

---

[Autism Supplement Guidance \(Document\)](#)  
[Behavior is Communication \(Online Course\)](#)  
[Differential Reinforcement \(Online Course\)](#)  
[FBA and BIP Issues and Strategies \(Online Course\)](#)  
[Functional Behavior Assessment \(Online Course\)](#)  
[How to Fade Reinforcers \(Video\)](#)  
[How to Use Reinforcement \(Video\)](#)  
[Planned Ignoring \(Video\)](#)  
[Preference Assessment \(Video\)](#)  
[Priming \(Document\)](#)  
[Visual Break Card](#)  
[What is the Three-term Contingency? \(Video\)](#)  
[What is a Replacement Behavior? \(Video\)](#)  
[Why is Fidelity Important \(Video\)](#)

## Tiered Interventions Using Evidence-Based Research (TIER) Resources

---

[Certified TIER Trainers](#)  
[MTSS Overview](#)  
[TIER](#)

## Other Resources

---

[10 Key Policies and Practices for Schoolwide and Classroom-Based Behavioral Supports](#)  
[Center for Parent Information & Resources](#)  
[Discipline and School Removals \(TEA Webpage\)](#)  
[Functional Behavioral Assessment-based Interventions \(Evidence Base\)](#)  
[Gun-Free School Act \(TEA Correspondence\)](#)  
[High Quality Instructional Materials \(TEA Webpage\)](#)  
[The Institute for Restorative Justice and Restorative Dialogue](#)  
[Introduction to Wraparound](#)  
[Juvenile Justice Alternative Education Program \(JJAEP\)](#)  
[More than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline](#)  
[PEIMS – Overview \(TEA Webpage\)](#)  
[Positive Behavior Interventions and Supports \(TEA Webpage\)](#)  
[Preventing Dropout in Secondary Schools](#)  
[Reducing Behavior Problems in the Elementary School Classroom](#)  
[Restorative Discipline Practices in Texas \(TEA Webpage\)](#)  
[Section 504 \(TEA Webpage\)](#)

[Sent Home and Put Off Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade \(2014 Journal of Applied Research on Children\)](#)

[Texas Behavior Support Initiative \(TBSI\)](#)

[Texas School Mental Health Toolkit \(TEA Resource\)](#)

[Texas School Safety Center](#)

[Top 10 Study Skills](#)

[Universal Design for Learning \(UDL\) Courses \(TEA's Inclusion Network\)](#)

[Universal Design for Learning Course \(TEA's Texas Complex Access Network\)](#)



## Appendix

The following appendices include resources from the [TBSI course](#). This is a state-level training that meets the requirements mandated by [Texas Education Code](#) and [Texas Administrative Code](#). TBSI provides foundational knowledge for the use of PBIS for all students, including students with disabilities. While the TBSI training meets legislative requirements related to procedures for the use of restraint and time-out, it also provides a framework for sharing a wide range of foundational-level behavior strategies and prevention-based school-wide, classroom, and individual interventions.

These are only a few of the resources found in the TBSI training and are intended to support the content in this guide. TEA encourages readers to take the TBSI course for more specific information, regulatory requirements, and additional resources.

[Appendix A ABC Questions](#)

[Appendix B Steps in Designing Individual Interventions](#)

[Appendix C Forms of Time-Out](#)

[Appendix D Frequency Monitoring](#)

[Appendix E Documentation of Time-Outs](#)

[Appendix F Documentation of Time-Outs - Sample](#)



## Appendix A

# ABC Questions

## Antecedents

### Changing the before

- Can we eliminate or change the situations that typically set off the problem behavior?
- Can the tasks be altered to make them less difficult?
- Can easy or pleasant tasks be alternated with difficult or unpleasant tasks?
- Can someone remind the student about expected behavior before the problem behavior occurs?
- Can adults change their behavior to avoid setting off the problem behavior?
- Is this an academic skill deficit? If yes, how will you teach the desired skill or behavior?
- Is this a behavioral skill deficit? If yes, how will you teach the desired skill or behavior?

## Behavior

### Replacement

- Does the student know how to perform the desired behavior?
- Can someone teach the student the desired behavior?
- What is the desired behavior?
- Can the student be taught an alternative behavior?
- What behaviors could serve the same function but be more acceptable to the setting or group?
- How can the student practice the desired behavior?
- Can the students learn a self-management system?
- Could other students or staff members be used as resources to teach the desired behavior?

## Consequences

### Changing the after

- What can be done to respond differently when the problem behavior occurs?
- How can the student be rewarded for performing the desired behavior?
- How can the attention given be (temporarily) increased when the desired behavior is performed?
- What can be done to reward the student for using the replacement or alternative behavior?
- How can rewards for the inappropriate behavior be stopped?
- What, if any, crisis plan is needed for potentially dangerous behavior?

*Adapted from: Deanne Crone, Ph.D., University of Oregon*

## Appendix B

# Steps in Designing Individual Interventions

## Defining and Analyzing the Behavior

### Step 1—Operationally define the behavior

- What does the behavior look like?
- How can it be measured?

### Step 2—Collect data about the behavior

Document the A-B-C chain:

- What consistently occurs before the behavior?
- What consistently occurs after the behavior?
- Who is present when the behavior occurs?
- When does the behavior occur?
- Where does the behavior occur?
- How often does the behavior occur?

### Step 3—Determine the function of the behavior

- Does the behavior allow the student to obtain something?
- Does the behavior allow the student to escape/avoid something?

## Designing the Individual Intervention

### Step 4—Design the intervention

- Target replacement behaviors.
- Involve the student.
- Identify reinforcers.
- Consider multiple-level interventions:
  - If a skill deficit exists, select strategies that teach the desired behavior or modify the expectations.
  - If a skill deficit does not exist, assess the need for changes in both antecedent and consequence strategies.
  - Review handout: [A-B-C Questions](#) to determine which type of interventions would be most appropriate to select first.



