

**Conducting a Functional Behavioral Assessment  
Developing a Behavioral Intervention Plan  
October 2003  
Revised 2005, 2010**

# ***Addressing Student Behavior***

**A Guide for All Educators**

**New Mexico Public Education Department  
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# ***Addressing Student Behavior***

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**The State Of New Mexico**



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## **Note**

This guide is available at [www.ped.state.nm.us](http://www.ped.state.nm.us). Go to the A-Z directory. Click on the "Response to Intervention" link, and then look under "Rule, Policy, and Guidance."

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##### **Important Notice**

Since the guidance documents in Appendices B and C were issued, the U.S. House of Representatives passed a bill addressing the appropriate use of seclusion and physical restraint to ensure the safety of all students and staff. HR 4247, known as the *Keeping All Students Safe Act*, was passed by the House in March 2010. It goes next to the U.S. Senate.

See <http://www.govtrack.us/congress/billtext.xpd?bill=h111-4247>.

The 2003 and 2006 guidance included in this manual in Appendices B and C may change once pending federal legislation and any possible state legislation or rule is issued.

# Introduction & Overview



## ***Addressing Student Behavior: A Positive Approach***

### **Purpose of This Guide**

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This technical assistance manual was prepared by the New Mexico Public Education Department's (PED's) Special Education and Quality Assurance Bureaus specifically to provide educators with assistance in addressing student behavior. Although it provides comprehensive information and guidance for ensuring that procedures for students identified as having disabilities under the Individuals with Disabilities Education Act (IDEA) are carried out in compliance with state and federal laws and regulations, **all students can benefit from the use of consistent positive behavior interventions and supports.**

All behavior—positive and negative—is the manifestation of some underlying need, such as to seek something pleasant or to avoid something unpleasant. These

motives are the *causes*, and the behaviors are the *results*.

The purpose of this guide is to help **all** educators understand how to identify and target the underlying causes behind undesirable behavior that is **frequent, persistent, or severe**. Rather than emphasizing *controlling* problem behavior, the guide offers insight into what drives a student to exhibit a certain behavior and then offers specific methods and strategies for **replacing** problem behavior. In most cases, this can be done by replacing or modifying the cause or motivation for continuing the behavior or supplying an alternate, acceptable behavior that meets the same need. This positive method is far more effective and permanent than any method based on negative consequences that merely suppress behavior, not change it.

### **Supporting Positive Behavior in All Students**

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Today, educators at all grade levels face a growing number of students whose behavior challenges the success of daily classroom instruction. Fortunately, teachers usually are able to rely on school-wide behavioral programs and standard strategies to prevent inappropriate behavior through teaching and

reinforcing appropriate behaviors. Solid teaching practices, clear rules and expectations, caring about students, as well as praising and encouraging positive behaviors are good techniques. However, for some students—both with and without disabilities—these interventions fail to produce a positive response.

In recognition of the negative effect that misbehavior can have on the teaching and learning process, the 2004 amendments to the IDEA (the laws that govern special education) address behavior that interferes with learning. For students with disabilities, the law requires schools to take certain steps to address such behavior as part of the student's Individualized Education Program (IEP). (See page 7.)

In an effort to ensure that schools are safe and conducive to learning, the IDEA and state special education rules include

using a **Functional Behavioral Assessment** (FBA) as a basis for developing a positive **Behavioral Intervention Plan** (BIP) and other supports that help the student learn replacement behaviors. The IDEA requires these measures in response to certain disciplinary sanctions. **However, when behavior significantly interferes with the student's learning or that of others, it needs to be addressed by the Student Assistance Team (SAT), Section 504 Team, or the IEP Team with an FBA and a BIP.** (See pages 9–10.)

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**Core Messages**—*Consistent with the principles of the state's Response to Intervention (RtI) framework, the following core messages apply:*

- ▶ *Schools need to adopt school-wide positive behavioral and support programs in order to create a school environment that is safe and conducive to learning for **all** students. This type of program forms the basis for the school's **Tier 1 core behavioral intervention program.***
- ▶ ***Tier 2 and Tier 3** offer more intense support for students with **frequent, persistent, or severe** problem behavior.*
- ▶ *The FBA/BIP process, as described in this guide, is the **individualized behavioral assessment and intervention for Tier 2 and Tier 3.***

*See the state's RtI framework guidance manual at [www.ped.state.nm.us](http://www.ped.state.nm.us). Click on the A-Z Directory. Then click on "RtI" to locate the Student Assistance Team and the Three-Tier Model of Student Intervention manual. See pages 106–110 for information and resources on addressing student behavior within the RtI framework.*

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Educators have long understood that behavior difficulties can keep students from functioning productively in class. Many school personnel have been considering the effects of behavior on learning for some time. The 2004 Amendments to the IDEA take that

consideration one step further—the *relationship between behavior and learning must not only be considered, but acted upon*. For students eligible for special education and related services, the IDEA specifies FBAs, BIPs, and supports

as they relate to the responsibilities of the IEP team and the IEP itself.

**This FBA/BIP guide is to be used by Student Assistance Teams and Sections 504 teams (Tier 2), and IEP teams (Tier 3) to support students who demonstrate an individualized**

**need beyond the Tier 1 core behavioral program with universal interventions.** It is essential these teams get proper professional development, training, and support in implementing the FBA/BIP process. This manual is an essential roadmap and resource towards that end.

## ***Rights and Requirements Under the IDEA***

*The 2004 Amendments to the IDEA are explicit in what they require of an IEP team addressing behavioral problems of students with disabilities when those behaviors interfere with their learning or the learning of others.*

- ▶ The IEP team must consider, when appropriate, strategies—including positive behavioral interventions, strategies, and supports—to address that behavior through the IEP process. A BIP that is integrated into the IEP is the strategy to address behavior.
- ▶ In response to disciplinary actions by school personnel, the IEP team must **conduct** the FBA. By conduct, it means that the IEP team takes responsibility for planning the FBA, deciding who will perform the various parts of it, and for ensuring that it is completed in a timely manner. (See page 12.) The IEP team must also develop and implement a BIP, or if a BIP already exists, the team must review and revise it, as necessary.
- ▶ In addition, IDEA 2004 offers support to address the in-service training needs and pre-service preparation of personnel (including professionals and paraprofessionals who provide special education, general education, related services, or early intervention services) to ensure that they have the knowledge and skills necessary to meet the needs of students with disabilities. This includes enhancing their abilities to use strategies such as behavioral interventions and supports.
- ▶ Under New Mexico state rule, a student identified as gifted receives special education and related services. However, the IDEA regulations at 34 CFR Sec. 300.530 for when FBAs and BIPs are **required** for students with disabilities, do not apply to gifted-only students. However, a gifted student may have a BIP if the IEP team decides it is needed for success in school.

**NOTE:** *Under the IDEA, an FBA is considered an individualized evaluation. So, consistent with 34 CFR Sec. 300.300(a) and (c), parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation, unless it is to fulfill disciplinary requirements in 34 CFR Sec. 300.530. (See federal guidance at 52 IDELR 231, Question E-4, June 1, 2009.)*

## The School as an Educational Team

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The IDEA emphasizes ensuring access to the “least restrictive environment” (LRE) and promoting positive educational results for students with disabilities. The 1997 and 2004 Amendments also highlight the roles of the regular education teacher, the general education curriculum, and appropriate classroom placement in helping students advance academically and behaviorally. As schools implement the state’s Response to Intervention (RtI) framework, many educators may be cast in unfamiliar roles and acquiring new responsibilities. In the past, special educators provided classroom instruction to students with disabilities. More recently, their responsibilities, like those of their colleagues in regular education, have enlarged to include professional collaboration to support the participation of students with disabilities in the general education curriculum.

Under IDEA 2004, there is an increased emphasis upon not only teaching students with disabilities in the regular edu-

cation classroom, but monitoring their progress by means of appropriate instruments and procedures. As a result, there is a necessity to collaborate with all relevant education personnel to resolve behavior problems that may interfere with academic progress. As members of IEP teams, regular educators play an ever increasing role in collaboratively developing comprehensive management and instructional plans for students with disabilities.

Behavior and discipline are major concerns of administrators, teachers, parents, and even students. Teaching and learning in a safe environment is an important priority. Having a clear plan in place that states expectations and delineates procedures for handling problem behavior will go a long way toward achieving that goal. The school community will benefit from a commitment to a plan that teaches positive behavior while providing supports to teachers and students for modifying problem behavior at the root cause.

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### ***Acronyms Used in this Guide***

**FBA—Functional Behavioral Assessment**

**BIP—Behavioral Intervention Plan**

**SAT—Student Assistance Team**

**IEP—Individualized Education Program**

**IDEA—Individuals with Disabilities Education Act (federal law)**

**RtI—Response to Intervention**





## ***Planning Guide for Addressing Student Behavior by Conducting an FBA and Developing a BIP***

### **When a Student Is Referred for Problem Behavior**

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First, determine the status of the student.

- ⇒ ***Is the student identified as having an exceptionality and already has an IEP or has a Section 504 Accommodation Plan?*** In these cases, if the behavior is related to the exceptionality, the IEP team or Section 504 team conducts a FBA, and develops or revises a BIP to address the behavior.
  - ⇒ ***Is the student being served in the regular education environment without any identified exceptionality, and being referred to the SAT for behavior issues?*** The SAT addresses the problem(s). The SAT conducts the FBA and uses the results to develop a BIP, as necessary. The SAT may also develop a written plan for academic interventions if skill deficits are related to the behavior.
  - ⇒ ***Is the student being referred to the SAT for an evaluation to consider the possible need for special education and related services?*** Once the district or charter school agrees to conduct an evaluation and obtains written parental consent, the educational diagnostician will determine what academic and/or behavioral assessments are necessary.
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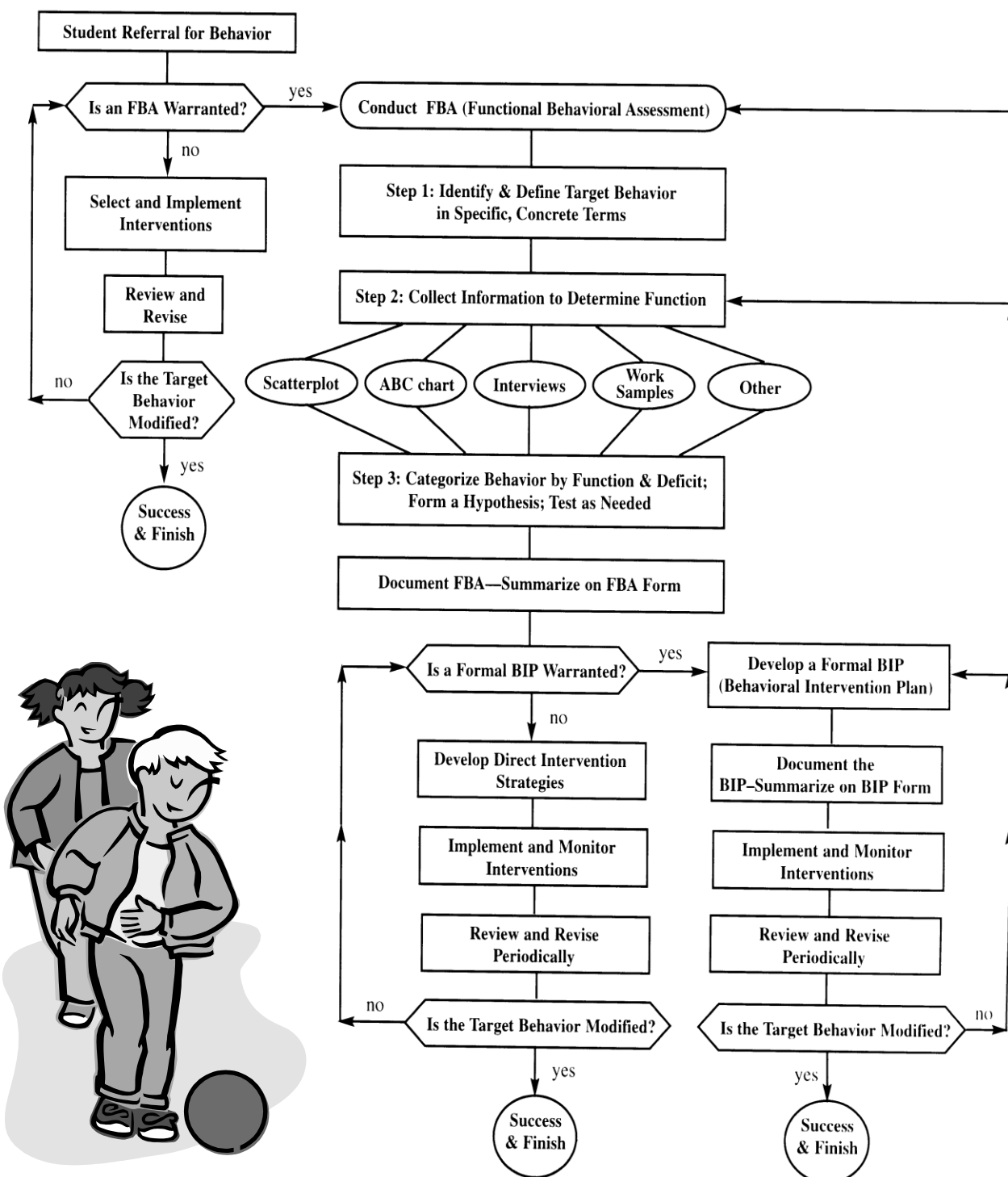
### ***Key Points of Law Regarding Students with Disabilities***

- *If not previously done, an IEP team must conduct an FBA no later than 10 days after disciplinary action involving suspension or placement in an interim alternative educational setting (IAES). A BIP must be developed to address the behavior, or if one is already in place, it must be reviewed and revised to the extent necessary to address the behavior.*
- *When behavior impedes the learning of the student or that of others, IEP teams must consider the use of **positive behavior interventions and supports**, and **other strategies to address that behavior**. A BIP that is integrated into the IEP is the strategy to address behavior.*
- *A student's Section 504 team is required to develop a BIP whenever it determines that behavior problems **substantially limit** the identified student's ability to benefit from his or her education. (See the New Mexico Section 504 Guide at [www.ped.state.nm.us](http://www.ped.state.nm.us) )*

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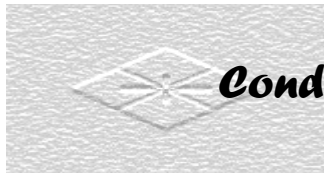
**On the following page is a flow chart that teams can use to plan and to guide them through the process of addressing problematic student behavior.**

## Addressing Student Behavior Through an FBA and a BIP



► **Tip:** To use this as a guide and planning tool for an individual student, make a copy and then highlight the path followed, and date each action taken.

# Functional Behavioral Assessment



## ***Conducting a Functional Behavioral Assessment (FBA)***

### **Why a Behavior Assessment is Important**

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When a student's behavior disrupts classroom instruction, teachers often address the problem by manipulating events that follow the misbehavior (e.g., verbal reprimands, isolation, detention, suspension). Experience has shown that this approach fails to teach the student acceptable *replacement behaviors* (i.e., behaviors that are expected and appropriate for the circumstances). The student may respond to the consequences for the moment, but in many instances, what has been absent is a method for determining “why” the student misbehaved in the first place. Today, there is good reason to believe that the success of classroom behavior interventions hinges on identifying the likely causes and purposes of problem behavior, as well as finding ways to teach and promote appropriate replacement behaviors that serve the same “functions” as the inappropriate behaviors.

We know that inappropriate student behavior may have the same form (e.g., Charles and James both talk back to the teacher) but serve different functions (e.g., Charles is seeking peer approval while James is attempting to control an

aversive teacher-pupil interaction). Functional assessment helps educators to understand what function the problem behavior serves for the student. This enables them to determine interventions that reduce or eliminate specific problem behavior by replacing it with acceptable behavior that serves the same purpose or function for the student (e.g., teaching Charles more acceptable ways to gain peer attention).

The logic behind an FBA is that practically all behavior occurs within a particular context and serves a specific purpose. Students learn to behave (or misbehave) in ways that satisfy a need or that result in a desired outcome. Students will change their behavior only when it is clear that a different response will more effectively and efficiently result in a desired outcome. Identifying the purpose of problem behaviors or more specifically—what the student “gains,” “controls,” or “avoids” through those behaviors—can provide information that is essential to developing instructional strategies and supports to reduce or eliminate behaviors that inter-


fere with successful classroom performance or participation.

Conducting an FBA is generally considered to be a problem-solving process that looks beyond the behavior itself. The focus when conducting an FBA is on identifying significant, pupil-specific social, affective, cognitive, and/or environmental factors associated with the occurrence (and non-occurrence) of specific behaviors. This broader perspective offers a better understanding of the function, or purpose, behind student behavior. Intervention plans based on an understanding of “why” a student misbehaves are ex-

tremely useful in addressing a wide range of problem behaviors. Keep in mind that an FBA is usually the first of a two-pronged approach to addressing student problem behavior. Conducting an FBA lays the foundation for developing a BIP. In reviewing records about the student’s behavior, the team may determine that more information through an FBA is needed before an effective BIP can be designed. **Note: Prior written parental consent is required to do an FBA for a student with a disability or as part of an initial special education evaluation.**

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### ***What is a Functional Behavioral Assessment (FBA)?***



*An **FBA** is an approach that incorporates a variety of techniques and strategies to diagnose the causes and to identify likely interventions intended to address problem behaviors. In other words, the FBA looks beyond the demonstrated behavior and focuses, instead, upon identifying biological, social, affective, and environmental factors, **or triggers**, that initiate, sustain, or end the target behavior. This approach is important because it leads the observer beyond the “symptom” (the behavior) to the underlying motivation for it.*

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Remember that the cause of a behavior is not usually considered inappropriate. Rather, it is the behavior itself—the result—that is judged appropriate or inappropriate. For example, getting good grades and acting-out may serve the same function (i.e., getting attention from adults). Through an FBA, the team can determine that a student is seeking attention by acting-out. They can then develop a plan to teach the student more appropriate ways to gain attention, thereby filling the student’s need with an alternative behavior that serves the same function as the inappropriate behavior. At the same time, strategies may be developed to decrease or even eliminate *opportunities* for the student to engage in the undesirable behavior.

### **Conducting vs. Performing an FBA**

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Most teachers recognize that many classroom discipline problems can be resolved by consistently applying effective

classroom and behavior management strategies. These proactive strategies can alleviate the need for teachers to re-

fer students to the SAT. An FBA is for students who are referred to the SAT, have an IEP, or Section 504 plan and demonstrate

- **frequent;**
- **persistent; and/or,**
- **severe**

behavior problems that do not readily respond to classroom intervention strategies. An FBA may also be conducted at the discretion of the SAT or IEP team supporting the student, or as required under IDEA disciplinary procedures.

**Conducting an FBA.** While the IDEA advises an FBA approach to determine specific contributors to behavior, it does not require or suggest specific techniques, strategies, or persons to use when conducting an FBA. It only requires that the IEP team *conducts* it. That means takes responsibility for planning the FBA, gets consent, decides who will perform the various parts of it, and ensures that it is completed in a timely manner. The same idea applies to the SAT or Section 504 team.

**Performing the FBA.** When they meet to plan the FBA, the IEP team, the Section 504 team, or the SAT make the decision about what individual or “teams” of individuals will actually perform, or carry out, the FBA and then report back.

- If an “assessment team” is used to perform the FBA, then 2–3 trained people will be needed.
- The individual or team will review records, use data tools to assess behavior, and complete the **FBA Report Form (pages 34–36).**
- The school’s SAT must be adequately trained to conduct and perform an FBA, as needed.
- Trained IEP team or other staff members can perform an FBA.
- If the problematic behavior is severe, then the SAT, Section 504 team, or IEP team may have a qualified professional, such as a counselor, psychologist, or behavior management specialist perform the FBA.

