

OPERATING GUIDELINE

WHEN BEHAVIOR IS A MANIFESTATION

Boerne ISD

130901

Legal Framework: [When Behavior is a Manifestation](#)

Category: Discipline

"We believe the Act recognizes that a child with a disability may display disruptive behaviors characteristic of the child's disability and the child should not be punished for behaviors that are a result of the child's disability." 71 Fed. Reg. 46720 (August 14, 2006).

"When the behavior is related to the child's disability, proper development of the child's [individualized education program] IEP should include development of strategies, including positive behavioral interventions, supports, and other strategies to address that behavior, consistent with § 300.324(a)(2)(i) and (a)(3)(i). When the behavior is determined to be a manifestation of a child's disability but has not previously been addressed in the child's IEP, the IEP Team must review and revise the child's IEP so that the child will receive services appropriate to his or her needs. Implementation of the behavioral strategies identified in a child's IEP, including strategies designed to correct behavior by imposing disciplinary consequences, is appropriate under the Act and section 504, even if the behavior is a manifestation of the child's disability. A change in placement that is appropriate and consistent with the child's needs may be implemented subject to the parent's procedural safeguards regarding prior notice (§ 300.503), mediation (§ 300.506), due process (§§ 300.507 through 300.517) and pendency (§ 300.518)." 71 Fed. Reg. 46720-46721 (August 14, 2006).

"Under what circumstances must an IEP Team use [functional behavioral assessment] FBAs and [behavior intervention plan] BIPs? Answer: As noted above, pursuant to 34 CFR §300.530(f), FBAs and BIPs are required when the [local educational agency] LEA, the parent, and the relevant members of the child's IEP Team determine that a student's conduct was a manifestation of his or her disability under 34 CFR §300.530(e). If a child's misconduct has been found to have a direct and substantial relationship to his or her disability, the IEP Team will need to conduct an FBA of the child, unless one has already been conducted. Similarly, the IEP Team must write a BIP for this child, unless one already exists. If a BIP already exists, then the IEP Team will need to review the plan and modify it, as necessary, to address the behavior. An FBA focuses on identifying the function or purpose behind a child's behavior. Typically, the process involves looking closely at a wide range of child-specific factors (e.g., social, affective, environmental). Knowing why a child misbehaves is directly helpful to the IEP Team in developing a BIP that will reduce or eliminate the misbehavior. For a child with a disability whose behavior impedes his or her learning or that of others, and for whom the IEP Team has decided that a BIP is appropriate, or for a child with a disability whose violation of the code of student conduct is a manifestation of the child's disability, the IEP Team must include a BIP in the child's IEP to address the behavioral needs of the child." [OSERS Questions and Answers on Discipline Procedures, Q/A E-1 \(Revised June 2009\)](#).

Through the implementation of the Boerne ISD policies and procedures as outlined in the [Legal Framework](#) for the Child-Centered Special Education Process, the Boerne ISD ensures that a manifestation determination review is conducted within 10 school days of any decision to make a disciplinary change of placement as required by the Individuals with Disabilities Education Act (IDEA) and its accompanying federal regulations, state statutes and regulations.

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PERSONS RESPONSIBLE: IEP Committee

The conduct is a manifestation of the child's disability if the IEP committee determines that a) the conduct was caused by, or had a direct and substantial relationship to, the child's disability, or b) the conduct in question was the direct result of the district's failure to implement the IEP.

If the IEP committee determines that the conduct is a manifestation of the child's disability, then the committee shall either 1) conduct an FBA (unless an FBA was conducted before the behavior that resulted in the change of placement occurred) and implement a BIP for the student, or 2) if a BIP has already been developed, review and/or modify the BIP, as necessary, to address the behavior. Functional behavior assessments will include resources such as data collection, teacher documentation, direct and/or indirect assessment measures to determine behavior function(s) of problematic behavior. Upon completion of the FBA, a behavior intervention plan (BIP) will be established that aligns strategies with behavior function(s), teaches and reinforces replacement behaviors, and provides behavioral accommodations to the learning environment.

If the conduct in question was a direct result of the district's failure to implement the IEP, corrective action steps will be followed which include notification of error to Director of Special Education and child's campus administrators, meetings with child's teacher(s) to review accommodations, modifications, goals, and BIP, and monitoring of established data collection methods to track IEP progress.

The IEP committee must also return the student to the placement from which the he/she was removed unless the parent and the district agree to a change of placement, or special circumstances exist that warrant a removal or change in placement (such as knowingly possessing a weapon or illegal drugs while at school or school functions, or inflicting serious bodily injury upon another person while at school).

Boerne ISD monitors rates of suspension and expulsion for students with disabilities through the monitoring of monthly reports and ISS/OSS data by assistant principals at each campus. Data is reviewed to look for patterns of behavior to further determine if any program changes or revisions to a student's FBA, BIP, and/or accommodations may be warranted.

Campus, district, and regional training is offered in the areas of conducting manifestation determination reviews (MDRs), positive behavior supports, and options/alternatives to suspension. A district-wide initiative is also in place at every campus to support the social-emotional learning of all students with and without disabilities.