





<b>3. Functional Assessment SUMMARY Statement (Hypothesis)</b>		
<b>Meets Expectations (Good)</b>	<b>Partially Meets Expectations (Fair)</b>	<b>Does not Meet Expectations (Poor)</b>
<p>There is a summary statement that provides a hypothesis and includes <b>all</b> of the following components:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the <b>antecedents</b> (<i>immediate triggers</i>) of the behavior</li> <li><input type="checkbox"/> the <b>behavior</b></li> <li><input type="checkbox"/> <b>function</b> of the behavior (<i>indicating what the student is trying to either get/obtain or escape/avoid</i>)</li> <li><input type="checkbox"/> <b>setting events</b> for the behavior (<i>the environmental, physical, instructional, or interpersonal factors that may influence whether or not the behavior is likely to occur</i>)</li> </ul>	<p>A summary statement is provided and includes <b>two</b> of the following components:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> antecedents</li> <li><input type="checkbox"/> behavior</li> <li><input type="checkbox"/> function of behaviors</li> <li><input type="checkbox"/> setting events for the behavior</li> </ul>	<p>A summary statement is provided and includes <b>one or none</b> of the following components:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> antecedents</li> <li><input type="checkbox"/> behavior</li> <li><input type="checkbox"/> function of behaviors</li> <li><input type="checkbox"/> setting events for the behavior</li> </ul> <p><b>* Or a summary statement is not included</b></p>
<p><b>+ STRENGTHS</b></p>		<p> <b>NEEDS improvement</b></p>

<b>4. Replacement Behavior</b>		
<b>Meets Expectations (Good)</b>	<b>Partially Meets Expectations (Fair)</b>	<b>Does not Meet Expectations (Poor)</b>
<p>A “replacement” behavior is defined that serves the same function as the problem behavior (<i>i.e. allows the student to communicate the SAME need in a more acceptable way</i>).</p>	<p>An acceptable alternative behavior(s) is identified, but it does not serve the same function as the problem behavior. (<i>It may, for example, specify skills that reflect adult preferences for the student’s behavior but does not result in the consequence desired by the student.</i>)</p>	<p>An alternative behavior is identified, but it describes what the student will NOT do.</p> <p><b>* Or no replacement behavior is included</b></p>
<p><b>+ STRENGTHS</b></p>		<p> <b>NEEDS improvement</b></p>

<b>5. Prevention Strategies</b>		
<b>Meets Expectations (Good)</b>	<b>Partially Meets Expectations (Fair)</b>	<b>Does not Meet Expectations (Poor)</b>
<p>Strategies (supports) to prevent the behavior are described in the Behavior Intervention Plan and include both:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Strategies which are general prevention supports</b> (<i>such as providing choices, reinforcing alternative acceptable behavior, self-monitoring checklist, or other</i>)</li> <li><input type="checkbox"/> <b>Strategies that are based on the function</b> (<i>e.g., if escape work, then reduce work stress; if for social attention from peers, then design opportunities for peer interaction</i>)</li> </ul>	<p>Strategies (supports) to prevent the behavior are described in the Behavior Intervention Plan and include one:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Strategies which are general prevention supports</b></li> <li><input type="checkbox"/> <b>Strategies that are based on the function</b></li> </ul>	<p>Strategies (supports) to prevent the behavior are:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> NOT described in the Behavior Intervention Plan</li> </ul> <p style="text-align: center;">or</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Describe how to RESPOND when the behavior occurs – i.e., how to prevent the behavior from becoming worse when it has already occurred).</li> </ul>
<p><b>+ STRENGTHS</b></p>		<p> <b>NEEDS improvement</b></p>

<b>6. Response Strategies</b>		
<b>Meets Expectations (Good)</b>	<b>Partially Meets Expectations (Fair)</b>	<b>Does not Meet Expectations (Poor)</b>
<p>Strategies that describe how to respond when/if the problem behavior does occur are designed to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> minimize the impact of the problem behavior on other students</li> <li><input type="checkbox"/> reduce the reinforcement (desired consequences) of the problem behavior</li> <li><input type="checkbox"/> minimize damage to the student's reputation</li> </ul>	<p>Strategies that describe how to respond when/if the problem behavior does occur are designed to do at least one of the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> minimize the impact of the problem behavior on other students</li> <li><input type="checkbox"/> reduce the reinforcement (desired consequences) of the problem behavior</li> <li><input type="checkbox"/> minimize damage to the student's reputation</li> </ul>	<p>Strategies that describe how to respond when/if the problem behavior does occur focus only on punishing the student and may actually reinforce the problem behavior</p> <p><b><i>* Or no response strategies are included</i></b></p>
<p><b>+ STRENGTHS</b></p>		<p> <b>NEEDS improvement</b></p>

## **Appendix C:**

# **BEHAVIOR INTERVENTION PLAN**

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- Positive Behavior Intervention Plan–Blank Planning Form
- Behavior Intervention Plan Format

# Positive Behavioral Intervention Plan Blank Planning Form

Prepared by the Center for Effective Collaboration and Practice

*IEP teams can use this form to guide them through the process of developing the Positive Behavioral Intervention Plan.*

Student \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_  
 Teacher(s) \_\_\_\_\_ Grade \_\_\_\_\_  
 Case Manager \_\_\_\_\_ Date(s) \_\_\_\_\_

**Reason for intervention plan:**

**Participants (check all that apply and specify names):**

<input type="checkbox"/> Student:	<input type="checkbox"/> Special education administrator:
<input type="checkbox"/> Family member:	<input type="checkbox"/> General education administrator:
<input type="checkbox"/> Special educator:	<input type="checkbox"/> School psychologist:
<input type="checkbox"/> General educator:	<input type="checkbox"/> Other agency personnel:
<input type="checkbox"/> Peer:	<input type="checkbox"/> Other(s):

## **Fact Finding**

- 1. General learning environment:** Describe the student's school class schedule, including any special programs or services.