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### ***Conducting an FBA***

*Below is a summary of the stages involved in conducting an FBA. They are discussed in detail on the pages that follow.*

1. *Describe and define the target behavior in specific, concrete terms*
2. *Collect information on possible functions of the target behavior*
  - i. *Use direct and indirect measures of behavior*
  - ii. *Check accuracy of behavior measurement*
3. *Categorize behavior—Is it linked to a skill deficit or a performance deficit?*
4. *Analyze information to form a hypothesis (conjecture or presumed function)*
5. *Devise interventions and/or develop a BIP*
6. *Collect data and evaluate the BIP; Revise as needed*

# Conducting the FBA

## Step 1: Identify and Define the Problem Behavior

Before an FBA is conducted, it is necessary to pinpoint the behavior causing learning or discipline problems, and to define that behavior in concrete terms that are easy to communicate and simple to measure and record. If descriptions of behaviors are vague (e.g., poor attitude), it is difficult to determine appropriate interventions. This table shows how vague, generalized descriptions can be stated as specific, concrete definitions

<i><b>Problem Behavior</b></i>	<i><b>Concrete Definition</b></i>
<i>Trish is aggressive.</i>	<i>Trish hits other students during recess when she does not get her way.</i>
<i>Carlos is disruptive.</i>	<i>Carlos makes irrelevant and inappropriate comments during class discussion.</i>
<i>Jan is hyperactive.</i>	<i>Jan leaves her assigned area without permission. Jan completes only portions of her independent work. Jan blurts out answers without raising her hand.</i>

In collecting preliminary information about student behavior, the team should take into consideration teacher expectations for student academic performance, as well as classroom conduct. It might be that teacher expectations for the student exceed or fall below the student's ability to perform. The resulting behavior problems may stem from a sense of frustration, fear of embarrassment, or boredom. **In assessing a student's behavior, it is also important to consider whether a particular response may relate to cultural differences or expectations.** For example, in some cultures, making eye contact with adults

is considered rude. In others, peer competition is discouraged. Remember that no two students (or their families) are the same, regardless of their gender, cultural, or ethnic background. As part of the team, parents can provide valuable information regarding the behaviors their culture values. School personnel should be aware that differences may exist, respect these differences, and work to adopt the family's perspective when considering student behavior. When making judgments about cultural differences or expectations, professionals who are qualified to make such statements may be another resource to the

team. Such individuals may be in a good position to assess the impact of cultural differences on learning. The questions

that follow can be used as a way for the team to judge the significance of the behavior exhibited by a student.

- ▶ *Does the student's behavior significantly differ from that of his/her classmates?*
- ▶ *Does the behavior lessen the possibility of successful learning for the student and/or others?*
- ▶ *Have past efforts to address the behavior using standard interventions been unsuccessful?*
- ▶ *Does the behavior represent a skill or performance deficit, rather than a cultural difference?*
- ▶ *Is the behavior serious, persistent, chronic, or a threat to the safety of the student or others?*
- ▶ *If the behavior persists, is some disciplinary action likely to result*

It may be necessary to carefully and objectively observe the student's behavior in different settings and during different types of activities. Interviews with other school staff and caregivers may help pinpoint the specific characteristics of the behavior. **A “yes” answer to any of the questions above can be used to determine if an FBA is appropriate.** Once the team has defined the problem behavior in con-

crete terms, they can begin to devise a plan for conducting an FBA to determine functions (causes) of the behavior. For students with disabilities, it is important to note that the FBA must be done within the framework of an IEP meeting. The following sections can be used to guide teams in choosing the most effective techniques to determine the likely causes of behavior.

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## ***Step 2: Collect Information to Determine Function***

By collecting and analyzing various kinds of information about behavior that significantly disrupts the teaching and learning process, school personnel are better able to select the most appropriate interventions. Information on the social and/or environmental context, *antecedent* and *consequent* events (i.e., events preceding or following the behavior, respectively), and past events that may influence present behavior. It also assists teams in predicting when, where,

with whom, and under what conditions a certain behavior is most and/or least likely to occur.

A well-developed assessment plan and a properly-executed FBA should identify the contextual factors that contribute to behavior. Determining the specific contextual factors for a behavior is accomplished by collecting information on the various conditions under which a student is most and least likely to exhibit the problem behavior. That information,

collected both indirectly and directly, allows school personnel to predict the cir-

cumstances under which the problem behavior is likely and not likely to occur.

*A thorough assessment plan would include collecting information during most or all of the following circumstances:*

- ▶ *times when the behavior does/does not occur* (just prior to lunch, during a particular subject)
- ▶ *specific location of the behavior* (classroom, playground)
- ▶ *conditions when the behavior does/does not occur* (in small groups, during unstructured time)
- ▶ *individuals present when the behavior is most/least likely to occur* (certain students, substitute)
- ▶ *events or conditions that typically occur before the behavior* (assigned to a certain reading group)
- ▶ *events or conditions that typically occur after the behavior* (student is sent out of the room)
- ▶ *common setting events* (during bad weather, during testing)
- ▶ *other behaviors that are associated with the problem behavior* (series of negative peer interactions)

Multiple sources and methods are required for conducting a behavior assessment. A single source of information generally does not produce sufficiently accurate information, especially if the problem behavior serves several functions that vary according to circumstance (e.g., making inappropriate comments during class may serve to get peer attention in some instances, while in other situations it may serve to avoid being called on by the teacher).

It is important to understand, though, that contextual factors are more than the sum of observable behaviors. They include certain *affective* and *cognitive* behaviors, as well. In other words, the trigger, or antecedent for the behavior, may not be something that anyone else can directly observe, and, therefore, must be identified using indirect

measures. For instance, if the student acts out when given a worksheet, it may not be the worksheet that caused the acting-out, but the fact that the student does not know what is required (a skill deficit) and thus anticipates failure or ridicule. Information of this type may be gleaned through a discussion with the student or a review of information gathered in the FBA process.

Since problem behavior stems from a variety of causes, it is best to examine the behavior from as many different angles as possible. Depending on the nature of the behavior of concern, it is crucial that multiple means be used to collect information about the behavior. This might include a review of the student's records (educational and medical), along with an evaluation of a sample of the student's academic products



(e.g., in-class assignments, tests, homework). In addition, the team will want to use various observation procedures, questionnaires, interviews with parents, teachers, and other school personnel (e.g., bus driver, cafeteria

workers, playground monitors), as well as interviews with the student—whatever the team decides is needed to better understand the causes of the specific problem behavior

## Direct and Indirect Measures of Student Behavior

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Different behaviors may require different data collection techniques. **Direct assessment** consists of actually observing the problem behavior and describing the conditions that surround the behavior (its context). This context includes events that are *antecedent* (i.e., that occur before) and *consequent* (i.e., that occur after) to student behaviors of interest.

There are several tools to select from in recording direct assessment data. Each has its particular strength.

Teams should consider what they want or need to know about the presenting behavior and select direct observation strategies

and recording tools accordingly. The most commonly used tools and the kinds of data they can help gather are described below. Reproducible sample data tools are included at the end of this section.

Often, initial observations can be accomplished through the use of a **scatterplot**.



The purpose of a scatterplot is to identify patterns of behavior that relate to specific contextual conditions. A scatterplot is a chart or grid on which an observer records single events (e.g., number of student call-outs) or a series of events (e.g., teacher requests and student responses) that occur within a given context (e.g., during teacher-led reading instruction, at lunch, on the playground). Scatterplots take various forms, depending on the behavior of interest and its social and/or physical context. Some require observers to sequentially record (by category) various events (e.g., format of instruction, teacher behavior, student and/or peer responses, likely purpose of student reaction). See pages 22-23 for a sample and reproducible scatterplot form.

Another way to observe student behavior is with an **ABC Observation Form** (Antecedent-Behavior-Consequence). This approach allows an observer to organize anecdotal or descriptive information on the student's interactions with other students and adults in such a way that patterns of behavior often become clear. A modified ABC chart might be individualized to contain several prede-

terminated categories of teacher or peer antecedent behavior, student responses, and consequent events, along with space for narrative recording of classroom observations. See pages 24-25 for a sample and reproducible ABC Observation Form.

We know that student behavior usually is related to the context in which it occurs. However, team will not always be able to directly observe all the events that bring about or maintain specific student behavior. So-called “setting events” can exist within the classroom (e.g., Charles is asked to join a new reading group), or be far removed from it but still exert a powerful influence over student behavior (e.g., Charles has an argument with another student at the bus stop before school). External events of this nature may increase the likelihood of conflict in the classroom, especially if the student is struggling academically and/or dislikes the subject matter. These setting events (or specific antecedents for the behavior) often may not be directly observable. In other cases, the behavior may be serious but not occur frequently enough in settings accessible to adults to be readily observed (e.g., verbal or physical aggression). In these instances, the behavior must be assessed by using indirect measures.

**Indirect assessment** relies heavily on the use of **interviews** with teachers and other adults (e.g., parents bus drivers, cafeteria workers) who have direct con-

tact with the student. In addition, a semi-structured interview with the student could provide critical insight into the student’s perspective of the situation and yield a more complete understanding of the reasons behind the inappropriate behavior. It may be useful to follow the same interview format with both the student and significant adults (e.g., special and regular classroom teachers, parents, and support personnel) and to compare these two sources of information. Even elementary aged students can be credi-

ble informants, capable of sharing accurate information about contextual factors that influence

their behavior. Indirect measures can yield valuable information, but because they are more subjective, assessment teams must be careful not to put too much faith in information derived from informant accounts alone. See pages 26 to 28 for lists of functional interview questions, one for the teacher or parent and one for the student. Similar information can be gathered in the form of surveys or questionnaires.



In collecting information regarding the context of a behavior problem, it is important to understand that contextual factors may include certain affective or cognitive beha-

vivors, as well. For instance, Juan repeatedly acts out during instruction when given lengthy and difficult assignments. Even so, it may not be the assignment itself that triggers the acting-out behavior. Rather, it may be that he knows he doesn't have the

skills necessary to complete the work that prompts an anticipation of failure or ridicule. Or, he may have a family member who is critically ill. Therefore, he finds it difficult to concentrate.

### ***Step 3: Categorize Behavior and Form a Hypothesis***

The purpose of conducting a FBA is, ultimately, to find the most effective way to address a persistent problematic behavior. Once the team has defined the behavior and gathered data about when, where, and how it is demonstrated, the team is ready to determine WHY the behavior may be occurring. For example, knowing that Abby repeatedly steals from her classmates does not necessarily

mean that she is selfish or disregards the value of possessions. In fact, it could stem from being embarrassed about not having the money and/or possessions others have and not wanting to be looked down upon by her peers. Therefore, a very important part of the FBA is for the team to ascertain and form a **hypothesis** about why the behavior is occurring.

#### ***These are the three basic ways to categorize why a behavior is occurring:***

- ▶ **Function**—*why the student is demonstrating the behavior, usually to get/seek something desired or to escape/avoid something painful or undesired. Examples: to get attention or stimulation, to elicit a desired response, to get a desired activity, to escape demands/requests, to escape an activity or person, to escape an environment, to control something.*
- ▶ **Skill deficit**—*a behavioral or academic skill that the student does not know how to perform. Example: In a disagreement, the student hits the other student because he does not know other strategies for conflict resolution. In cases of skill deficit, the BIP needs to describe how the skill will be taught and how the student will be supported while learning it.*
- ▶ **Performance deficit**—*a behavioral or academic skill the student does know, but does not consistently perform. Example: A student is chronically late for the classes she doesn't "like." In cases of performance deficit, the BIP may include strategies to increase the motivation to be on time.*

In assessing behavior use caution in assuming that a particular behavior exhibited by a student is by choice, i.e. the student does it even though he “knows better.” For example, a student who interrupts may, or may not, be aware that there are alternative, more appropriate ways to be heard. When analyzing a behavior, consider if it is more likely that the student “can’t” behave differently because he does not know differently, or if he does know differently and just “won’t.” In general, “**can’t**” indicates a **skill deficit**, whereas “**won’t**” indicates a **performance deficit**.

While categorizing behavior by function is integral to an FBA, recognition that problems can also relate to either skill or performance deficits, or both, can contribute significantly to development of a sound BIP. Finally, it is also important to remember that one behavior may have an impact on other behaviors the student may engage in.

It is the team’s responsibility to consider all relevant information and form a hypothesis about the behavior that will be used to develop a BIP. **The hypothesis, then, is the statement describing the team’s conclusions about the probable cause(s) and deficit(s) for the student’s manifestation of the behavior.**

One way to reach that conclusion is by using a graphic tool that helps analyze all the compiled information. This tool, called a data triangulation chart or a data triangle, provides a framework on which the team can pull together and visually compare information collected from various sources (scatterplots, ABC charts, interviews). From there the team members attempt to identify possible patterns of behavior, conditions that trigger the target behavior, functions that maintain or continue the behavior (get, control, or avoid something), and finally, deficits that the problem behaviors fill for the student. See pages 29-30 for a sample and reproducible **Data Triangle Chart**.



## ***Important Tip***

The success of the behavioral interventions to be developed for a student depends on the accuracy of the efforts to define and evaluate the problem. Persons performing the FBA may want to use this template as a tool to synthesize their findings before including them on the last page of the FBA Report Form.

*When (X-target) behavior occurs, it is usually in the context of (X-where and/or when) and preceded by (X) trigger(s).*

*The student's response is (X-describe in specific behavioral terms).*

*The result of the behavior is usually (X), which serves to (X-describe "pay-off").*

*The function and/or purpose of this response is likely to be a (X-to get/seek...or to escape and/or avoid...).*

*The behavior appears to be a (X-skill deficit or performance deficit) because (X).*

**Example:** When taunting occurs, it is usually in transition times and is preceded by an upcoming period of social time (recess, lunch). Sara's response is to criticize or make hurtful comments about other girls. The result of the behavior is usually hurt feelings and Sara's separation from the other girls, which serves to remove Sara from the social group. The function and/or purpose of the behavior is likely to be that Sara is purposely attempting to avoid having to interact with and be accepted by peers. The behavior seems to be a performance deficit, because Sara only displays this behavior when she feels pressured to be accepted by other girls.



# Sample of Completed Scatterplot Form

**SCATTERPLOT**

Student: Carl Clark Grade: 5 School: Barton Elem.

Date(s) 10/6-10/10/03 Observer: Mr. Dennison (principal)

Behavior of Concern: verbal outbursts of anger and protest followed by refusal to respond to directions by teacher/adult authority Additional relevant information: Carl is with Ms. Wills in the a.m. for Reading/Lang. & with Mrs. Bryant in p.m. for Math/Sci./Soc.St.

Code used (if any): tally mark for each observed instance

Setting or Class	Times or Intervals	Day/Date M. 10/6	Day/Date T. 10/7	Day/Date W. 10/8	Day/Date Th. 10/9	Day/Date F. 10/10	Total Times Observed
Reading	8:45-10:00	//	///	/	/	///	10
Transition	10:00-10:10		/				1
Language	10:10-11:50	///	//	///	//	///	13
Transition	11:50-12:00		/				1
Lunch	12:00-12:30	/					1
Transition	12:30-12:40						1
Recess	12:40-1:00			/			1
Transition	1:00-1:10					/	1
Math	1:10-1:55	/		/		/	2
Transition	1:55-2:00		/	//			3
Sci./Soc.St.	2:00-2:45	/	//		/		2
					/		4

**Observation Notes**

(e.g., specific circumstances under which the behavior occurred, particular antecedents that triggered the behavior, times/conditions during which the behavior does not occur, patterns observed, etc.)

Carl acts out more frequently in Read./Lang., which are in the a.m. and with Ms. Wills.

Though he may like the p.m. subjects better, his behavior could be a reaction to the subjects, the teacher, or the time of day. I suggest observing Carl when there is a substitute for Ms. Wills, Mrs. Bryant, or both, and/or interviewing him about these classes.

# Scatterplot

Student: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Date(s): \_\_\_\_\_ Observer: \_\_\_\_\_

Behavior of Concern: \_\_\_\_\_

\_\_\_\_\_ Additional relevant information: \_\_\_\_\_

Code used (if any): \_\_\_\_\_

Setting or Class	Times or Intervals	Day/Date	Day/Date	Day/Date	Day/Date	Day/Date	Total Times Observed

## Observation Notes

(e.g., specific circumstances under which the behavior occurred, particular antecedents that triggered the behavior, times/conditions during which the behavior does not occur, patterns observed, etc.)

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# Sample of Completed ABC Observation Form

ABC OBSERVATION FORM			
Student: <u>Cindy Adams</u>			
Date(s) <u>Oct. 10 &amp; 15, 2003</u>		Grade: <u>2</u> School: <u>M.L.King Elementary</u>	
Observer: <u>Janet Hoffman, Special Ed. teacher</u>			
Behavior of Concern: <u>Mars/destroys school property</u>			
	Date: <u>10/10/03</u> Time: <u>9:25-10:10</u>	Date: <u>10/10/03</u> Time: <u>1:05-1:45</u>	Date: <u>10/15/03</u> Time: <u>9:25-10:10</u>
<b>CONTEXT OR CIRCUMSTANCES</b>	Cindy is in Reading Group from 9:25-9:45, then working independently at a table with two other students.	Cindy is in Math Class. The teacher is giving examples of 2-digit subtraction on the board.	
<b>ANTECEDENT</b> (what happens just prior)	The students take their books and materials to the table. Students are to share a bucket of crayons.	The teacher asks for a volunteer to come to board and solve the problem. Cindy jumps out of seat and says aloud "Ooh, me, please."	
<b>BEHAVIOR</b>	Cindy dawdles a bit, then takes a crayon and begins to scribble on the desk. Another student calls out to the teacher about it.	When the teacher does not select Cindy, she scowls and throws her math book on the floor, wrinkling several pages.	
<b>CONSEQUENCE</b> (what happens right after)	The teacher stops her lesson and goes to the table. She asks Cindy why she did that. Cindy says she doesn't know.	The teacher gives Cindy a stern look but does not stop the lesson. Cindy makes a face and picks up the book.	
<b>COMMENTS OR OTHER OBSERVATIONS</b>	Though negative, Cindy seems pleased to have the teacher's attention. Cindy's "answer" only encourages more questions.	Cindy seems to not be able to handle times when the teacher is not attending directly to her.	



## ABC Observation Form

Student: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Date(s): \_\_\_\_\_ Observer: \_\_\_\_\_

Behavior of Concern: \_\_\_\_\_

	Date: _____ Time: _____	Date: _____ Time: _____	Date: _____ Time: _____
<b>CONTEXT OR CIRCUMSTANCES</b>			
<b>A</b> NTecedent (what happens just prior)			
<b>B</b> ehavior			
<b>C</b> onsequence (what happens right after)			
<b>COMMENTS OR OTHER OBSERVATIONS</b>			

## Sample Interview Script—Teacher/Parent

Concern has been expressed about \_\_\_\_\_'s behavior, specifically \_\_\_\_\_. We are gathering information for the purpose of identifying possible reasons for the behavior so that we are able to develop and recommend appropriate interventions.

**Q.** In what specific settings or under what conditions do you observe the behavior?

A. \_\_\_\_\_

**Q.** Are there settings, conditions, or situations in which the behavior does NOT occur?

A. \_\_\_\_\_

**Q.** Characterize your observation of the frequency, intensity, and duration of the behavior.

A. \_\_\_\_\_

**Q.** Who is present when the behavior occurs?

A. \_\_\_\_\_

**Q.** Which of these, if any, typically precede the behavior?

- ☐ *directive or request from authority*    ☐ *provocation from peers*    ☐ *academic activity*  
☐ *unstructured setting*    ☐ *transition time*    ☐ *certain time of day*

Describe the activity or interaction that takes place just prior to the behavior.