- Review handouts:
  - Antecedent Strategies
  - Behavior Strategies
  - Consequence Strategies

Implementing and Evaluating the Intervention  
**Step 5—Implement intervention and collect data**  
**Step 6—Evaluate effectiveness of intervention**  
**Step 7—Modify intervention (as necessary)**

Appendix C

# Forms of Time-Out

Time-Out Procedure	Description	Benefits	Problems
Planned Ignoring	All attention or other reinforcers are withheld from the student for a set time.	<ul style="list-style-type: none"> <li>• Easy to use</li> <li>• Portable</li> <li>• Allows student to remain in an instructional environment</li> </ul>	<ul style="list-style-type: none"> <li>• Difficult to control all sources of attention (e.g., attention from other students)</li> <li>• Student's behavior may escalate in response to planned ignoring (e.g., may try harder to get attention)</li> </ul>
Removal of Materials, Work, or Toys	Removal of what the student is using when the behavior occurs. During the time of removal, the student is given no attention or other reinforcers.	<ul style="list-style-type: none"> <li>• Easy to use</li> <li>• Allows student to remain in an instructional environment</li> </ul>	<ul style="list-style-type: none"> <li>• Not appropriate if student disrupts the class while materials are removed</li> </ul>
Time-Out Card	The student is given a card that is green on one side and red on the other. Green faces up when a student is behaving appropriately. Students can earn points/ tokens while green is showing. Contingent upon inappropriate behavior, the card is turned over. Red = signal that the student is in time-out and cannot earn points/ tokens.	<ul style="list-style-type: none"> <li>• Easy to use</li> <li>• Allows student to remain in an instructional environment</li> <li>• Appropriate for older students</li> <li>• Provides a visual cue to the teacher to provide or withhold reinforcement</li> </ul>	<ul style="list-style-type: none"> <li>• Student destroys card while in "red-side time-out." (Corrective action: When time-out ends, tell the student to turn the card over. If a student does not have a card, tell the student card must be fixed to continue earning points.)</li> </ul>
Head Down Time-Out	The student is told to put their head on the desk for a period of time	<ul style="list-style-type: none"> <li>• Easy to use</li> <li>• Allows student to remain in an instructional environment</li> <li>• More appropriate for younger students</li> </ul>	<ul style="list-style-type: none"> <li>• Procedure should not be used if a student refuses to comply. (Under no circumstances should physical force be used to get students to comply.)</li> </ul>
Time-Out Area in Classroom	The student is required to sit in a specially designated area of the classroom (e.g., chair, rug) away from the group.	<ul style="list-style-type: none"> <li>• Easy to use</li> <li>• Allows student to remain in an instructional environment</li> <li>• Rug time-out is portable</li> </ul>	<ul style="list-style-type: none"> <li>• Student refuses to stay in the designated area</li> <li>• Student is disruptive while in time-out</li> </ul>

Appendix D

# Frequency Monitoring

Document the effects of an intervention on a target behavior by **tallying the frequency of the behavior** within each class/time period and date given. Then **graph the total daily results** using the chart template.

Name of Student:

Target Behavior:

Type of Activity or Time When Behavior Is Most Likely to Occur or Best Monitoring Period for Data Collection:

## Frequency Monitoring Data

Class or Time Period	M	T	W	Th	F	M	T	W	Th	F
	/	/	/	/	/	/	/	/	/	/

## Daily Frequency Chart

15										
14										
13										
12										
11										
10										
9										
8										
7										
6										
5										
4										
3										
2										
1										
Date	/	/	/	/	/	/	/	/	/	/

**Appendix E**

# Documentation of Time-Outs

Name of Student:

Date	Description of the Behavior That Prompted the Time-Out	Form of Time-Out	Class/Period/Activity	Who Admin.	Time Begun	Time Ended	Additional Notes

**Appendix F**

# Documentation of Time-Outs - Sample

Name of Student: Susie Sample

Date	Description of the Behavior That Prompted the Time-Out	Form of Time-Out	Class/ Period/ Activity	Who Admin.	Time Begun	Time Ended	Additional Notes
5/1	Pushing a classmate at a computer station.	Head-down time-out	9:30 am Math	Teacher	9:32	9:36	A student commented that another student was bothering her. Afterward, the student returned to the computer and resumed work.
5/3	Hit classmate	Head-down time-out	10:03 am Lining up in the hallway on the way to P.E.	Teacher	10:05	10:10	The student was silent and sat in a chair with their head down. Afterward, went to P.E. behavior was appropriate.



Click on the title of each to visit the websites or scan the QR codes below.

## Texas Special Education Statewide Leadership Networks:

**Child Find, Evaluation and ARD Support**



**Dyslexia and Related Disorders**



**Inclusion in Texas**



**Texas Statewide Leadership for Autism Training (TSLAT)**



**Tiered Interventions using Evidence-Based Research (TIER)**



**Texas Complex Access Network (Texas CAN)**



**Texas Sensory Support Network (TxSSN)**



**Small and Rural Schools Network**



**Student-Centered Transitions Network (SCTN)**



## Additional Special Education Resources:

**The Legal Framework**



**TEA Special Education Page**



## Special Education Resources for Parents and Families:

**SPEDTex**



**Partners Resource Network**





 [twitter.com/  
TexasEducationAgency](https://twitter.com/TexasEducationAgency)  
#IAmTXEd

 [tea.texas.gov](http://tea.texas.gov)

 [facebook.com/  
TexasEducationAgency](https://facebook.com/TexasEducationAgency)

© 2022 Texas Education Agency.