A. \_\_\_\_\_

**Q.** Which of these, if any, typically immediately follows the behavior?

- ☐ *behavior is socially reinforced by peers*    ☐ *receives attention*    ☐ *gets corrective feedback*  
☐ *is removed from the setting*    ☐ *privileges are withheld*    ☐ *negative consequence*  
☐ *no consequences or behavior is ignored*    ☐ *no obvious consistency*    ☐ *other*

Describe the typical result of the behavior and consequence of it.

A. \_\_\_\_\_

**Q.** Are there other behaviors that usually occur along with the problem behavior?

A. \_\_\_\_\_

**Q.** What positive reinforcers have you used with this student and how effective were they?

A. \_\_\_\_\_

**Q.** What negative consequence have you used with this student and how effective were they?

A. \_\_\_\_\_

**Q.** For what reasons might the student be showing this behavior? (e.g., to get, control, or avoid something)

A. \_\_\_\_\_

**Q.** In your opinion, what would be an acceptable way for the student to achieve the same outcome?

**A.** \_\_\_\_\_

**Q.** Do you feel that this student does not “know how” to achieve his needs using appropriate behavior (can’t). Or, does the student know how to behave differently, but consistently chooses not to (won’t)?

**A.** \_\_\_\_\_

**Q.** What other insight can you offer about this student or the behavior that might assist us in developing appropriate, effective interventions? (Parents: any health, eating/sleeping habits, other patterns?)

**A.** \_\_\_\_\_

**Notes:**

## Sample Interview Script—Student

We are gathering information in order to better understand what goes on in and out of the classroom. We would like to know and consider the students' point of view as well as the adults'. We need your help to get an accurate "picture." Please answer these few questions as openly and honestly as possible.

**Q.** Do you think that what goes on outside of school affects how a student works and behaves in class? How (give example)?

A. \_\_\_\_\_

**Q.** What about you? What is happening in your life outside of school that affects you in school?

A. \_\_\_\_\_

**Q.** Most students are bothered by someone or something that goes on at school. What bothers you?

A. \_\_\_\_\_

**Q.** Have you recently been punished or reprimanded for something you did in school? Why?

A. \_\_\_\_\_

**Q.** How about (*identify the target behavior*)? What was going on the last time or other times you behaved that way? What happened just before or what caused you to behave that way?

A. \_\_\_\_\_

**Q.** What usually happens right after you or another student behaves differently than expected to?

A. \_\_\_\_\_

**Q.** What do you think was expected of you? Was the judgment fair or not, and why?

A. \_\_\_\_\_

**Q.** How do you feel about (*specific subject, teacher, students, situation*)?

A. \_\_\_\_\_

**Q.** How do you think (*specific teacher, students, other person/people*) feels about you?

A. \_\_\_\_\_

**Q.** What happens when you DO do exactly as you are expected? What SHOULD happen?

A. \_\_\_\_\_

**Q.** What consequence has that behavior had for you? What SHOULD the consequence be?

A. \_\_\_\_\_

**Q.** Can you think of any times or situations in school that you would really avoid if you could?

A. \_\_\_\_\_

**Q.** Can you think of anything that you wish would happen that doesn't happen often or at all?

A. \_\_\_\_\_

**Q.** Name one or two things you wish were different about school.

A. \_\_\_\_\_

**Q.** Name one or two things you wish were different outside of school.

A. \_\_\_\_\_

**Q.** Name one or two things you wish were different about yourself.

A. \_\_\_\_\_

## Sample of Completed Data Triangle Chart

**DATA TRIANGLE CHART**

Student: Tim Jameson Grade: 7 Date: October 26, 2004  
 Behavior of Concern: Enthusiastic about oral work, hostile and negative toward written work.

Scatterplot Date Oct. 13, 14  
 Tim was observed participating, even volunteering, in class discussions in history and science. Tim is bright and has a lot of knowledge, which he is willing to share, but only verbally. When asked to take a quiz or do homework, he refuses, and says he doesn't care about grades.

ABC Chart Date Oct. 15  
 In every case of Tim's refusal to perform, the antecedent was the teacher expecting a written product. Half the time, Tim says, "I don't care" and the other half is more verbally hostile ("I don't give a ---") Despite obvious ability and willingness to "shine" in verbal tasks, he is getting mostly D's.

Name Teacher & Tim Date Oct. 19  
 Mrs. Wilkins says Tim is bright and very pleasant when involved in oral activities. She says he CAN write, but will only do so if it's not to be graded. Tim says he used to get great report cards, but that was "before we had all this writing to do." Tim thinks that unless his writing is "perfect" that it is "no good." He says he writes "too slow;" his written work makes him look "stupid." He says if he "can't write 'right,' why bother?" and Mrs. Wilkins doesn't "count" what he knows, only what he can write.

- Precipitating Events (conditions/circumstances under which target behavior occurs) : Tim "shuts down" when his teacher gives a written assignment or when a written test is administered.
- Functions that Maintain the Behavior (what he/she gets, controls, or avoids as a consequence of the action): By not writing, Tim avoids having to fall short of his own expectations and looking "stupid."
- Deficit(s) (skill or performance) : Tim is demonstrating both a skill deficit (handwriting) and a performance deficit (he "won't"). He lacks motor skills and confidence to write fast and well.

Interpretation Summary: Tim is proud of his intelligence, but feels that he cannot express himself in writing (and get perfect grades). He would rather fail from not trying than try and fail.

## Data Triangle Chart

Student: \_\_\_\_\_ Grade: \_\_\_\_\_

Dates: \_\_\_\_\_

Behavior of Concern: \_\_\_\_\_

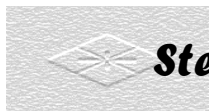
Scatterplot Date _____	ABC Chart Date _____
<div style="display: inline-block; transform: rotate(-45deg); font-weight: bold; margin: 5px;">SCATTERPLOT</div> <div style="display: inline-block; transform: rotate(45deg); font-weight: bold; margin: 5px;">ABC CHART</div> <div style="margin: 10px 0;"><div style="display: inline-block; transform: rotate(-45deg); font-weight: bold;">Source 1</div><div style="display: inline-block; transform: rotate(45deg); font-weight: bold;">Source 2</div></div> <div style="display: inline-block; font-weight: bold; margin: 5px;">Source 3</div> <div style="font-weight: bold; margin: 10px 0;">INTERVIEW(s)</div>	
Name _____ Date _____	

• **Precipitating Events** (conditions/circumstances under which target behavior occurs): \_\_\_\_\_

• **Functions that Maintain the Behavior** (what he/she gets, controls, or avoids as a consequence of the action): \_\_\_\_\_

• **Deficit(s)** (skill or performance): \_\_\_\_\_

**Interpretation Summary:** \_\_\_\_\_



## ***Step 4: Test the Hypothesis***

Because of the obvious concerns associated with problem behavior, school personnel may be tempted to proceed immediately to designing a BIP. However, it is preferable to take the time to make sure that the hypothesis is accurate. To do so, team members should “experimentally manipulate” certain variables to see if the team’s assumptions regarding the likely function of the behavior are accurate. For instance, after collecting data, the team working with Sara may hypothesize that, while lining up for recess, Sara taunts the group of girls nearest her in order to escape the possibility of not being accepted by a social group. Thus, the teacher might pair Sara with one other girl and suggest a game just the two of them could play during recess. If this action produces a positive change in Sara’s behavior (over time) then the team can assume its hypothesis was correct. However, if Sara calls the girl a name even though not part of a social group, a new hypothesis should be formulated.

At times, addressing just one variable is enough to produce a change in behavior. As a general rule, though, teams will stay with a plan long enough to distinguish between behavior differences stemming from the novelty of any change in conditions and those related specifically to the intervention. **It is important to remember that the inappropriate behavior has probably served the student well for some time and there will be resistant to change.** For this reason, the team will need to be patient when testing its

hypothesis regarding the function(s) of the misbehavior.

There are times when it may not be feasible to make changes to variables and to observe their effects on student behavior. A prime example is when a student is engaging in aggressive behavior. In these instances, the team should immediately develop and implement a BIP (before any disciplinary action is required). Then, they should directly and continuously evaluate its impact against any available information about the level or severity of the behavior prior to the intervention. FBA Assessment teams can, however, continue to consider information collected through a combination of interviews and direct observation.

Finally, there may be instances when the team may not be able to identify the exact mix of variables that cause the student to misbehave (e.g., composition of the learning group, teacher expectations) or the exact amount of a specific setting or antecedent variable that serves to trigger the behavior (e.g., repeated peer criticism). Since problem behavior can have multiple sources which can change over time, **teams should continue to evaluate and modify a student’s behavior—even after an initial intervention plan has been implemented.** The nature and severity of the behavior will determine how much and how often.



## Summarizing the Assessment Using the FBA Report Form

An FBA is conducted to gather data, analyze behavior, and hypothesize why it is occurring. Keep in mind that an FBA is usually the first of a two-pronged approach to addressing student problem behavior. Though not required by the IDEA (34 CFR Sec. 530 (f) (1) (i)) until a student with a disability has been suspended for 10 school days, conducting an FBA for any persistent or problem

behavior is strongly recommended, especially when the behavior interferes with the student's learning or that of others. There is no required format for reporting the findings of an FBA, but the reproducible form found on pages 34 to 36 is provided for your convenience. The form aligns with all of the topics covered in this section and offers a concise way to record and document an FBA.

## The Functional Behavioral Assessment (FBA) Report Form \_\_\_\_\_

Once data has been gathered and analyzed, the team needs to record its findings. In cases involving a student with a disability, documentation of the FBA must be included in the student's IEP. The person performing the FBA or FBA "assessment teams" may use their own reporting form or the model form provided on the following pages. If the model form is used, note the following points:

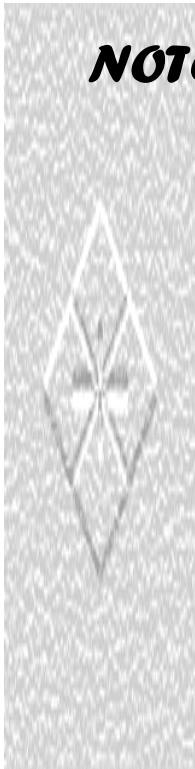
- ▶ *In **Part 1**, check all sources used or still needed to gather information. The team may want to list specific instruments, such as an ABC Observation Form or Scatterplot, under "other."* **NOTE:** *For students under an IEP, an FBA requires parent consent if it meets the standard identified in 34 CFR Secs. 300.301 and 300.30 as part of an initial evaluation or a reevaluation. In other cases, the IEP team may determine at the IEP meeting called under 34 CFR Sec. 300.324 (b)(1) that the FBA assessment plan will consist only of a review of **existing** data—no parent consent is then needed, but parents should be informed and involved in this process.*
- ▶ *In **Part 2**, use specific definitions of each problem behavior. (When X problem behavior occurs, it is usually in the context of X. The student's response is X.)*
- ▶ *In **Parts 3 and 4**, identify any settings or circumstances that typically precede and follow the problem behavior. Explain further as needed.*
- ▶ *Use **Part 5** to describe the methods of intervention that have been already tried and their effectiveness or ineffectiveness on modifying the behavior.*



- ▶ In **Part 6**, the team presents its hypothesis, broken down into the probable causes (presumed function) of the behavior and the team's analysis of the behavior as linked to a skill deficit (student does not have the skill and therefore "can't" perform as expected) or a performance deficit (student can but "won't" consistently perform the desired behavior). Finally, the team indicates precisely what action it feels is needed to effectively address the behavior.
- ▶ At the bottom of the form is an area for identifying and documenting who conducted the FBA. This is a highly recommended practice.

Based on the team's recommendation of the next steps that need to be taken, the team is ready to either suggest intervention strategies, such as modifications or accommodations, to develop a formal BIP, or to take steps to gather more information to be able to further refine its hypothesis.

## ***NOTES***



## Functional Behavioral Assessment Report

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

School: \_\_\_\_\_ Grade: \_\_\_\_ Age: \_\_\_\_ Gender: \_\_\_\_

A **Functional Behavioral Assessment** (FBA) is done when a student's behavior interferes with his or her learning or the learning of others. Its purpose is to identify why a behavior is happening, and if there are links to academic concerns, so that the SAT, Section 504, or IEP team can develop appropriate interventions.

**1. Sources of Information** ✓Check sources to be used; **Circle E** if reviewing **existing** data, **Circle N** if **new** data is needed \*

_____ <b>E N</b> Anecdotal information provided by parents	
_____ <b>E N</b> Parent interviews	
_____ <b>E N</b> Diagnostic evaluation(s) done by _____	
_____ <b>E N</b> Independent diagnostic evaluation(s)	_____ <b>E N</b> Tier 1 Interventions
_____ <b>E N</b> Classroom/school observation(s)	_____ <b>E N</b> Student interview
_____ <b>E N</b> Interview with other professionals	_____ <b>E N</b> Teacher interview(s)
_____ <b>E N</b> Behavior Rating Scales	_____ <b>E N</b> Discipline records
_____ <b>E N</b> IEP(s) and IEP progress reports	_____ <b>E N</b> Attendance records
_____ <b>E N</b> Assessment scores	_____ <b>E N</b> Grades/report cards
_____ <b>E N</b> Data collection tools: _____	
_____ <b>E N</b> (other) _____	

**\*Note: Written parent consent is necessary for an FBA that is part of a special education initial evaluation or reevaluation. For students without disabilities, written parental consent is recommended.**

**2. Identified Problem Behavior (what the student is doing or not doing)**

**State setting, frequency, duration, intensity, and severity.**

A) Observed and/or reported by ☐ School staff ☐ Parents ☐ Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

B) Observed and/or reported by ☐ School staff ☐ Parents ☐ Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

C) Observed and/or reported by ☐ School staff ☐ Parents ☐ Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### 3. Events that Typically Precede the Problem Behavior (school setting)

Check all that apply, then describe:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> directive or request from authority | <input type="checkbox"/> provocation from peers | <input type="checkbox"/> academic activity   |
| <input type="checkbox"/> unstructured setting                | <input type="checkbox"/> transition time        | <input type="checkbox"/> certain time of day |
| <input type="checkbox"/> no obvious circumstance             | <input type="checkbox"/> other                  |  |

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### 4. Events that Typically Follow the Problem Behavior (school setting)

Check all that apply, then describe:

- |   |  |
|---|--|
| <input type="checkbox"/> behavior is socially reinforced by peers | <input type="checkbox"/> receives attention                                    |
| <input type="checkbox"/> gets corrective feedback                 |  |
| <input type="checkbox"/> is removed from the setting              | <input type="checkbox"/> privileges are withheld                               |
| <input type="checkbox"/> gets negative consequence                |  |
| <input type="checkbox"/> no consequences or behavior is ignored   | <input type="checkbox"/> no obvious consistency <input type="checkbox"/> other |

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### 5. Effectiveness of Interventions on Behavior

Describe what **positive reinforcers** have been tried and rate their level of effectiveness from 0-5, with 5 being very effective and 0 being completely ineffective. *Example: special activities (4); compliments (1)*

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Describe what **consequences** have been tried and rate their level of effectiveness from 0-5, with 5 being very effective and 0 being completely ineffective. *Example: losing privileges (2); call to parents (4)*

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## 6. Analysis and Recommendation

A) The presumed **function** or explanation of this behavior is

- ☐ to get \_\_\_\_\_
- ☐ to escape \_\_\_\_\_ or
- ☐ to control \_\_\_\_\_

B) The problem behavior may be linked to a **skill deficit** in the following areas: \_\_\_\_\_

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C) The problem behavior may be linked to a **performance deficit** in the following areas: \_\_\_\_\_

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D) **Next Steps:**

- ☐ The student's behavior patterns require instructional modifications or accommodations only.
- ☐ The student's behavior patterns suggest that a Behavioral Intervention Plan is warranted.
- ☐ Existing data is insufficient for a complete functional assessment. Follow-up/additional data is needed as follows: \_\_\_\_\_

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**The following person(s) performed**

**this Functional Behavioral Assessment:**

Signature	Title	Date
Signature	Title	Date
Signature	Title	Date

# Behavioral Intervention Plan



## *Developing a Behavioral Intervention Plan*

### Who Receives a Behavioral Intervention Plan (BIP)

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Today, educators at all grade levels face a growing number of students whose behavior challenges the success of daily classroom instruction. Fortunately, teachers usually are able to rely on standard strategies for addressing classroom misbehavior, such as solid teaching practices, clear rules and expectations, caring about their students, and praising and encouraging positive behaviors. Either independently or with the support of colleagues, they are able to find a successful solution to the problem. However, for some students—both with and without disabilities—these tactics fail to produce the desired outcome and may actually worsen an already difficult situation.

After collecting information about a student's behavior to determine the likely functions of that behavior, teams decide if a formal BIP is needed. The process of identifying possible behavioral supports and developing and implementing a behavioral intervention plan is required under certain circumstances for students with exceptionalities—those identified as having disabilities under the definitions given in the IDEA, or identified as gifted under New Mexico rules.

According to the IDEA, the IEP team is required to conduct a FBA and develop a BIP to address a student's behaviors that interfere with learning or require disciplinary action. (See page 7.) It is also important to note that when behavior is an issue with students for whom an IEP exists or is being developed, the IEP team must include a BIP as a part of the IEP.

Like the FBA, a BIP is strongly recommended for *any* student who has been referred to the SAT (Tier 2) because he or she is demonstrating behavior that regularly interferes with their learning or the learning of others—and preferably be done *before* the behavior requires severe disciplinary actions. Positive, proactive intervention plans that **teach new ways of behaving** will address both the source of the problem and the problem itself.

Developing an appropriate BIP requires collaborative effort for a successful outcome. In addition to administrative and collegial support, the value and appropriateness of parent and student involvement in the process should be carefully considered. Too often they are excluded from the process when they have much to offer.

## Elements of a Positive Behavioral Intervention Plan

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Intervention plans and strategies that emphasize the skills students need in order to behave in a more appropriate manner, or plans that provide motivation to conform to required standards, are more effective than plans that simply serve to *control* behavior. Interventions based upon *control* often serve only to *suppress* behavior—resulting in a child seeking to meet unaddressed needs in alternative, usually equally inappropriate ways.

When it had been determined that a BIP is necessary, the team members generally use information about the problem behavior's function, gathered from the FBA. The team should include strategies to: **(a) teach the student more acceptable ways to get what he or she wants; (b) decrease future**

**occurrences of the misbehavior; and (c) address any repeated episodes of the misbehavior.** The resulting BIP should not consist of simply one intervention, but include a number of interventions designed to attend to these three aspects of addressing a student's problem behavior.

A BIP should be designed to teach the student a more acceptable behavior that **replaces the inappropriate behavior, yet serves the same function** (e.g., ways to gain peer approval through positive social initiations; ways to seek teacher attention through non-verbal signals). Since most BIPs will require multiple intervention options rather than a single intervention, teams may want to consider the following techniques when designing the plan, strategies, and supports

- ▶ **Teach** students to deal with setting events (the things that make the desired behavior more likely to occur), such as the physical arrangement of the classroom, management strategies, seating arrangements, or sequence of academic instruction.
- ▶ **Teach** more acceptable replacement behaviors that serve the same function as the inappropriate behavior, such as asking to be left alone or using conflict resolution skills. Teach alternative skills, such as self-management techniques, tolerating delay, or coping strategies
- ▶ **Manipulate** the antecedents (the things that happen before the behavior occurs), such as teacher instructions or directions, or instructional materials.
- ▶ **Manipulate** consequences (the things that happen after the behavior occurs), such as precise praise or feedback, keeping in mind the principles of shaping and reinforcing incompatible behaviors.
- ▶ **Implement** changes to the classroom curriculum and/or instructional strategies, such as using differentiated instruction, allowing oral rather than written responses, providing help strategies when student is stuck, or high-interest activities.
- ▶ **Implement** interventions that offer reinforcement for appropriate behavior, such as student behavior contracts, points/token systems, or other incentives.

Using these strategies, school personnel develop a plan with interventions that teach and support replacement behaviors, and at the same time, decrease or eliminate opportunities for the student to engage in the inappropriate behavior.

For example, a student may be physically aggressive at recess because he or she believes violence is the best way to end a confrontational situation and that such behaviors help accomplish his or her goals. However, when taught to use problem-solving skills (e.g., self-control or conflict resolution) to end a confrontational situation and accomplish his or her goal, combined with using more effective management strategies with the student during

recess, the student may be more likely to deal with volatile situations in a non-violent manner (e.g., defusing the situation by avoiding threatening or provocative remarks or behavior).

The pages that follow are designed to help teams with the process of creating positive BIPs. It includes strategies to address different functions of a student's behavior, skill deficits and performance deficits, as well as selecting, implementing, and monitoring the BIP interventions. This section also addresses special considerations, such as the use of punishment and emergency and/or crisis plans. The team should know about and consider these elements as it develops and implements a student's BIP.

## ***Strategies to Address Hypothesized Functions***

To effectively redirect behavior, the team must understand why the behavior is occurring. (What function is it serving for the student?) Using observation, interviews, and other assessment tools from the FBA, the team forms a hypothesis about why the student is choosing a particular type of behavior. In most cases, behavior has a “pay-off” for the student—it enables him or her to obtain something desired, or to avoid something undesired. Interventions will differ depending on the hypothesis of presumed function.

**Three very common functions of behavior are to**

- **get attention;**
- **control a situation; or,**

- **to avoid or escape an unpleasant task or situation.**

Obviously these are broad categories that encompass a variety of specific behavior manifestations.

For example: Ben manages to be absent with a stomachache whenever asked to give an oral presentation. Shelly does not do her homework so that she can stay in at recess rather than have no one to play with.

The following pages offer general strategies for dealing with attention-seeking and escape-motivated behavior. (For strategies that address several specific problem behaviors, see Appendix A.)

## Strategies for Dealing With Attention-Seeking Behaviors

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Most teachers can attest to the fact that students sometimes use inappropriate or problem behavior to get the attention of their teacher and/or peers. These behaviors usually stem from the notion they are not likely to get that attention any other way. Though generally the function is to gain validation or esteem, occasionally any type of attention will do—positive or negative. Common examples include calling out, swearing, yelling at a classmate or teacher, having a tantrum, or ignoring an adult request. Interventions that focus on teaching the student appropriate ways to get attention are often successful in ending these inappropriate behaviors. For example, the student might be taught various ways to obtain positive peer social interactions or get a teacher's verbal praise. Once the conditions under which the behavior occurs have been identified, "role play" exercises might be introduced to teach the student appropriate things to say (e.g., *"I'm really stuck on this problem."*).

It is important to remember that understanding the amount of time a student will wait for the attention they need is critical and should be a major consideration when developing such a plan. Students may need to be systematically taught to tolerate longer and longer wait times.

Other intervention options include giving teacher attention following appropriate student behavior and taking away attention following inappropriate behavior (e.g., noticing and praising a student "unexpectedly" when he or she is appropriately engaged in a task,

and ignoring a comment made by the student designed solely to get attention).

Finally, **reprimanding students has proven ineffective in dealing with attention-seeking behavior**, probably because it is a form of attention. A more effective intervention plan for attention-seeking behavior combines strategies to 1) keep the student from engaging in the original problem or inappropriate behavior (e.g., verbal threats), 2) teach replacement behavior, 3) ensure that the student gets enough opportunities to engage in the new replacement behavior (e.g., request assistance), and 4) offer opportunities for the student to be reinforced for the new behavior (e.g., verbal praise from adults or peers). For the reinforcement to work, the new "pay-off" has to be better and easier to get than the pay-off from the problem behavior.





## Strategies for Dealing With Escape-Motivated Behaviors

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Inappropriate or problem behavior often stems from a student's need to escape or avoid an unpleasant task or situation, (e.g., difficult, irrelevant, lengthy or unclear classroom assignments, working in groups with others that they do not like, negative peer or adult interactions, wanting to be removed from class to be with friends in another class).

Behavior that is used to avoid or escape a difficult academic task might be addressed by teaching the student to use socially acceptable escape behavior (e.g., asking for help, which must be available once the student asks for it). If the student is unable to complete the assignment because he or she does not have the skills necessary to do so, the original assignment should be replaced with another assignment that is more appropriate (i.e., within the student's skill level), or strategies and supports should be provided to assist the student (e.g., direct instruction, manipulatives, work with peers).

Interventions for dealing with escape motivated behavior include 1) placing some



kind of demand on the student when facing a frustrating task or difficult situation (e.g., using the correct behavior to ask for additional help or to be temporarily excused), 2) using signal responses (e.g., the teacher signals the student to use a predetermined alternative behavior), and 3) making curricular accommodations or instructional modifications to boost student interest in and/or ability to successfully complete the assignment.

It is important to note that while time out is often used as a consequence for escape-motivated behaviors, in many cases time out used in this manner is actually reinforcing because it allows the student to escape or avoid the situation. In this case, time out is therefore likely to increase rather than decrease the inappropriate behavior. **(See Appendix B for important state guidance about the use of time-out.)**

Sometimes, student noncompliance stems from a need to exert control over a situation—to pressure others to “give up” or “back off,” as when a teacher makes academic demands that the student sees as too difficult. Recognizing that the function of the student's behavior is to escape from this uncomfortable situation by controlling it, the teacher might begin by modifying the assignment, as well as the manner with which he or she interacts with the student regarding the assignment.



## ***Addressing Skill Deficits & Performance Deficits***

Sometimes, a student does not perform the desired appropriate behavior because he or she does not know how to do it (**a skill deficit**). Other times, a student may have the skills needed to perform the appropriate behavior but does not consistently use them (**a performance deficit**). This may be by

choice, or for reasons based on real or perceived need in the circumstances (e.g., anxiety, anger, a physical condition). It is also possible that a student may be experiencing both a skill **and** a performance deficit. This section describes strategies that can be considered for addressing these deficits.

### **Strategies for Dealing With Skill Deficits**

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An FBA might indicate that the student engages in the problem behavior because she or he lacks the appropriate, alternative skills and/or believes the inappropriate behavior is effective in getting what he or she wants (e.g., allows the student to escape or avoid an unpleasant task or situation). If the student does not know what behaviors are expected, an intervention plan could resolve the confusion by teaching the student to sort positive and negative examples of what is expected. A plan should also include the supports, aids, strategies, and modifications necessary to accomplish that instruction. If the student does not know *how* to perform the expected behavior, the intervention plan should include instruction to teach the needed skills. Sometimes, it may require teaching both behavioral and cognitive skills and may call for a team member to conduct a task analysis (i.e., break down the skill into its component parts) of the individual behaviors or subskills that make up the skill.

In other instances, a student may be unable to appropriately handle the aggressive verbal behavior of a classmate. The student may need to be taught to recognize those words (or actions) that usually lead to aggression and to discern whether the behavior is or is not provoked by the student. Then, a series of role playing sessions might teach the student ways to defuse the situation (e.g., avoid making critical remarks), along with when to walk away or seek assistance from peers or adults. For example, Lee may recognize a problem situation, but lack the impulse control to self-regulate his behavior and respond appropriately. Overt teacher modeling of self-control, along with guided and independent practice (behavioral rehearsal), and discussions of “when and how to” strategies may prove effective. Other options include instruction in the use of mnemonic devices that enable Lee to handle a problem situation in a positive manner (e.g., FAST—Freeze, Assess the situation, Select a response, Try it out)

## Strategies for Dealing With Performance Deficits

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Sometimes, the team will find that the student knows the skills necessary to perform the behavior, but does not consistently use them. In that case, the intervention plan should include techniques, strategies, and supports designed to increase the student's use of the behavior. If the FBA shows that the student is engaging in the problem behavior because he or she actually believes that this behavior is more desirable than the alternative, appropriate behavior, the intervention plan should include techniques for addressing that belief. For example, a student might think that acting quickly is best because she values resolution.

This belief might be countered by having the student list the additional problems that a faulty, but quick, solution can produce.

Sometimes, a student does not perform the behavior simply because he or she sees no good reason to do so. For example, if Lynne can avoid feeling ridiculed by threatening her classmates on the playground, she may not see the advantage of interacting positively with others. Therefore, the BIP may include strategies to increase her use of existing skills to interact appropriately with peers. Finally, because of her aggressive behavior, it may be necessary to prompt classmates to initiate play with Lynne, and to reinforce both her and her classmates for engaging in positive social exchanges.

## Selecting and Implementing Interventions

Once information has been analyzed and a number of possible interventions have been identified, the team needs to select options for the BIP and consider the most effective method of implementation.



## Guidelines for Selecting Intervention Options

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After some ideas about positive behavioral interventions have been generated for a student's BIP, teams should consider the following questions. Answering these questions should yield a decision regarding which intervention(s) to adopt.

- ▶ *Which intervention aligns with the function of the behavior?*
- ▶ *Which intervention is appropriate given the student's need and current levels of performance?*
- ▶ *Which intervention directly teaches the replacement behavior?*
- ▶ *Which is the "least intrusive" and "least complex" intervention likely to produce positive changes in student behavior?*

- ▶ Which intervention or interventions are most likely to positively change behavior quickly and easily?
- ▶ Which are least likely to produce negative side effects?
- ▶ Which intervention has evidence of effectiveness with the problem behavior?
- ▶ Which intervention is most acceptable to those responsible for implementing the plan?
- ▶ Which intervention is most likely to be accepted by the student?
- ▶ Which intervention is most likely to promote a replacement behavior that will occur and be reinforced in the natural environment?

## Resources for Behavioral Interventions

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To learn more about behavioral interventions, please see the resources below. Outside of federally-funded technical assistance centers and materials published by the New Mexico Public Education Department or through government grants, the Department does not endorse the materials or tools included in this list. However, this information is provided so schools can easily locate what is readily available, and then review them to make informed decisions about ones that will best meet their needs. Many of the web-based resources are free.

- The Department's School and Family Support Bureau has published the **Positive Assistance for School Success (PASS) Toolkit**. It is a school-based intervention and case management program that Student Assistance Teams (SATs) may use to address family, health, and social issues that negatively impact a student's performance in school. [www.ped.state.nm.us](http://www.ped.state.nm.us)
- Applebaum, M. (2009). *The One-Stop Guide to Implementing RtI: Academic and Behavioral Interventions, K–12*. Corwin Press. This resource contains a wealth of behavioral interventions.
- Epstein, M., Atkins, M., Cullinan, D., Kutash, K., and Weaver, R. (2008). *Reducing Behavior Problems in the Elementary School Classroom: A Practice Guide* (NCEE #2008-0012). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. <http://ies.ed.gov/ncee/wwc>
- **Discipline Help: You Can Handle Them All** is an online resource for handling over 117 behaviors at home and at school. [www.disciplinehelp.com](http://www.disciplinehelp.com)
- Marzano, R. J. (2007) *The Art and Science of Teaching: A Comprehensive Framework for Effective Instruction* (Chapters 6 and 7). ISBN 978-1-4166-0571-3 Alexandria, VA: Association for Supervision and Curriculum Development. Available at <http://shop.ascd.org>.

- McCartney, S., et al. (2006) ***Pre-Referral Intervention Manual (PRIM)—Third Edition***. Hawthorne Educational Services. This manual contains over 4,000 evidenced- based intervention strategies for 219 of the most common academic and behavioral problems. Available at [www.hes-inc.com/hes.cgi/00670.html](http://www.hes-inc.com/hes.cgi/00670.html).
- **Intervention Central** offers numerous free tools and resources, as well as staff development workshops for purchase, to help school staff promote positive classroom behaviors and foster effective learning for all children and youth. Jim Wright, a school psychologist and school administrator from Central New York, created the site. Click on “Behavioral Resources”. <http://www.interventioncentral.org>
- **Reducing Behavior Problems in Elementary School Classroom** is a link on the **Doing What Works** website. Watch a multimedia overview to learn about five concrete practices that might be integrated into a student’s BIP to help elementary school teachers reduce common behavior problems and promote positive behavior. Go to [http://dww.ed.gov/topic/?T\\_ID=25](http://dww.ed.gov/topic/?T_ID=25) .

## Implementing Interventions and Reinforcing Behavior

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A critical component of the intervention plan is the pattern of reinforcement for using the appropriate replacement behavior. Teams should use knowledge of student preferences and strengths to define reinforcers and make sure that the student is reinforced more often for the replacement behavior than he or she was for the problem behavior. As a general rule, school personnel should reinforce appropriate behavior at least twice as often as the problem behavior was reinforced.

In some cases, it may be necessary to initially offer a student “non-contingent” access to a reinforcer (e.g., with “no strings attached”), especially if the reinforcer is something he or she has never had before. Called “reinforcer sampling,” the student participates in selecting positive reinforcers. For example, we might allow a student to participate in a highly preferred activity with a classmate (e.g., a

computer-based learning activity). If the student enjoys it, access to that activity would later depend on the student engaging in the desired appropriate behavior.

Sometimes, the desired response may call for too dramatic a change in the student’s behavior (i.e., a change the student is unable and/or unwilling to make all at once). If that is the case, the team will need to define gradual changes toward the desired behavior.

A final consideration in using reinforcers is the process of *fading* or gradually replacing extrinsic rewards with more natural or intrinsic rewards on a realistic or natural time schedule. Of course, fading will only be a consideration once the student has shown an increased ability and willingness to engage in the appropriate, desired behavior. The process of fading may be made easier by pairing the extrinsic reward with an intrinsic

reward. For example, when rewarding David with points for completing a homework assignment, the teacher also could say, “David, you’ve finished all your homework this week,

and your class participation has increased because you are better prepared. You must be very proud of yourself for the hard work you have done.”

## ***Maintaining and Monitoring Behavior***

The success of any BIP rests on the willingness and ability of the student to continue to use the appropriate behavior without excessive outside support (i.e., the intervention). The most basic way to assure maintenance of behavior change is to be sure that interventions *teach* the student a set of skills. This will require teams to include strategies in the BIP to teach the student in such a way that promotes the “maintenance” (i.e., lasting over time, even when the extrinsic reinforcers are faded) and “generalization” (i.e., using the behavior in other appropriate settings) of replacement behaviors. One strategy for doing this is to restructure the social environment to benefit from the power of peer relationships to promote positive behavior. These behaviors are then maintained through the natural consequences of having and being with friends. Indeed, there are numerous instances in which students have been taught to encourage or reinforce appropriate behavior and to ignore or walk away from negative provocations of their classmates.

Another way to promote long lasting behavior change is to use strategies based on *cognitive mediation* (i.e., thinking through a situation before acting on emotion) and *self-management* (i.e., using techniques to control one’s own behavior, such as anger or anxiety). For example, students have been taught to apply various problem-solving

strategies by engaging in “positive self-talk” (e.g., telling themselves, “*I know how to get out of this argument without having to use my fists*”) or “self-cueing” (e.g., recognizing that their jaw is clenched, they are getting upset, and they need to ask to be excused).

Some interventions should be implemented indefinitely while others will eventually need to stop. For example, Bruce is learning to use social problem solving skills instead of getting into fights on the playground (an intervention that we hope Bruce will use forever). He is learning to ask for adult support when he feels like he might get into a fight and his team has decided that he can earn points toward a reward when he seeks help appropriately rather than fighting (an extrinsic intervention that must end at some point).

Knowing that he cannot get points for the rest of his life, the team has decided to use the technique of *fading* once Bruce has reached a specified level of success. Bruce’s teachers will gradually decrease the use of points or other tangible rewards when he asks for help instead of fighting. This could be done in several ways. First, his teacher could increase the amount of time Bruce has to remain “fight free” in order to receive a reward. For example he may initially receive rewards daily, but as he

reaches criterion it could be increased to every other day, then once a week, and so on. Another way to fade the intervention is for his teacher to award him fewer points until he is receiving no points at all. For instance, Bruce could initially earn 50 points per day for not fighting. This could be reduced to 40, then 30, and so on until he earns no points at all. It is very important to note that the social reinforcement should continue and eventually replace the tangible rewards completely. If this process is gradual and Bruce is helped to realize the advantages of using appropriate social problems solving, remaining fight free will become intrinsically rewarding to him.

The success of these strategies may depend on providing the student with periodic “booster” training to review the instruction used in the original intervention plan. Some students also may need to receive “self-advocacy training” to teach them how to appropriately ask for positive recognition or appropriately call attention to positive changes in their behavior. This is especially important for students who have such bad reputations that adults and peers do not recognize when their behaviors are changing. Finally, school personnel can support changes in student performance by accepting “just noticeable differences,” or incremental changes that reflect the fact the student is taking positive steps toward the desired goal.

## ***Consequences and Punishment***

**There is a difference between consequences and punishment.** A consequence is simply the result of an action. *When you do X, then X results.* A consequence can be positive, negative, or neutral. Punishment is one form of negative consequence. The important thing to remember is that to shape behavior, the consequences (positive or negative) have to matter to the student. In addition, what may seem like negative consequences to a teacher may actually be positive to a student. Consider this statement: *“Abby, when you use inappropriate language, you will be immediately removed from the activity.”* The teacher may assume that removal from the activity is a negative consequence, when Abby may think it is a positive consequence—she *wants* to be removed from the activity.

There are basically two kinds of inappropriate behavior. One is intentional and done in order to produce a certain outcome. The other is behavior that is impulsive and driven by emotion “in the moment” with little or no thought given to consequences.

In the first case, the student chooses the particular behavior because it produces a desired result—obtaining something wanted or avoiding something unwanted. Since punishment does not address the cause of the behavior, it is usually ineffective, especially long-term. The student will either continue the behavior as is, or switch to another behavior that will produce the same results.

Some students, on the other hand, choose certain behaviors on impulse, as an emotional response to a stimulus. They may react by displaying anger, frustration, hostility, fear, or other “gut” emotion, without considering any consequence other than “not this.” Punishing these students for the results of their outbursts is like punishing them for their emotions—the punishment is likely to make the emotions more intense and the behavior worse.

In both cases, positive interventions are far more likely to produce behavior changes than punishment. It is important for the team developing the BIP to consider all positive interventions before considering punishment. For a student who intentionally behaves a certain way to produce a certain outcome, the team must find other, more appropriate ways for the student to achieve the same results. In this case, perhaps explaining the possible results of several courses of action will help that student “think before acting.”



## ***Crisis/Emergency Plan***

Obviously, behaviors that are severe or dangerous must be addressed immediately. The school must have in place general policies and procedures to handle emergencies, such as events that threaten the safety of staff and students. All school personnel, students, and parents should be aware of

Is punishment ever appropriate? Punishments such as suspension should only be considered in extreme cases when the student’s behavior severely endangers her or his safety or the safety of others. (See Crisis and/or Emergency Plan below.) In addition, teams should try positive interventions for an appropriate length of time before considering punishment. If all options are found to be ineffective, and the student’s behavior severely limits his or her learning or socialization or that of others, then a more aversive intervention might be necessary to reduce the behavior. When the decision has been made to introduce punishment as part of an intervention, the team should develop a plan to use positive interventions concurrently with punishment, as well as a timetable to return to using positive interventions as soon as possible. Use of punishment may trigger the need for a crisis or emergency component to the BIP, as well.

these policies. **A crisis can be defined as a situation that requires an immediate, intrusive, or restrictive intervention to 1) protect the student or others from serious injury, 2) safeguard physical property, or 3) deal with acute disturbance of the teaching and/or learning process.**



For those students whose problematic behavior may cause or result in a crisis, the team should incorporate a crisis or emergency provision in the student's BIP.

The BIP would still implement proactive and positive interventions to continue to teach the student alternate behaviors, but would address specific immediate interventions to be taken in the event of a severe or dangerous situation. It is a best practice to *spell out the exact conditions under which a crisis or emergency plan can be used*. Teams also should carefully monitor the crisis or emergency plan and make sure it is in compliance with any district policies or procedures regarding the use of behavior reduction strategies. (See note below.) Any staff involved with implementing a crisis or emergency plan must be trained to carry it out.

Individual crisis or emergency steps are appropriate only when less intrusive or restrictive interventions have been unsuccessful. As with all components of the BIP, parental input and approval should be obtained before setting up the crisis or emergency plan.

If a crisis or emergency plan is introduced, steps should be taken to minimize and control the amount of time necessary to manage the behavior. The crisis or emergency interventions should be replaced with less intrusive and intensive intervention options as soon as possible. Parents, guardians, and school personnel should be notified regarding any incident that requires the use of the crisis plan. A thorough evaluation should be part of the plan so that

the team can assess both the impact and possible negative spill-over effects of the crisis plan. Finally, following an incident, the team should write an emergency or crisis report that includes ways to *prevent* future occurrences of the behavior.



**Note:**

**See important guidance in Appendices B and C about the use of time-out rooms and physical restraint.**

## Essential Notes About Disciplinary Procedures

- ▶ School personnel must be fully aware of IDEA regulations and New Mexico state rules about discipline of a student with a disability, including provisions for removal of a student with a disability for violation of school rules, as well as for discipline of students without disabilities.
- ▶ See the IDEA online at [www.ed.gov/offices/OSERS/IDEA/regs.html/](http://www.ed.gov/offices/OSERS/IDEA/regs.html/) . See 34 CFR Secs. 530–537 for disciplinary procedures. IDEA disciplinary changes in placement procedures do not apply to students in New Mexico identified as gifted. (Subsection F (1) (c) of 6.31.2.12 NMAC)
- ▶ See IDEA guidance—Questions and Answers for Discipline Procedures at 52 IDELR 231 (OSERS, June 1, 2009)
- ▶ For state disciplinary procedures, please see the “Student Rights and Responsibility Act” at 6.11.2 NMAC.

[http://www.nmcpr.state.nm.us/NMAC/\\_title06/T06C011.html](http://www.nmcpr.state.nm.us/NMAC/_title06/T06C011.html)

## Progress Monitor and Modify the Plan—A Critical Piece

Once the BIP is developed and implemented, the team must progress monitoring it for effectiveness and modifying it as needed. Data on student behavior should be collected and analyzed **every few days at first** to determine what, if any modifications, are needed.

One method of progress monitoring is to continue to measure frequency and duration of the target behavior and compare the changes, if any, to the baseline established in the FBA report. If teams use the same instruments (scatterplot, ABC observation form, interviews) to assess ongoing behavior as were used to gather the initial data, they can use the baseline information as a

standard against which to judge subsequent changes in student behavior. These progress checks need not be as detailed as the initial FBA observations, but should be detailed enough to yield information to evaluate the impact of the intervention plan.



Schools may also wish to purchase **behavior information tracking software systems** where teachers can easily enter into a computer incidents of target behavior and/or observations, and generate graphic reports about the student with a BIP. In this way the team can see if the problematic behavior is decreasing and how the behavior relates to time of day, class or activity, location, and many other variables.

When a severe problem behavior is resistant to change, more complex, intrusive intervention packages may be required. The more complicated the intervention plan, the more likely that its impact will go beyond the behaviors the team has identified for intervention. That is, the plan may have an effect on non-targeted behavior (e.g., it

could “spill over” and reduce or eliminate other non-targeted behavior (e.g., positive social interactions with classmates and adults; appropriate classroom behavior). For this reason, it may be necessary to collect information on other inappropriate or appropriate behaviors.

It is important to remember that if a student is identified as having a disability and the student’s behavior interferes with his or her learning or the learning of others, the IDEA at 34 CFR Sec. 300.324 (a)(2)(i) states that a BIP must be considered and included, as needed, in the student’s IEP. As a component of the IEP, the plan must be reviewed at least annually. However, it may be reevaluated whenever the school or parents feels that a review is necessary.

## Does the Plan Need to Be Reviewed?

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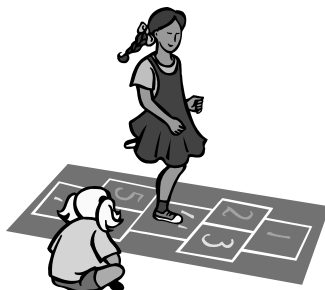
Throughout this process, teams must specify the ultimate goal of the behavior and determine when reassessment will take place. The following list of circumstances may signal the need for a review and possible modification of a BIP.

1) The student has reached his or her behavioral goals and objectives. New goals and objectives need to be established.

2) The “situation” has changed and the interventions no longer address the current needs of the student.

3) The IEP team changes the student’s education placement.

4) It is clear that the original BIP is not producing positive changes in the student’s behavior. **See “Possible Pitfalls” on the following page as a way to analyze the BIP to ensure that it is effectively developed.**



## ***Possible Pitfalls to Effective Behavioral Plans***

The process of functional behavioral assessment and intervention is complete only when the team's effort produces positive behavioral changes in student performance. The best laid plans may be obstructed by any number of factors.

Below are some possible pitfalls to an effective BIP and supports. To insure success, teams should avoid these pitfalls:

- ▶ ***Too vague a definition of the behavior(s) of concern*** and/or incomplete measurement/ data collection regarding the behavior(s) and the interventions selected.
- ▶ ***Incorrect interpretation*** of the functional assessment data collected.
- ▶ ***Inappropriate intervention*** (e.g., too weak to deal with the complexity or magnitude of the behavior problem; not aligned with the assessment data).
- ▶ ***Inconsistent or incorrect application*** of one or more parts of the intervention plan and/or personnel lack skills and/or training to correctly implement the interventions.
- ▶ ***Failure to adequately monitor*** the implementation of the intervention plan or to adjust the intervention plan over time, as needed, based on on-going **data collection** and progress monitoring to adequately evaluate the impact of the intervention plan.
- ▶ ***Inadequate system-wide support*** to avoid future episodes of the behavior problem (e.g., too many initiatives or competing priorities that may interfere with time and commitment needed to develop and implement BIPs).
- ▶ The behavior is ***an issue of tolerance*** rather than being something that distracts the student or others (e.g., a specific minor behavior, such as doodling).
- ▶ ***Failure to consider*** environmental or psychological issues, cultural norms, family or other situations outside the school that are impacting the student's behavior.



# BIP Documentation

## Summarizing the Plan Using the BIP Form

A BIP is a detailed description of the behavioral strategies and interventions to be used, and the circumstances of their use for the purpose of addressing problematic behavior that interferes with learning. The interventions are based on specific data gathered through the FBA about when, where, and how the behavior occurs, as well as a determination as to probable reasons why it occurs and continues.

Keep in mind that a BIP is the second of a two-pronged approach to addressing student problem behavior, the first being the FBA. There is no required format for reporting the details of a BIP, but the reproducible form found on pages 55 to 57 is provided for your convenience. The form aligns with the topics covered in this section and offers a concise way to record and document a formal BIP.

## The Behavioral Intervention Plan Form

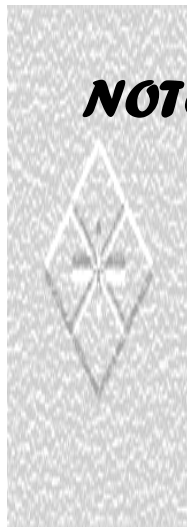
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The goal of a behavior intervention is to redirect problematic behavior with the goal of teaching the student the skills needed to **replace** the behavior with appropriate alternate actions that still serve the student's needs. This is best accomplished by developing **positive interventions and supports** based on the probable causes for the behaviors.

In cases involving a student with a disability, the BIP needs to be integrated or attached to the student's IEP. Teams may use their own BIP form or the model form provided on the following pages. If the model form is used, teams should note the following points:

- ▶ *In the area marked "Problem Behavior" define as clearly and specifically as possible what behavior is being addressed in this plan, as well as the target goal.*
- ▶ *In the next section, mark if the behavior is a skill deficit or performance deficit.*
- ▶ *To identify the "presumed function" explain the team's hypothesis about WHY the student is exhibiting the specific behavior. (e.g., Susan "forgets" selectively—because she easily remembers details of activities and plans she enjoys, but "forgets" her homework, school books, pencil and paper, Susan is probably trying to avoid academic tasks.)*
- ▶ *At the bottom of the first page, complete a detailed description of the intervention strategies the team considered and decided were most appropriate.*

- ▶ In the “Desired Replacement Behavior” section, describe as specifically as possible the behavior you want the student to learn and use instead.
- ▶ Since interventions only work if the new behavior has a better and/or easier “pay-off” than the problem behavior, in the “Rewards and Motivators” section describe how the student will be motivated to adopt the new behavior.
- ▶ Use the “Consequences” section to state exactly what outcome will result from the student’s behavior. Depending on the type and severity of the problem, this could range from simply pointing out the “facts” (e.g., cheating on a test results in a failing grade), to attaching a form of aversive consequence as an added “incentive” to change the behavior (e.g., exclusion from the senior trip). Review pages 47-48 for help with this section.
- ▶ The “Crisis Plan” need not apply to every student. It should be filled out, though, for any student whose behavior may cause a crisis situation and require immediate action or aversive techniques. See pages 48-49 for guidance.
- ▶ The “Monitoring of Behavior and the Behavior Plan” section is an essential component of the BIP. The team should record precisely how the plan is to be implemented, what **data will be collected** to progress monitor it for effectiveness, and a timetable for review.
- ▶ Finally, the team should make any notes needed to complete the BIP. A good practice is to have team participants sign and date the plan as well.
- ▶ The team that develops the plan serves as the case manager, unless it designates a certain team member to do so.



## Behavioral Intervention Plan

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

School: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_

Date of Functional Behavioral Assessment (FBA) as a basis for this plan: \_\_\_\_\_

*This **Behavioral Intervention Plan** (BIP) is being created for this student because persistent and/or severe behavior is being exhibited that interferes with the student's learning or the learning of others and interventions are needed to positively redirect the targeted behavior. The approach identifies the type and cause of the behavior and then helps the student learn replacement behaviors through a combination of positive interventions and supports, as well as appropriate consequences. In addition to defining how the student is to be taught the skills needed for behavior modification, the plan includes provisions for monitoring progress and crisis management.*

**All sections must be complete in order for this plan to be sufficient.**

**Problem Behavior and Target Goal:** (in measurable observable terms)

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**Is this behavior a ☐ Skill Deficit or a ☐ Performance Deficit?**

*Skill deficit:* The student does not know how to perform the desired behavior.

*Performance deficit:* The student knows how to perform the desired behavior, but does not consistently do so.

**How do you know?**

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**Presumed FUNCTION (cause) of the behavior:**

What desired thing(s) is the student trying to **Get**?

What undesired thing(s) is the student trying to **Avoid**?

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### Intervention Strategies

1. *Environment and/or Circumstances*

Can the environment or circumstances that trigger the behavior or the result of it be adjusted?  
If so, how?

2. *Curriculum and/or Instruction*

Would changes in the curriculum or instructional strategies be helpful? If so, what and by whom?

3. *Other Strategies or Positive Supports (including school personnel, peers, or family)*

---

**Desired Replacement Behavior**

What behavior will the student be taught to replace the targeted behavior? How and by whom?

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**Rewards and/or Motivators:**

How will the student be reinforced so that the replacement behaviors are more motivating than the problem behavior?

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**Consequences:** What consequences will be implemented for repeated occurrences of the problem behavior?

1<sup>st</sup> occurrence?

2<sup>nd</sup> occurrence?

3<sup>rd</sup> occurrence?

Continuing?

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**Crisis Plan:** How will an emergency situation or behavior crisis be handled? (Define possible scenarios, including the use of in-school or out-of-school suspension, or aversive techniques by trained personnel, as appropriate, and how parents will be notified)



**Progress Monitoring of the Behavior and the Behavior Plan:** How will behavior be assessed and evaluated? What data will be collected? How and by whom? When will the plan be first reviewed for its effectiveness? Thereafter?

Date plan will be reviewed for effectiveness \_\_\_\_\_

Additional notes/information regarding this BIP: \_\_\_\_\_

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### Signatures

Signature	Title	Date
Signature	Title	Date
Signature	Title	Date
Signature	Title	Date
Signature	Title	Date
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# Appendix A

## Strategies for Effective Behavior Management

### Introduction

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The first thing to keep in mind when addressing behavior problems is that words such as *inappropriate* are subjective. Perceptions of what is inappropriate will differ from one individual to the next. It is important to look at the behavior and define it in a large context. Is the behavior exhibited “across the board” and does more than one adult perceive it as a “problem?”

The second point to consider is that all teachers must deal with a variety of behaviors and have individual methods of behavior management. Obviously some are more effective than others, and some methods actually reinforce the undesirable behavior rather than redirect it. Here are a few Do’s and Don’ts that teachers may want to use to evaluate their behavior management style.

### General Strategies for Effective Behavior Management

- ▶ **Do** remember who is in charge—you! **Don’t** get into any power struggles with students.
- ▶ **Don’t** yell or lose your temper. To achieve a calm, orderly, and controlled environment, you must remain calm and controlled.
- ▶ **Don’t** make threats, especially those that students know you will not or cannot carry out. Example: “If you don’t behave like third graders, I’m going to send you back to second grade.”
- ▶ **Do** give students strong, direct statements rather than making your commands questions. Example: Rather than saying, “Will you please stay in your seats?” make it a directive by saying, “Stay in your seats.”
- ▶ **Don’t** use the word try. The word try gives permission to fail. You want your students to comply not to try. Example: “Try to be on time.” versus “Be on time.”
- ▶ **Do** use a “get ready to listen” signal to alert students that you are about to give important information. Then speak in a normal voice. **Don’t** speak over the students even if some are not ready to listen. When they miss the direction, they will be ready to listen next time. When you give the signal, students who are ready to listen will pressure those who are not.
- ▶ **Do** give a directive only once. Tell students exactly what you expect and, whenever possible, also tell students the consequences (and make sure you carry them out). Then, do not repeat the directive. Example: “If you have a question, raise your hand. I will only call on students who quietly raise their hand and wait to be called on.”
- ▶ **Don’t** use sarcasm, ridicule, or labels. Students will learn respect by being respected.
- ▶ **Do** use students’ names to praise positive behavior as well as to discipline. Examples: “Ned, I noticed that you picked up the trash around your desk and I appreciate your showing responsibility.” and “Ann, I expect everyone to stop and listen when I give the freeze signal.”

## Specific Strategies for Behavior Problem Areas

### The Top 10 Behavior Problem Areas

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Although there are countless ways students can misbehave, the 10 categories below cover many of the common problem areas for students of all ages. Keep in mind that all behavior has a function—there is a reason for it. In general a behavior serves one of three functions—to get something desired, to control something, or to avoid something undesired. Although the reason behind some behavior is not difficult to discern, the functions that other behaviors serve may not be what they seem on the surface. In fact, a particular behavior may be manifested in one context that is wholly caused by circumstances in another. The classic example is the “kick the dog” scenario—the man who is frustrated at work but takes out his anger on the family pet when he gets home.

The information below is not meant to be prescriptive—every situation is unique and must be addressed with consideration of the context and individuals involved. Thus, the discussions that follow are intended to provide “food for thought.” Each section offers some possible insight into the what’s and why’s of common behavior problem areas. For ease of understanding, students’ names are used but represent any student, male or female, who exhibits problem behavior.

#### # **1** *Minor (but Taxing) Diversions*

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##### ► The “Escaper”

**What You See:** Chris is always looking for the way out. Wherever he is, he thinks of a reason to be somewhere else. Chris uses all kinds of tactics to get “excused” (e.g., frequent trips to the bathroom, need to get something from his locker, left his book in the library...). Chris is not a “wanderer” in the sense of being aimless. Chris conceives a plan and seeks permission to leave.

**What’s Really Going On:** The student may be seeking attention by purposely putting himself or herself in the position of having to be noticed and responded to. Or, the student may be trying to avoid something unpleasant—an academic task, a certain person, boredom, or overall failure.

**What to Do:** Some strategies that are helpful for students who attempt to ESCAPE by claiming that they need to be excused are: 1) Impose a pre-determined lim-



it on number of allowable requests. 2) If the student is taught by more than one teacher, check with his other teachers to see if he is playing you against each other. (e.g., Chris tells his math teacher that his reading teacher asked to see him.) 3) Appoint an escort to accompany the student on his “trip.” 4) Talk privately with the student to allow and encourage him to reveal the reasons for his frequent “escapes.”

**What NOT to Do:** Do not deny this student all requests. He and the other students must feel that you will consider and allow *reasonable* requests. Do not make a blanket rule for the whole class that is really just intended for this student. Do not give this student any more or any fewer privileges than the rest of the students—tell the class what the parameters are and what you expect of everyone, then enforce your rules equally.

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## ► The “Over-Active” Student

**What You See:** Karen has a short attention span and is fidgety. Karen cannot sit still and bothers other students. Karen is up and out of her seat at any opportunity.

**What’s Really Going On:** The teacher describes Karen as “hyperactive.” The term *hyperactive* is often used loosely to refer to a child who is more active than others, or who is not complying with the “sit still” standards of an individual teacher. The over-active student may not be “misbehaving” at all—at least not on purpose. He or she may indeed be hyperactive and therefore have a physical reason for the problem. Or, if the student is very young, he or she may just have not yet developed the capacity to attend to “sit still” type activities. The student may also be particularly fidgety because of stress at home or school.

**What to Do:** Here are some strategies that may be helpful for OVER-ACTIVE students: 1) Give them short-term goals only. 2) Use contingencies (e.g., *If you can sit still for the next 10 minutes, then....*). 3) Give them jobs/tasks that involve movement, such as messenger to the office or passing out materials. 4) Allow the student to get up and perform an activity at given intervals (e.g., do 5 jumping-jacks



every 10 minutes). 5) Discuss the situation with the parents to see if the behavior also occurs at home. Perhaps the parent may want to consult a physician, but do not require that.

**What NOT to Do:** Do not assume the student can sit still but chooses not to. (This may not be simply a performance deficit.) Do not force the student to sit still for long periods of time—chances are the student can not do it, even if he or she wants to. Do not unfairly punish the student for not being able to adhere to your standard expectations—this student needs modified expectations that are attainable.



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## ► The “Excuse Maker”

**What You See:** Danny doesn’t complete assignments or homework. He doesn’t ever seem to have the materials he needs. Danny borrows things but doesn’t return them. He doesn’t use his time effectively and has poor self-discipline.

He may spend most of the period getting “ready” to work and then only has time to get it started, but never finished. Danny always has an excuse. He wants you to think he means well, but “outside” factors prevent him from completing tasks.

**What’s Really Going On:** The teacher may describe Danny as “forgetful” or “irresponsible.” Is he? Does Danny “forget” things that *he* cares about? Is he “irresponsible” with his *own* possessions? If not, Danny’s behavior may actually stem from lack of self-confidence when it comes to completing academic tasks. Perhaps he believes that if he doesn’t finish something, then the teacher cannot be disappointed in him.

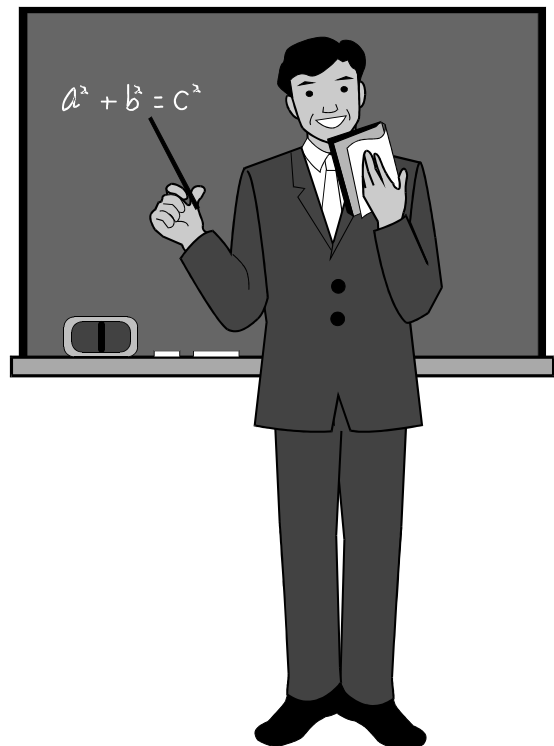
Or, it could be that Danny is “forgetful” or “irresponsible” because it gets attention from the teacher or the other students. Everything stops and focuses on him while he looks for his pencil or asks to borrow one. Finally, Danny could be exerting his need for power and control, which he gets when others show exasperation with his activities.

**What to Do:** It is important to hypothesize the underlying reason for the EXCUSE MAKER’s behavior. If it appears to be lack of confidence in one or more academic areas try these strategies: 1) Give this student a short-term goal that is easily attainable and will provide immediate success. 2) Allow this student to gain your approval outside of the academic area by entrusting him or her with a task or job that, by completing it, the student would feel he or she has been helpful and appreciated.

If you think that the behavior is being exhibited as a way of getting attention or power, you may want to try these strategies: 1) Give this student “power” before he or she asks for it. For example, announce out loud something you notice that the student has *not* forgotten: *“I see that Danny has his book ready for today’s story.”* If necessary add, *“But Danny will need a pencil. Who can lend him one before we get started?”* 2) Take the offensive before the student has the chance to make an excuse by offering the “missing” material ahead of time. For example, you see that Danny does not have a pencil, so simply hand him one without stopping or acknowledgment. 3) If the student does draw attention to himself or herself with an excuse, simply nod to acknowledge it and move on.

**What NOT to Do:** For the excuse-maker that lacks self-confidence, do not take away privileges as punishment. Instead, ask this student how you can help him or her remember something, be better prepared, or make the task more do-able. Do not publicly embarrass this student. It will only exacerbate the problem. For the excuse-maker that wants attention or power, do not refuse to provide the materials he or she needs. This will only serve to reinforce the problem because he or she can make *you* the excuse.

Avoid admonishing this student with *“I told you to”* statements. Instead, ask the student to recall and state what the directions or assignments were. Although contracts made in private are appropriate, do not make on-the-spot “deals” with the attention getter (e.g., *“If you finish this assignment on time, you may be first in line for lunch.”*) This sends a message that *not* adhering to your expectations can lead to a reward.



## #2 Inappropriate or Abusive Language

### ► The Constant “Interrupter”

**What You See:** Janet has to comment on everything. She will make certain that the discussion or class is interrupted by her blurting out her opinion, asking questions, or making irrelevant remarks that lead the class off the subject. If not acknowledged, she may mutter her comments under her breath, but just loud enough to be heard.

**What’s Really Going On:** The teacher finds Janet’s behavior exasperating. She seems to need constant attention and uses interrupting as a means to get it. Janet may feel that getting all that attention focused on her gives her status which she may feel she otherwise has none. Janet may also use interruption as a way to cover feelings of inadequacy, academically or socially. Janet may or may not be aware of what she is doing.

**What to Do:** Students who are INTERRUPTERS can be challenging. Since attention and power are usually their driving motive, the first strategy to try is to reward desired behavior with attention and not reward the interruptive behavior with it. Whenever you can, simply ignore the comment and continue on. When the behavior stops the flow of the class, rather than acknowledge the interrupter, comment generally on the need to stay on the topic or ask questions that are relevant. At the end of class or privately, tell the student that you val-



ue what he or she has to say when it is relevant and does not interfere with the learning process for all the students. Explain that you realize that he or she has valuable contributions to offer and you would rather give him or her the opportunity to express them appropriately than to have to not allow the student to speak at all in class. Then ask which he or she would prefer. If the student is not aware of his or her behavior, develop two silent signals that only the two of you know to use during class to let the student know when his or her behavior is acceptable or not acceptable. This student is very likely to respond to the “special” attention you offer by having “secret” signals.

**What NOT to Do:** Do not give the attention the student is demanding by interrupting. Keep in mind that negative attention is still attention. By acknowledging the student individually, even with a “look,” you are giving attention and reinforcing the behavior.

### ► The “Foul-Mouth”

**What You See:** Lee uses inappropriate “street” language, including four-letter words. He doesn’t care who is listening. Lee seems to be trying to impress others and gets pleasure from using “shocking” language or getting a “rise” from adults.



**What's Really Going On:** Students who use OBSCENITIES or PROFANITY are usually seeking power or control and use this method because they think it makes them appear “tough.” It may be that this student is simply using the language he or she hears outside the school setting, where “being tough” (including using foul language) is necessary to be accepted or to fit in. If that is not the case, foul-mouthed students may be 1) trying to appear “tough” because they are actually afraid that others will find out who they “really” are, 2) using this language in an attempt to avoid and deflect confrontation with adults or other students, 3) attempting to get “respect” through intimidation, or 4) demonstrating hate, anger, or negative feelings that have no other outlet.

**What to Do:** First, if you have not already clearly done so, lay down the law: *“No matter what language you use outside of school, profanity, obscenities, name calling, and any language that may be offensive to anyone is not tolerated in school.”* No matter what the student’s motivation is for using foul language, he or she does not believe that appropriate language will fill the need. You may want to try these strategies: 1) In a private talk, ask the student if there is any place or situation in which he or she refrains from using vulgar language.

If so, ask why. The student may reveal a place or situation in which he or she feels “safe” or something or someone he or she respects. Use this as a springboard to convince the student that school is a place where everyone (including him or her) is respected. 2) Help the student begin to learn new ways to express his or her feelings without using offensive language. Suggest the use substitute meaningless words in place of the foul words (e.g., *smarf, smarfs, smarfed, smarfig...*).

**What NOT to Do:** Do not lecture this student about “right” and “wrong.” It would be better to acknowledge that different language is appropriate in different settings or circumstances. Avoid showing anger toward this student or putting him or her down in any way.

Be sure to disapprove of the behavior, but not the student. For example, say to Lee, *“You probably have a lot of valuable contributions to make and I would like to hear them, but using foul language makes it impossible for me and the rest of the group to respect what you have to say.”*

## # **3** *Fighting or Physical Aggression*

### ► The “Confrontational” Student

**What You See:** Ben is continually getting in fights or scraps with other students. When he is not challenging someone, he is plotting about how to “get even.” Ben is defensive and will react physically without thinking. He is emotional and easily takes offense, even when something is unintentional or not directed toward him.



**What's Really Going On:** Students who are CONFRONTATIONAL usually perceive themselves as vulnerable. This vulnerability may be physical, emotional, or both, and these students may feel compelled to protect themselves. A confrontational student, like Ben, probably feels threatened almost all the time—perceiving threat even in things that are not really threatening. When confronted with situations that create the “fight or flight” response, Ben has learned to choose “fight.” This has become so ingrained in him that, at the slightest *possibility* of “attack” he will immediately go into “fight” mode. Some confrontational students even go so far as to initiate a fight, with the idea that by taking the offense, the “opposition” has to be on the defense instead of them. This is how they are able to feel a sense of control and power.

**What to Do:** 1) Keep in mind that this student needs to feel that he or she is a winner. The trick is to set up situations in which the student can feel like a winner without involving a fight or scrap. Look for and identify some strength or skill this student has, and then create a situation in which he or she will obviously shine. Acknowledge the student's success. 2) As done for the student with foul language, again clearly lay down the law. State that there is no tolerance for fighting as a solution to a dispute. Then, have a private or class discussion about alternative ways to handle conflicts. 3) As a group, role play some scenes that would be typical situations that

would lead your confrontational student into a fight. Stop at critical points to elicit ideas on the choices, appropriate and not, that the participants have. 4) When a student is vindictive or revengeful, appeal to his or her “better” side. Acknowledge the student's feelings (valid or not) and then tell the student that he or she has more class, honor, and dignity to let it go than someone with lesser character would.

**What NOT to Do:** Do not automatically assume that the confrontational student started or is responsible for any particular fight or scrap. Be willing to listen objectively. Do not expect this student to change overnight. You will only get results if you are patient and help the student realize that he or she is safe and “someone” without fighting will you get results. Do not assume that a student who uses physical means to solve conflicts knows better. He or she may not have ever been taught any other way. (skill deficit).



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## ► The “Hostile” Student

**What You See:** Shandra seems angry most of the time. If she's not mad at someone else, she's mad at herself. Shandra is hostile toward anyone and everyone—and balks at any form of authority. She strikes out with words, and sometimes physically. Shandra does not need to be provoked to lash out; she has “flash anger” that can burst out at any time.

**What's Really Going On:** The student that is HOSTILE may be using anger to hide low self-esteem. In the case of Shandra, she is the oldest of six children and is left to care for them all every evening while her mother is at work. Shandra is overwhelmed and resentful of her situation. She lashes out at adults because to her they represent the people who passed the burden on to her.



She is hostile to classmates because they have time to do homework and be kids, while Shandra does not. A hostile student may have any number of reasons for feeling overwhelming anger, including 1) feeling unfairly or unjustly treated, 2) feeling helpless and/or stuck, 3) feeling abandoned, 4) feeling that no one listens, understands, or cares, 5) feeling incapable or inadequate, and 6) feeling left out or different.

**What to Do:** Here are some strategies that may be effective with the hostile student: 1) Always remain calm and professional. 2) Look the student directly in the eye. Speak quietly and slowly even if the student is ranting. 3) If possible, let the student talk until he or she runs out of words. The student will be more receptive to your response if he or she has had a chance to vent first. 4) At a time when the student is not in the heat of anger, express empathy. Tell the student that you are concerned because he or she seems angry much of the time. Offer to listen if the student wants to talk and ask how you can help. Because this student is used to viewing the world as

hostile, he or she will not expect you to offer compassion, and may respond.

**What NOT to Do:** Do not respond to the hostile student with hostility. Do not assume that this student is just “mean-spirited” because there is usually one or more valid reasons for the hostility. Do not punish this student randomly or inconsistently, and do not threaten him or her. Avoid viewing this student as “bad.” In reality, he or she is probably a good person who has had or is having bad experiences that are affecting how the student sees the world.

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## ► The “Bully”

**What You See:** Carl picks on other students. He brags about himself and demeans others. He uses intimidation and threats to make others afraid of him. Carl may tease students who are smaller or younger than he is. He may attack them by hurting their feelings or hurting them physically. Carl makes demands of others and retaliates if they do not comply with his demands.

**What's Really Going On:** The teacher will describe Carl as a BULLY. Although he appears to be confident, strong, and powerful, it is very likely that in reality he lacks self-esteem and craves acceptance by his peers. Bullying is often a mask that hides insecurity and vulnerability. Carl knows that bullying is wrong, but feels that it is his only way to be recognized as “somebody.” Be-



cause he does not believe that others would voluntarily accept him as he really is, Carl uses bullying as a way to force them to recognize and accept him. By controlling others, the bullies gain a sense of confidence that they otherwise lack, and the power to get the attention of anyone they choose.

**What to Do:** Some strategies that are helpful for dealing with students who are bullies are: 1) The bully believes that being “strong” is how one gets respect. Express frequently to the whole group that a “strong” person earns the respect of other people by respecting them. 2) Make a point of “befriending” the bully. This student needs a strong, positive role model. 3) You may be tempted to “get tough” with the bully, but be gentle. The bully expects resistance. Chances are that the bully will escalate in response to toughness, but will not know how to “counter” kindness. 4) The bully wants attention, power, and respect. Find ways to give him or her those things in alternate ways. (e.g., “*Carl, you must be so proud of the story you wrote. I would be honored if you agree to let me share it with the group.*”)

**What NOT to Do:** Never belittle the bully—he or she is already “little” on the inside. Parents should be informed of the bully’s behavior, but avoid having any “meeting” about the student that he or she knows about without inviting the student. You want the student to trust you, so do not take any action that appears to be “behind his or her back.”

## # 4 Defiance, Disrespect, or Noncompliance



### ► The “Defiant” Student

**What You See:** Linda openly challenges authority, including teachers and parents. She shrugs off any directions from an adult, whether it is a request or a demand. Linda may even laugh in response to what her teacher says or does. She is quick to talk-back and dares the teacher to punish her.

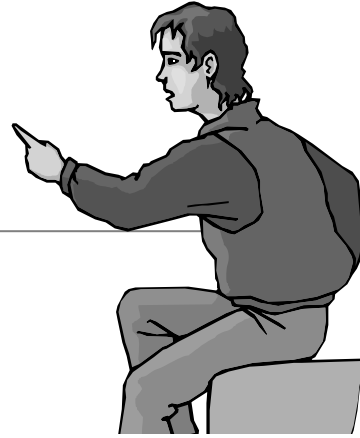
**What’s Really Going On:** Students who are DEFIANT are often not only aware that they are disliked, but seem to want to be disliked. In Linda’s case, sometime in the past she tried her best and failed. She wanted to be praised, but instead was criticized for her “faults.” Linda has grown to dislike herself, and therefore may think no one else should like her either. Other students who are defiant may use their cavalier attitude to cover their inward feelings of inadequacy. They may think that they will fail or fall short whether they try or not. Over time, these students fulfill their own prophecy. They behave in a manner that *guarantees* they will not be liked, accepted, or succeed. Although this student says “*Who Cares?*” in a way that sounds like nonchalance, it is very likely that he or she is really

asking for someone to care. Failure and fear of failure have forced this student to give up on getting attention in positive ways, and resort to getting attention with negative behavior.

**What to Do:** 1) Keep in mind that it is probable that the student’s negative attitude is not really directed at you personally. You are not the cause of the defiance. Try depersonalizing it by speaking as an observer rather than a participant. (e.g., Instead of, “*How dare you speak to me like that?*” say, “*Linda, you seem upset about the assignment. What specifically about it upsets you?*”) 2) This student needs someone to care and accept him or her as is. Invite this student to a one-on-one conference. Make a “pact” with the student that you will listen open-mindedly to anything he or she has to say, respect the student’s thoughts and opinions, and take into consideration suggestions he or she offers, IF he or she agrees to do the same for you. 3) Involve the student in any plan to modify his or her behavior.

**What NOT to Do:** Do not let your emotions rule the manner in which you deal with the defier. You may feel anger, exasperation, and even loathing toward this student, but allowing yourself to argue with the student, make threats, or raise your voice only gives the defier more power and you less power. No matter what you feel, make every effort to *respond* rather than *react* to what this student says or

does. Do not threaten defiant students with failure. They already see themselves as failures and by doing so, you are confirming it.



## ► The “Disrespectful” Student

**What You See:** Sam does not just lack common courtesy, he openly expresses disdain for authority by sneering, sighing, or talking back. Sam does not respond to anyone telling him what to do. He may comply eventually, but only after a display of rude remarks or physical disruption, such as slamming his book down.

**What’s Really Going On:** Students who are DISRESPECTFUL may have been mistreated themselves, and in response they have no regard for authority and treat others as they have been treated (with disrespect). Other students may use talking back as a way to “show” their power by being able to “take on” adults. These students regard rules as adults’ way of trying to control them and so they resist.

**What to Do:** 1) The disrespectful student expects you to treat him or her with disrespect. Try turning the tables on these students by asking them to explain what you did to deserve to be disrespected. 2) When the student makes a personal comment, say “*That seems unwarranted. What is the real problem?*” 3) Respond to an insult or inappropriate remark by saying calmly, “*I am not sure I heard what you said correctly. Would you please repeat it?*” Most students will either say “*never mind,*” or not respond at all. If so, simply move on without further comment. 4) Explain to all students: “*No one can force you to behave a certain way; how you behave is a choice you make on your own. However, with the free-*

*dom of choice comes the responsibility of taking the consequences that result. Anyone who chooses to interfere with the flow of learning in this class must also be prepared to accept the consequences.*” Then, spell out the consequences. If the student is old enough to follow this line of reasoning, it may be enough of an eye-opener to modify behavior.

**What NOT to Do:** Do not get into a “muscle” match with the disrespectful student by trying to let him or her “know who’s boss.” This approach will only escalate the student’s efforts to resist your authority. Do not get angry or lose control. This is what the student wants you to do. Avoid getting into a public debate with the student. Depending on the comment, either address it with a short, matter-of-fact statement, or tell the student that you would be glad to address his or her concerns at a later time, and that he or she can see you after class to set up an appointment if he or she wants one.

## ► The “Noncompliant” Student

**What You See:** Noreen will start a task, but rarely finish. She appears to be busy, but when the period is over she has not done the work. When faced with a new task, direction, or request, she balks. She may “fake it” to draw attention away from her, or just not do it. If asked to do something she does not *want* to do, Noreen may respond by refusing to comply.

**What’s Really Going On:** Students who are NONCOMPLIANT may have some traits of both those who are defiant and those who are disrespectful. The main difference is that the noncompliant student is less overt in his or her actions. Pay close attention to excuses. These will give you clues about why the student is noncompliant. “*I can’t*” may signal a skill deficit. On the other hand, “*I won’t*” is more likely a performance deficit. “*I don’t care*” may be either or both.

**What to Do:** The first thing to do is try to determine the function, or cause, for the student’s noncompliance. Is the student only noncompliant in academics? only when asked to “obey” authority? only toward certain people or certain tasks? Or, is this student unwilling to comply with anything? 1) If the problem is mainly academics, try modifying the tasks so that the student is more comfortable attempting them and/or is more likely to succeed with them. 2) If the student is especially noncompliant with following rules or respecting authority, try showing this student that you value and respect him and her and then ask for the same in return. 3) If student has essentially “shut down” by refusing to comply with any or most requests, try reaching him or her on an emotional level. You could say (in private), “*I’m really concerned that you seem so unhappy. What is troubling you?*” 4) If the student claims to not care, it is very likely that in reality he or she does care and is just afraid to try. Or, the student may not see value in what he or she is asked to do and truly doesn’t care. For this student, try pointing out the benefits of (math, rules, social interaction...) to that student specifically. He or she has to care about something and has an opinion



about what he or she would like to be doing as an adult. Elicit these things from the student and then tie them to what the student is being asked to do. (e.g., Noreen won’t participate in physical activities. The teacher finds out that Noreen wants to be a flight attendant, so she explains to Noreen that flight attendants are on their feet for hours at a time and need physical stamina. Participating in physical activities now will help her build that stamina.)

**What NOT to Do:** The worst thing you can do is not try to find out why the student is noncompliant. To succeed, you must be able to build on what this student does value. Do not label this student as lazy, contrary, or difficult. Avoid accepting excuses. Do not assume that this student’s noncompliance is defiance of you personally.



## # 5 Telling Stories, Lying, or Cheating

### ► The “Story-Teller”

**What You See:** Natalie fabricates tales about herself and others. Sometimes these are so fantastic that no one would believe them, yet Natalie insists that they are true.

**What’s Really Going On:** This student may be using story-telling simply to get attention. Or, the student may be suffering from low self-esteem and feel the need to fabricate tales to make him or her look more prestigious. The STORY-TELLER may make himself or herself seem impressive by inventing amazing things he or she has done. In a negative situation, such as being confronted or having their bluff called, story-tellers may invent versions that deflect negative attention away from them and onto someone else.

**What to Do:** It is important to determine if the story-teller is purposely inventing tales he or she knows are not true, or if the student actually believes what he or she is saying. Also keep in mind that story-telling is common among young children as a way to “test” others’ reactions to them. In addition, very young children may not have yet developed the ability to distinguish fact from fantasy. (In fact, our culture encourages this with such traditions as Santa Claus and the Tooth Fairy. Having an “imaginary” friend is also not uncommon.) Story-telling raises a red flag when it is done by older students and/or the student seems to re-



ly on it, even when it is clearly inappropriate. In these situations, try pointing out the obvious inconsistencies or impossibilities in the student’s story by asking questions such as, “Wow. How is that possible? I didn’t realize you (had been/were able to...). Where did you learn to do that?”

**What NOT to Do:** Do not accuse the story-teller of lying or being a liar. Do not “brush off” the student’s stories or the student. Avoid directly contradicting the student; instead gently suggest ways that the story does not make sense to you and ask him or her to clarify.



### ► The “Liar”

**What You See:** Unlike Natalie who invents exaggerated or fabricated stories to feel better about herself, Ben’s fabrications are usually in response to some perceived threat. Ben will say whatever is necessary (sometimes even if it is obviously unbelievable) to “wiggle out” of something. When “caught with his hand in the cookie jar,” Ben will still deny he went anywhere near the cookies. One of Ben’s favorite deflective tactics is to blame someone else or

simply insist that he had nothing to do with it. (e.g., “It wasn’t me. But I did see John there. It must’ve been him.”)

**What's Really Going On:** The LIAR is usually avoiding some kind of negative feeling, such as disapproval, hurt, inferiority, or shame. The student who lies is usually acting out of fear. He or she is attempting to deflect the “punishment” the student assumes he or she will receive (whether that is physical or emotional). Many liars are covering low self-esteem. They may believe that they are unworthy of being held in regard, assume they will be judged negatively, and even judge themselves as inherently inadequate or unlovable. Other liars are quite the opposite. They may believe that they are superior and therefore entitled to “get away with” things others are not. The arrogant liars believe that they are “above” the rules and therefore not accountable for their actions.

**What to Do:** In the case of students like Ben who are lying to cover up their feelings of being worthless, the lying is a cry for help. Confront the problem with gentleness. Have a one-on-one quiet talk with the student without mentioning the word *lie*. Use terms like *embellishing*, *protecting*, *hiding*, and *honesty*, *integrity*, *taking responsibility*, and *respecting oneself and others*. Help this student learn to judge himself or herself less harshly and more accurately by pointing out and praising the positive traits the student has. Deal with the arrogant liars more directly, but tactfully. One strategy is to interrupt a remark that you know is a lie so that the student is unable to carry it to comple-

tion. (e.g., “I’m sorry, Jack. We only have time to listen to versions of the event that are true.”) Another strategy is to ask the student to repeat a remark. If the student declines to repeat the remark, just ignore it and move on. If he or she does repeat it, ask the student to repeat it again. Then, whether the student repeats it exactly the same way or not, follow with a statement such as, “How many times will you need to repeat the comment until it is the absolute truth?”

**What NOT to Do:** Do not promise to punish the student if he or she is ever caught lying again. Liars need redirection, not punishment. Avoid directly contradicting the student or making him or her appear foolish. (e.g., “Ben, that’s just plain silly. No one believes you.”)



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## ► The “Cheater”

**What You See:** Denise copies other students’ classwork and attempts to cheat on tests. She spends more energy on devising ways to cheat than studying or attempting to do the work. When she is confronted with suspicion or actually caught cheating, she denies any guilt.

**What's Really Going On:** Denise probably has two things going for her that her teacher doesn’t realize: 1) She knows full well what is expected of her, and 2) She really wants to do well and succeed. Most cheaters have one or more academic skill deficits. In other words, they would do well and come by

it honestly if they knew the material or had the skills needed. The CHEATER wants to be successful, but lacks the confidence in his or her skill and ability to achieve success without cheating.

**What to Do:** The key to turning around this behavior is to give this student the tools he or she needs to succeed. That may be academic help or tutoring, adjusting the level of the material this student is expected master, breaking tasks into smaller parts, modifying the way the student demonstrates mastery,

or any number of other interventions that would help this student “make the grade” without having to resort to cheating.

**What NOT to Do:** Do not accuse a student of cheating or call him or a cheater. If you suspect a student of cheating, tactfully say, “Denise, I’m not sure you are being completely honest in representing this work as your own. Did you have some help with it?” If the

student admits she had “help” you can add, “Was Nick aware that he was ‘helping’ you?” This method lets the student know that you know, but without humiliating him or her, or making a “scene.”

## # 6 Harassment, Teasing, and Taunting

### ► The “Tormentor”

**What You See:** Brian is an agitator. He “looks for” trouble and is delighted when he finds it. Brian purposely stirs up conflict or causes a “scene.” He harasses, teases, and taunts and revels in the victim’s reactions. Brian likes to tout his cleverness and sense of humor and put down others who can’t appreciate his “just having a little fun.” Though Brian’s relentless tormenting of others is far from harmless, when confronted, he is likely to take his actions lightly, by either claiming complete innocence or laughing. When admonished, he retorts with a statement such as, “I can’t help it if they can’t take a joke.”

**What’s Really Going On:** The **TORMENTOR** is usually a bright student who is adept at escaping culpability. He or she is like a predator and is very skilled at identifying weak spots in others. Though the tormentor usually “preys” on the smaller, weaker, or vulnerable, he or she may be bold enough to take on adults as well. A tormentor may be seeking attention. Some tormentors are desperately trying to be “seen and heard” because they feel they are discounted or even “invisible” at home or other circumstances. Some tormentors are reacting to having been tormented themselves, and are “passing it on.” Other tormentors will use harassment, teasing, and taunting as a way to purposely prevent others from finding out about their own weakness or faults. Finally, a tormentor may share motivations for “lashing out” with

the bully—the behavior is a mask that hides insecurity and vulnerability. Like the bully, the tormentor feels that it is his or her only way to be recognized as “somebody.”

**What to Do:** Because a tormentor knows exactly what “buttons to push” to get a reaction (including yours), it is especially difficult to remain calm and collected. It is important that you confront the tormentor directly. First, establish clear “rank” with this student by matter-of-factly spelling it out. Look the student straight in the eye. Let the tormentor know that you are “on” to his or her game. If the student is young, point out the difference between laughing *with* someone and laughing *at* someone. Young tormentors may not even realize that their “jokes” are hurting others. If necessary, use the analogy of predator and prey. For older tormentors, explain that, like them, you appreciate humor, but you are mature enough to know the difference between creating something from within that is genuinely funny and using cowardly and childish pranks that are cruel and not humorous. Then explain that harassing, teasing, and taunting can hurt as much or more than if the victim were physically punched, kicked, or beat up, and so the consequences will be equally severe and not at all funny.



**What NOT to Do:** If this student pushes one of your buttons, do not react as he or she expects. Do not use sarcasm or ridicule the tormentor. Avoid automatically taking “sides” when the tormentor has instigated a scene. Do not issue blanket punishments to groups as an attempt to discourage further incidents. Do not allow students to retaliate against the tormentor.

## # **7** Disruption

### ► The “Distracter”

**What You See:** Kelly talks almost incessantly. She talks to other students, talks at inappropriate times, makes meaningless comments out loud in class, and purposely gives ridiculous answers to questions. She interrupts during directions, and frequently asks the teacher to repeat what was just said. When Kelly is not talking, she is dropping things, giggling, or making random noises.

**What’s Really Going On:** The DISTRACTER seeks constant attention by any means possible. The distracter’s need for attention may stem from something serious, such as neglect. Or, the distracter may just be used to being the center of attention at home and does not know how to share the limelight.

**What to Do:** First, try to determine the underlying cause for this student’s constant need for attention. Then try these strategies: 1) Use a timer. Tell the student that he or she may not speak or distract anyone until the timer goes off (barring an emergency). Begin with brief time periods and gradually increase the duration. 2) Develop two silent signals that only the two of you know to use during class to let the student know when his or her behavior is acceptable or not acceptable. This student is very likely to respond to the “special” attention you offer by having “secret” signals. 3) When giving directions stand beside or near the distracter. Give the secret signal as



needed. 4) Create a Good Citizenship award for this student and, together, come up with a plan (contract) on how the student can earn the award. 5) Set up two different places in the classroom as this student’s work area—one separated from and one joined with others. Use the separated seat as a place for the distracter to regroup briefly when he or she is not complying with your standards, and invite the student to rejoin the seating arrangement with others when he or she feels ready to use appropriate behavior.

**What NOT to Do:** Do not leave this student unattended for long. If you are not directly engaged with him or her, look directly at the student often, or have him or her “report in” to you every few minutes by coming up to you to show you the progress made. (You could use the timer with this as well.) Do not allow the disrupter to take control of your class or lesson.



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## ► The “Clown”

**What You See:** Tim is fanatical about being in the spotlight. He will say or do just about anything to get an audience. He disrupts the class with jokes and wisecracks. Tim is “on” even when it is completely inappropriate (e.g., during a serious talk given by a guest speaker).

**What’s Really Going On:** Like the distracter, the CLOWN is seeking constant attention. And like the distracter, the clown’s need for attention may stem from something serious, or the clown may have just been reinforced by frequent positive reaction from others. The clown is often genuinely funny and may just enjoy the laughter he creates. Sometimes, though, the clown is putting on a fake persona of being outgoing and care-free because the student does not feel the “real” him or her is good enough as is.



**What to Do:** Enjoy the clown’s humor when it is appropriate. Compliment his or cleverness and quick wit. Then explain to the whole class that you enjoy the student’s humor as much as they do, but that there is a time and place for it. Come up with a class signal that means “time to be serious.” If necessary, set aside a few minutes every so often for this student to “perform.” Make this privilege contingent upon the student’s willingness to curb the clown during “no-joke” time.

**What NOT to Do:** Never allow this student to use inappropriate humor: 1) NO making fun of individual people, 2) NO comments about races, cultures, disabilities, etc., and 3) NO material of a sexual or vulgar nature.

## #8 Tardiness

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### ► The “Always-Late” Student

**What You See:** Jenny is last—last to get to class, last to finish the assignment, last to put things away. Jenny seems to always be in a hurry but no matter what, she is always late or behind. Jenny is apologetic, but somehow never manages to conform to time restrictions.

**What’s Really Going On:** The student who is ALWAYS LATE falls into one of two categories—LAGGER or TARDY. The student who sincerely tries to be “on time” but always lags behind is likely to also be easily distracted and disorganized. This student may also come from a home environment that is disorganized, unscheduled, and undisciplined.



The lagger who seems to purposely lag behind may be seeking attention or “asking” for help. The student that is tardy may also sincerely try to be on time, but circumstances prevent it (e.g., having to rely on someone else for transportation and that person is chronically late, or she is required to watch younger siblings before school and can’t get to school until they are taken care of). Sometimes, though, students will be tardy to school on purpose.

The most obvious possible reason is that they are avoiding school or a particular class or subject. They may also be avoiding pre-class encounters with a particular person. The tardy student could be purposely late simply to make a scene that draws attention.

**What to Do:** First, having a private conference with the student may help determine the cause of the frequent lateness. Once you have determined the probable reason behind the student's habitual lateness, try these strategies: If the student sincerely wants to be on time and simply does not have good organization skills, you can teach him or her the necessary skills to manage time more effectively. If the student sincerely wants to be on time but is hampered by outside circumstances, offer to make allowances (accommodations) for the circumstances. (e.g., letting the student make up missed class time during free time). Remember, this student may feel pressured or embarrassed by being late but helpless to control it. If the chronically late student seems to be perpetuating the behavior on purpose because he or she is avoiding an academic task, take measures to make the task do-able for the student and alleviate the fear. If he or she seems to be avoiding a person, you may be able to intervene or at least suggest strategies for the student to use if an encounter takes place. Finally, if the chronically tardy student is just seeking attention, try seating him or her near the door so the student's "entrance" is not so grand. In addition, rather than fussing over the student when he or she does

appear, just ignore him or her and continue on as if you didn't notice.

**What NOT to Do:** Do not treat all students who are chronically late the same—they may have very different reasons for their behavior. If you have a blanket policy and consequences for tardiness, make sure that it has valid exceptions. Do not assume that a student coming in late or lagging behind bothers everyone as much as it bothers you. Chances are that it disturbs you more than it does the students because it interrupts you and your plan. For students who are tardy because they want attention, do not send them to the office. This only gives them an "extra" entrance and attention upon their return.

## #9 ****Skiping Class and Truancy****

### ► ***The "Chronic Absentee"***

**What You See:** Jeff is frequently absent from school. When he doesn't skip school altogether, he skips class—attending only ones he wants to. Jeff either makes excuses or is unresponsive to inquiries about his absence. Jeff does not seem to care that he is "behind" or even in danger of failing. Jeff's parents have not responded to inquiries.

**What's Really Going On:** Aside from students who miss school due to legitimate illness, the CHRONIC ABSENTEE falls into one of two categories—WITH or WITHOUT parent knowledge and/or sanctions about the absenteeism. When a student is frequently absent **with** a parent's full knowledge, it may be that the parent does not see or understand



the value of school, and so is unconcerned. The parents may be so overwhelmed with their own lives, that they do not or can not influence their children's actions and therefore just let them be. Other parents may sanction absenteeism because they need the student to help at home or work to help support the family. Finally, in some cases, there is no responsible adult overseeing the student's actions.

When there is chronic absenteeism **without** the parents' knowledge, the student often "skips" because of feeling that he or she can't do the work or succeed. This may be due to lack of academic ability or skills, or a feeling that he or she is already hopelessly behind, could never catch up, and so might as well give up. This student may attend certain classes—those which the student feels he or she can handle, or those in which the student has established relationships (friends or teachers). **Another possible reason for skipping school or truancy is that the student is not placed appropriately.** The student is academically overwhelmed feels he or she can't live up to the expectations of school. Or the opposite—the student is actually bored and feels school is not stimulating enough. Finally, chronic absentees may just not see any real value or relevance of school to their lives.

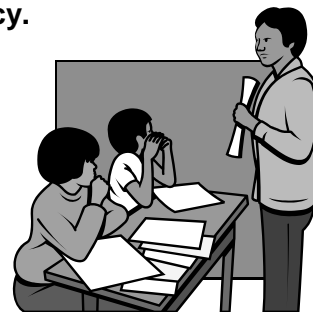
**What to Do:** Chronic absenteeism, especially in those cases in which chronic absenteeism is known about and sanctioned by parents, is not just a classroom behavior problem. Addressing these students' behavior requires the support of the administration, other school personnel and/or specialists, and the involvement of the parents and the student. Some things you can do at the day-to-day classroom level are: 1) Look for a need in this student that could be met in school. For example, the science teacher notices that Jeff has intricate pencil sketches on his notebook. She inquires and discovers that Jeff likes to draw. She gets Jeff some books from the library about drawing technique. She invites Jeff to make an illustrated poster for the class showing the five classes of animals (or any current topic she is teaching). 2) Whenever the student does show up, greet him or her and make the student feel welcome. 3) Rather than dwell on all the work the student has

missed, try pointing out a few of the fun and interesting things he or she chose to miss by not coming to class. (Stating it this way emphasizes that coming to school is the student's choice.)

**What NOT to Do:** Do not give up on this student or assume he or she doesn't care. Do not criticize or threaten the student. Do not give the student a litany of all the ways he or she is behind, or of all the work the student needs to make up. Your first objective is to convince the student to *attend* school—not worry about his or her achievement. If and when the student does come to class, avoid making a big deal about it and NEVER make a sarcastic comment (e.g., "Well, look who decided to get an education!") Do not "spring" a missed test or big assignment on this student. Do not humiliate or embarrass the student. In fact, when he or she comes to class say sincerely, "Well, hello Jack. I've missed you. Glad you are here." (NOTE: Speak only for yourself. Use the word "I" not "we" because the student knows that not everyone in the group missed him, but he may believe that you did.)

### Important Notes

- **New Mexico schools must implement their local attendance policies, as well as procedures in state statute at 22-12-1 to 22-12-9 NMSA 1978 and state rule at 6.10.8 NMAC for Compulsory School Attendance.**
- **Per New Mexico state rule at Subsection B (3) of 6.10.8.8 NMAC, suspension and expulsion is not an appropriate consequence for truancy.**



# # 10 Property Damage

## ► The “Destructive” Student

**What You See:** Michael is easily frustrated or angered. He expresses these feelings by being destructive. He purposely breaks things, writes on his desk with marker, scribbles on or rips pages out of books, and misuses school property and materials.

**What’s Really Going On:** The DESTRUCTIVE student is likely acting out hostility toward an individual, a situation, or everyone in general. This student may feel persecuted but lacks the feeling of power to do anything about it. The student may or may not be making conscious choices to destroy property. Those who are choosing destructive acts deliberately may be doing so in an attempt to intimidate others or simply trying to release anger or frustration by “taking it out” on something rather than someone. When you see a student intentionally causing damage, consider that the student may be responding to feeling that he or she has been damaged in some way.

**What to Do:** Destructive behavior will likely anger you, but in order to change the behavior you must keep your composure to avoid giving the student more cause to lash out or to become defensive. If you only witness the end result—the marred or destroyed property—but do not know for certain that the student you suspect is responsible, discuss the situation as a group before making any accusations. When you do know that the student is responsible for destruction of property, inform an administrator of any incident and prior to any parent contact regarding the behavior. When contacting the parents, ask them for their help rather than telling them to “do something” about the student’s actions. You want the parents to be on your side. Try holding a conference with the parents and the student in attendance. Rather than dwell on what was done, focus on finding out why the student



feels destructive. If feasible, have the student suggest consequences of the behavior. If he or she (or the parents) ask, allow the student the chance to restore what has been ruined, either directly or indirectly. Make every effort to work with the parents to discover the reason for the child’s hostile feelings, give him or her appropriate channels for expressing frustration, and teach responsibility and respect for property.

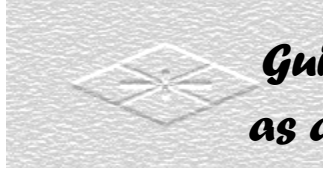
**What NOT to Do:** Do not accuse a student based on suspicion (even if past occurrences warrant suspicion). Avoid showing your anger. Attempt to “get to the bottom of” the incident through calm, rational discussion about respect for property. (e.g., Show the group the damaged property and ask for their ideas about why someone might do such a thing.) Do not assume that the student’s destructiveness is aimed at you. Even if it is, remain professional and keep it from getting personal.



# ***NOTES***



# Appendix B



## ***Guidance for Use of Time-Out Rooms as a Behavioral Intervention***

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### **MEMORANDUM**

Date: August 7, 2003  
TO: Superintendents  
Special Education Directors  
FROM: Sam Howarth  
State Director of Special Education  
RE: Use of Time-Out Rooms as a Behavioral Intervention

.....

The New Mexico State Department of Education's (SDE's) Special Education Office (SEO) has received several requests for guidelines on the use of "time-out rooms." Neither, the Individuals with Disabilities Education Act (IDEA) nor Section 504 of the Rehabilitation Act of 1973 provides specific guidance on this issue. Therefore, the SEO bases the following guidance on a review of relevant case law and state safety codes.

### **The Definition of Time-Out**

The SEO defines the term *time-out* as a continuum of behavior management techniques that are designed to address inappropriate or negative student behavior resulting from over-stimulating or challenging classroom situations. This continuum begins with minimally intrusive or restrictive strategies that can be implemented within the classroom setting. The continuum then progresses to more restrictive strategies that may involve the physical separation of a student from his or her classmates, **for a brief amount of time**, in order to enable the student to regroup and **return to the classroom setting**.

The time-out continuum of behavior management techniques begins with responses to student behavior that do not result in the student's removal from the classroom setting. Examples of these

less intrusive strategies include planned ignoring of the behavior and discussing the behavior with the student immediately. The continuum then progresses to in-class strategies that require the student to cease classroom activity for a short period of time. However, the student is not removed from the classroom setting. Strategies along this point in the continuum may include placing the student in a time-out corner of the classroom for a specified period of time in order to enable him or her to regain composure and resume classroom activity. Classroom teachers may designate a specific location within the classroom to use for this purpose. Finally, the time-out continuum includes strategies that require the student's removal from the classroom setting altogether **for a brief amount of time** in order for the student to regroup in private prior to returning to the classroom setting. The more restrictive time-out strategies may include relocating the student to the hallway, another classroom, or a school time-out room.

In situations where a student with a disability demonstrates behavior that impedes his or her learning or that of others, the IDEA requires the IEP team to consider, when appropriate, positive behavioral interventions, strategies, and supports to address that behavior. IEP teams may consider the use of time-out **as a positive intervention** and design time-out strategies to assist students in correcting the attitude and/or behaviors that interfere with their ability to remain in the classroom. **However, the SEO does not condone the use of time-out as a punishment for negative student behavior or as a means of removing the student indefinitely from the classroom setting, as it does not meet the intent of the IDEA.** The use of time-out must have positive implications, including enabling the student to return to the classroom setting.

A district or school's decision to remove a student from regular activity and placing him or her in an isolated setting, such as a time-out room, can have legal implications. The following section discusses relevant case law pertaining to the use of time-out rooms for students with disabilities.

### **Case Law Related to the Use of Time-Out Rooms**

Courts have held that placing a student in a locked time-out room might be "excessively intrusive" depending on the student's age and emotional disability. A student's placement in time-out can, in some instances, be deemed an "unreasonable seizure" in violation of the Fourth Amendment. An unreasonable seizure is a removal that is not justified before or at the time of placement and is not within reason given the student's age, sex, disability, and the nature of the infraction. An "unreasonable seizure" of a student also occurs when he or she is not properly informed of the purpose of the time-out area or the reason for his or her removal from the classroom. Therefore, if a student with a disability and his or her parent are not made aware, through the IEP process, of how the time-out will be utilized and the projected outcome or purpose of the use of time-out strategies, placement in a time-out room may be considered an unreasonable seizure.

In determining whether a placement in a time-out area is an unreasonable seizure, courts must consider two issues. First, the courts must consider whether the student established that he or she was "seized" within the meaning of the Fourth Amendment at the time that he or she was sent to the time-out room. Second, the court must consider whether the time-out was reasonable. Two federal district court decisions defined the circumstances under which a court may find that a district violated the constitutional ban on unreasonable seizures<sup>1</sup>. These courts considered the following

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<sup>1</sup> See *Rasmus v. State of Arizona*, 24 IDELER 824 (D. Ariz. 1996) and *Hayes v. Unified School District No. 377*, 559 IDELER 249) (D. Kan. 1987).

factors. In addition, the SEO provides questions and comments for IEP team discussion points when considering the use of time-out rooms for students with disabilities.

- **Nature of the misconduct.** Can the student's behavior be addressed through a less intrusive time-out strategy within the classroom setting? Or, does the student's behavior warrant his or removal from the classroom?
- **Location of the time-out room.** Where is the time-out room in relation to the student's classroom? Does the student's behavior justify the time it takes to transfer the student to and from the time-out room?
- **Size of the time-out room.** Is the time-out room of adequate size to accommodate the student and the school staff person who is responsible for supervising the student for the duration of his or her placement in the time-out room?
- **Interior of the time-out room.** Is the interior of the time-out room indicative of a punitive setting? Or, is it an environment that enables the student to de-escalate and thereby return to and participate in the classroom setting?
- **Safety considerations.** Is the time-out room a safe setting for both the student and the staff person supervising him or her? Have all dangerous objects been removed from the room? Does the time-out room meet all state, local, and fire code requirements?
- **Amount of time spent out of the classroom in isolation.** Did the amount of time the student spent in the time-out room correspond with his or her age and cognitive ability? Has the IEP team considered the student's age, sex, disability, and the nature of his or her behavior in determining the maximum amount of time the student can spend in the time-out room? Best practice dictates that in most cases, the number of minutes a student spends in a time-out room should typically equal the student's age, but should not exceed 10-15 minutes. In addition, when making this determination, the IEP team must consider the cognitive functioning of the student.
- **How time was spent during time-out.** Was the student provided with assistance in regaining his or her composure through discussing the behavior or utilizing other interventions identified within the IEP? Is there a written plan that outlines what to do once a teacher places the student in the time-out room?
- **District policy on time-out.** Does the district have policies and procedures on the use of time-out rooms for all students? If not, the SEO strongly urges districts and/or schools operating time-out rooms to develop formal policies and procedures that ensure the protection of students' personal rights.

A reasonable seizure, therefore, is one that has a clearly defined and documented objective or purpose and considers the age, sex, and disability of the student, as well as the nature of the student's behavior. In the case of a student with a disability, placement in a time-out room is considered reasonable if it is a part of a well-documented set of interventions aimed at improving the student's behavior in the classroom setting. The SEO expects that documentation of interventions would occur through the IEP process, which includes conducting a Functional Behavior Assessment (FBA) and developing a Behavior Intervention Plan (BIP). The SEO also expects that districts and/or schools will obtain written permission from parents authorizing the use of time-out rooms as a part of a student's BIP and IEP.

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### **Technical Assistance from New Mexico State Fire Marshall's Office**

In addition to the above-cited court decisions, the SEO sought technical assistance from the New Mexico State Fire Marshall's Office. Subsection 5-2.1.5, Chapter 5, Means of Egress of the Life Safety Code (1997 Edition), provides as follows:

#### **Locks, Latches, and Alarm Devices**

Doors shall be arranged to be opened readily from the egress side whenever the building is occupied. Locks, if provided, shall not require the use of a key, a tool, or special knowledge or effort for operation from the inside of the building.

Further, the New Mexico State Fire Marshall's Office explicitly stated that all doors (including those to time-out rooms) are to "remain open and accessible at all times." The doors should remain "free and clear of all obstructions in the event of fire or other emergency." Students placed in a time-out room should be able to self evacuate or be assisted in evacuation without delay.

### **Recommended Procedures for Utilization of Time-Out Rooms**

In light of the court decisions and guidance from the New Mexico State Fire Marshall's Office, the SEO offers the following guidance to districts and schools who use time-out rooms or are considering constructing them.

- **Districts must develop policies and procedures outlining the use of the time-out continuum of behavior management techniques, specifically the use of time-out rooms.** Policies and procedures should include clearly written procedures that the school or district will follow when implementing time-out behavior management techniques, especially time-out rooms. In addition, the district and/or school must include in its policies and procedures its method of providing students with disabilities adequate notice (through the IEP process) to enable them to protect themselves from being placed in a time-out room. The district and/or school should also notify the student and the parents (through the IEP process) of the maximum number of minutes a student will be placed in time-out and indicate that extended time-outs beyond that limit will not be used without notification of administrative personnel and parents. The range used most often by districts is a maximum of 10-15 minutes.<sup>2</sup> It is important to note that not all students would require this maximum amount of time in the time-out room.
- **Adopt a continuum of time-out strategies.** Districts must be able to demonstrate that a variety of time-out strategies are available for use with students. Districts must not resort to student isolation (time-out rooms) as a means of eliminating negative behavior in all instances. Not all behaviors require the student's immediate removal from the classroom.
- **Time-out rooms must be designed and constructed in compliance with all SDE, local, and fire code regulations.** Time-out rooms must have adequate heating, lighting, and ventilation and be free of any dangerous objects.

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<sup>2</sup> See *Marion County (Florida) School District*, 20 IDELR 634 (OCR 1993).

- **Do not lock a time-out room.** The time-out rooms must remain unlocked and free and clear of obstructions. In the event of a fire or other emergency, occupants must be able to self evacuate or be assisted without delay.
- **Staff must directly supervise or monitor the student while he or she is in a time-out room or other time-out area.** Some students are agitated in these circumstances. Do not discount the possibility of self-injury even when there is no obvious instrument for inflicting injury in time-out rooms.
- **Obtain parental consent prior to using time-out rooms.** The parents of a student with a disability must be notified, through the IEP process, that a time-out room or other time-out strategy will be utilized in order to assist the student in reducing negative behaviors. In addition, districts must obtain parental consent in order to utilize the more restrictive forms of time-out, specifically time-out rooms.
- **The duration of placement in a time-out room must be reasonable in light of factors such as student's age, sex, disability, cognitive functioning, and the nature of the student's misbehavior.** As a matter of best practice, a student should remain in a time-out room only until he or she becomes sufficiently self-controlled to rejoin classmates. A time-out is an opportunity for a student to regain his or her composure. Do not use timeout as a punishment for disruptive behavior.<sup>3</sup>
- **A student placed in a time-out room must be permitted to use the bathroom.** Staff must consider events that preceded the student's behavior (lunch, medications) that may result in the student needing to relieve him or herself.
- **The use of time-out must be consistent with the student's IEP and Behavioral Intervention Plan (BIP).** The IDEA restricts the use of time-out the same way it restricts the use of other in-school methods or teaching methods in general. It is a denial of a Free Appropriate Public Education (FAPE) if the use of time-out is inconsistent with the student's IEP and BIP.<sup>4</sup>
- **Districts must keep accurate records on students placed in time-out.** The records should include the date, time, length of placement, the basis for the placement, and the teacher who made the placement determination. In addition, the records should also indicate the assistance provided to help the student regain composure. This data collection will enable the district and/or school to determine the effectiveness of the more restrictive time-out strategies on improving student behavior.

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<sup>3</sup> See, e.g., *Orange v. County of Grundy*, 950 F. Supp. 1365 (E.D. Tennessee 1996).

<sup>4</sup> See *OSEP Memorandum 95-16*, 22 IDLER 531 (OSEP 1995).

In addition, IEP teams must consider the following conditions prior to including time-out rooms as an intervention in a student's BIP:

- Complete an evaluation to determine if the student's placement in a time-out room is in direct conflict with the student's psychological or physical health status.
- Determine the maximum amount of time a student will spend in a time-out room. The recommended amount of time a student spends in a time-out room typically corresponds with the student's age, but should not exceed 10-15 minutes. However, consideration should also be given to the level of the student's cognitive functioning.
- Identify and list the specific criteria for returning the student to the routine activities and the classroom environment.
- The IEP team should include a provision within the IEP for continuous monitoring by trained staff.

It is important to note that Section 504 governs the imposition of time-out for students with disabilities. **A district's time-out policy should follow the same guidelines and procedures for both disabled and non-disabled students.**

If you have additional questions about this guidance, please contact the state's Special Education Bureau at 505-827-1457 or the Quality Assurance Help Desk at 505-827-4296.

**Important Notice**

Since this guidance was issued, the U.S. House of Representatives passed a bill addressing the appropriate use of seclusion and physical restraint to ensure the safety of all students and staff. HR 4247, known as the *Keeping All Students Safe Act*, was passed by the House in March 2010 and next goes to the U.S. Senate.

See <http://www.govtrack.us/congress/billtext.xpd?bill=h111-4247>.

The 2003 guidance included here may change once pending federal legislation and any possible state legislation or rule is issued.

# Appendix C

## ***Guidance for Use of Physical Restraint as a Behavioral Intervention for Students with Disabilities***

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DR. VERONICA C. GARCÍA  
SECRETARY OF EDUCATION

BILL RICHARDSON  
Governor

March 14, 2006

### **MEMORANDUM**

To: Superintendents  
Special Education Directors  
Charter Schools  
RECs

From: Denise Koscielniak (Signature on File)  
State Director of Special Education

Through: Dr. Patricia Parkinson (Signature on file)  
Assistant Secretary of Instructional Support

RE: **USE OF PHYSICAL RESTRAINT AS A BEHAVIORAL INTERVENTION  
FOR STUDENTS WITH DISABILITIES**

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The use of physical restraint as a behavioral intervention for students with disabilities in public schools may be justified in certain instances, but this type of intervention can pose a serious risk to the student, as well as to the person(s) applying the restraint. Therefore, the New Mexico Public Education Department (NMPED) provides the following detailed guidance for the

appropriate use of physical restraint for students with disabilities in districts and charter schools. We note that neither the Individuals with Disabilities Education Act (IDEA) nor Section 504 of the Rehabilitation Act of 1973 provides specific guidance on this issue, so the NMPED bases this guidance on a review of relevant IDEA requirements for addressing student behavior and recommended practices from experts and professional organizations.

## Regulatory Requirements

In situations where a student with a disability demonstrates behavior that impedes his or her learning or that of others, the IDEA 2004 at 20 U.S.C 1414(d)(3)(B)(i) requires the student's Individualized Education Program (IEP) team to consider positive behavioral interventions, strategies, and supports to address that behavior. In a case where the student's problematic behavior is **severe, persistent, and frequent**, the NMPED has consistently interpreted this requirement to mean that the IEP team develops a Behavioral Intervention Plan (BIP) based on a Functional Behavioral Assessment as part of the IEP for that student. The BIP needs to emphasize positive interventions, strategies, and supports that teach appropriate replacement behaviors.<sup>1</sup> However, an effective BIP must also address and specifically provide for emergency situations where a particular student exhibits aggressive, violent, or dangerous behavior that requires an immediate aversive intervention, such as physical restraint. In that case, the physical restraint is designed to

- protect the student and others from serious injury;
- safeguard physical property; and/or,
- deal with an acute disturbance.

## Types of Physical Restraint

The most common forms of physical restraint are **mechanical** restraints and **manual** restraints.

- **Mechanical** restraint involves the use of any device such as a blanket, tape, straps, blindfolds, or tie downs as a method of restricting a student's movement or activity.
- **Manual** restraint (also known as "therapeutic holding") involves one or more people using their bodies to restrict the student's body movement. The purpose of this type of restraint is to allow the student to reestablish self-control and/or maintain safety for others in the environment.

The NMPED does not condone the use of **mechanical** restraint of students. However, we recognize that there may be certain instances where **manual** restraint of a student may be necessary, so the remainder of this guidance addresses its appropriate use for students with disabilities.

We note that escorting a student (touching and/or holding a student without the use of force) is **not** considered a form of physical restraint. Similarly, the use of "time out" is **not** considered a form of physical restraint and the NMPED issued guidance on the appropriate use of this

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<sup>1</sup> See the State's technical assistance manual: *Addressing Student Behavior—A Guide for Educators*. This manual is available on the RtI link at the NMPED's website at [www.ped.state.nm.us](http://www.ped.state.nm.us).

behavioral intervention in August 2003.<sup>2</sup> We also emphasize that nothing in this guidance would preclude a teacher or other staff member from using reasonable force to protect themselves, students, or other persons from assault or imminent, serious physical harm.

### **Authorization for Physical Restraint**

- **In all cases**, the use of physical restraint must be approved by the student's IEP team, documented in the student's BIP, have the expressed written agreement of the parent or legal guardian, and be addressed in the public agency's Prior Written Notice of Actions Proposed (PWN) provided to parents following an IEP meeting. The IEP team approves the type of restraint to be used, who is authorized to apply it, the specific setting or conditions under which the use of restraint shall apply, how it will be monitored by other staff, as well as reporting requirements for when restraint is used.
- **In all cases**, a mental health professional (i.e., social worker, counselor, psychologist) needs to be member of the IEP team if physical restraint is being considered as an intervention. The mental health professional reviews all information about the student and observes the student prior to making recommendations at the IEP meeting about the use of physical restraint in the BIP. A recommendation could include the need for additional evaluative or other information before imposing physical restraint in the student's BIP.
- **In some cases**, the IEP team may also need to seek approval from the student's medical provider if the use of physical restraint might adversely impact or be in conflict with any medical/physical/mental condition that the student may have or be suspected of having.

### **Recommended Implementing Policy and Procedures**

We offer the following guidance to IEP teams and building administrators:

- **The IEP team must craft the BIP so as to use a graded system of alternatives for the student's behavior.** In other words, positive interventions are the first methods for addressing unacceptable behavior. A variety of such interventions designed to de-escalate a crisis should be listed in the student's BIP, as well a provision to warn the student that restraint will be used if the target behavior does not stop. Verbal threats or refusal to comply with a staff directive or school rule would not warrant physical restraint unless this is agreed upon in the BIP. Physical restraint is the last resort to protect the student and others from harm. However, its immediate use may be justified if there is imminent, serious danger only.
- **The IEP team needs to establish that other less restrictive interventions have not been effective.** The provision for physical restraint in the BIP is only appropriate if less restrictive behavioral management techniques have been tried and documented as not working for the behaviors for which physical restraint will apply.
- **The use of physical restraint must be consistent with the student's IEP and Behavioral Intervention Plan (BIP).** Applying the IDEA, the use physical restraint is restricted the same way the law restricts the use of other teaching or behavioral

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<sup>2</sup> See footnote #1 at Appendix B.

interventions methods in general. That is, it is a denial of a Free Appropriate Public Education (FAPE) if the use of physical restraint is inconsistent with the student's IEP and BIP.<sup>3</sup>

- **Physical restraint procedures must be performed by trained personnel only.** (See "Staff Training" below.)
- **Restraint may not used as a form of punishment.** Nor, should it be used to force compliance from a student.
- **No form of physical restraint may be used that restricts a student from speaking or breathing.** The restraint must be applied in such a way that it is safe and only reasonable force is used. A responsible third party should monitor the student's status during the restraint procedure to check respiration and skin color, and to see that limbs are not moved out of the normal range of motion. The restraint should be immediately discontinued if the student exhibits any signs of undue physical distress or injury. In addition, the restraint must not be applied any longer than is necessary to protect the student from causing harm to himself or others.
- **Do not restrain the student in front of other students.** If possible, move to another location or clear the setting of other students.

### Staff Training

- **Any staff or staff team designated to apply physical restraint must be professionally trained and/or certified in the particular technique being used.** This must happen prior to any such procedures being used on a student. Staff chosen to be trained to apply physical restraint should be individuals who are physically able to do so and can handle a crisis in a calm manner.
- **The professional training needs to emphasize the use of positive interventions, including verbal de-escalation techniques and other strategies to be attempted prior to using physical restraint.** Resources for this kind of training include, but are not limited to, Positive Behavioral Intervention and Supports ([www.pbis.org](http://www.pbis.org)), Crisis Prevention Institute ([www.crisisprevention.com](http://www.crisisprevention.com)), and The Mandt System ([www.manmdtsystem.com](http://www.manmdtsystem.com)).

### Recommended Documentation and Reporting

- **Any incident of physical restraint should be immediately reported to the building administrator and be documented.** Include the following in a written report:
  - Name of the student
  - Date and description of the incident that led to the restraint
  - Names and titles of staff member(s) who applied the restraint and monitored it
  - Other interventions tried

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<sup>3</sup> See *OSEP Memorandum 95-16*, 22 IDLER 531 (OSEP 1995).

- Type of restraint used
  - Length of time the restraint was applied
  - Any injuries sustained by the student or staff
  - Information about the student's behavior after the restraint and any further action taken by school staff including disciplinary action
- **The student's parents should be informed about the use of the restraint.** Provide a verbal report to parents the same day. This should be followed up by a written report 1–2 days later.

## Local Policy

**Districts and charter schools should develop policies and procedures outlining the use of the physical restraint.** Districts and charter schools are encouraged to adopt this guidance as a minimum to their local policy on the use of physical restraint. **Local policy for physical restraint for students without IEPs should be authorized by the school's Section 504 team, or the Student Assistance Team (SAT), as well as the parents as part of the student's BIP, Section 504 Plan, or SAT Intervention Plan.<sup>4</sup> Protection for students not yet eligible for special education and related services is governed by 20 U.S.C. 1415 (k) (5).**

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Please copy this guidance and distribute it to all relevant staff, administrators, parents, and school board members.

If you have additional questions about this guidance, please contact the state's Special Education Bureau at 505-827-1457 or the Quality Assurance Help Desk at 505-827-4296.

### Important Notice

Since this guidance was issued, the U.S. House of Representatives passed a bill addressing the appropriate use of seclusion and physical restraint to ensure the safety of all students and staff. HR 4247, known as the *Keeping All Students Safe Act*, was passed by the House in March 2010 and next goes to the U. S. Senate.

See <http://www.govtrack.us/congress/billtext.xpd?bill=h111-4247>.

The state's 2006 guidance included here may change once pending federal legislation and any possible state legislation or rule is issued.

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<sup>4</sup> See the State's technical assistance manual: *The Student Assistance Team and the Three Tier Model of Student Intervention* available at RtI link at [www.ped.state.nm.us](http://www.ped.state.nm.us).