2. **Problem behavior:** Define the problem behavior(s) in observable, measurable, and countable terms (i.e., topography, event, duration, seriousness, and/or intensity). Include several examples of the behavior.
  
3. **Setting events:** Describe important things that are happening in the student's life that may be causing the behavior(s) of concern.
  
4. **Review existing data:** Summarize previously collected information (records review, interviews, observations, and test results) relevant to the behavior(s). Attach additional sheets if necessary.

### **Possible Explanations**

5. Identify likely antecedents (precipitating events) to the behavior(s).
  
6. Identify likely consequences that may be maintaining the behavior(s).
  
7. Identify and describe any academic or environmental context(s) in which the problem behavior(s) does not occur.

**Validation**

8. **Functional assessment:** Do you already have enough information to believe that the possible explanations are sufficient to plan an intervention?
- a. If yes, go to Step 9, if no, then what additional data collection is necessary?
- Review of IEP goals and objectives
  - Review of medical records
  - Review of previous intervention plans
  - Review of incident reports
  - ABC (across time and situations)
  - Motivational analysis
  - Ecological analysis
  - Curricular analysis
  - Scatter plot
  - Parent questionnaire/interview
  - Student questionnaire/interview
  - Teacher questionnaire/interview (specify who) \_\_\_\_\_
  - Other (explain) \_\_\_\_\_
- b. Summarize data. Attach additional sheets if necessary.

**Planning**

9. **Formulate hypothesis statement:** Using the table below, determine why the student engages in problem behavior(s), whether the behavior(s) serves single or multiple functions, and what to do about the behavior(s).

	Internal	External
Obtain Something		
Avoid Something		

10. **Current level of performance:** Describe problem behavior(s) in a way the team will recognize onset and conclusion of behavior.



11. Describe replacement behavior(s) that are likely to serve the same function as the behavior(s) identified in Step 9.
  
12. **Measurement procedures for problem behavior(s) and replacement behavior(s):**
  - a. Describe how (e.g., permanent products, event recording, scatterplot), when, and where student behavior(s) will be measured.
  
  - b. Summarize data by specifying which problem behavior(s) and replacement behavior(s) will be targets for intervention.
  
13. **Behavioral intervention plan:**
  - a. Specify goals and objectives (conditions, criteria for acceptable performance) for teaching the replacement behavior(s).
  
  - b. Specify instructional strategies that will be used to teach the replacement behavior(s).
  
  - c. Specify strategies that will be used to decrease problem behavior(s) and increase replacement behavior(s).
  
  - d. Identify any changes in the physical environment needed to prevent problem behavior(s) and to promote desired (replacement) behavior(s), if necessary.
  
  - e. Specify extent to which intervention plan will be implemented in various settings; specify settings and persons responsible for implementation of plan.



# Behavior Intervention Plan (BIP)

*(Form from the Online IEP, Maryland State Department of Education)*

Student: _____	Grade: _____
School: _____	Date BIP Developed: _____

**TO BE COMPLETED BY THE TEAM:** Using the Functional Behavior Assessment (FBA), determine the appropriate behavior goal and specific strategies for intervention to improve behavior and achievement. The BIP must address the function, or purpose, of the student's behavior. It is expected that the student and parents/guardians will participate in the development of the BIP.

Generate a summary statement that hypothesizes why the student is engaging in the inappropriate behavior.

Take into account the following:

- Events/circumstances associated with the behavior
- Functions and/or purposes of the behavior

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What is the impact behavior has on academics/learning/achievements?

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What is the appropriate behavior goal?

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**PREVENTING STRATEGIES**

What can be done before the inappropriate behavior occurs(e.g. seating, schedule changes, reinforcement of appropriate behaviors)?

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**TEACHING STRATEGIES**

What skills could be taught to increase the occurrence of the appropriate behavior and improve achievement (e.g. social skills, conflict resolution, and choice-making)?

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**REINFORCEMENT STRATEGIES**

What rewards or incentives can be used to reinforce the appropriate behavior/

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**RESPONSE STRATEGIES**

What can staff, parents, and the student do in response to the inappropriate behavior (e.g. timeout, loss of privilege, home contact)?

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**EVALUATION OF INTERVENTION**

What date will the team evaluate the intervention effectiveness? (4-6 weeks recommended)

Person(s) responsible for implementing, documenting, and reporting progress? \_\_\_\_\_

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Have appropriate corresponding goals/objectives been developed and included in the student's IEP?

- Yes     No     N/A

Document basis for decision(s):

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List the participants:

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## **Appendix D:**

# **ADDITIONAL DISCIPLINE INFORMATION**

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- Discipline Checklist
- Federal Definitions
- Functional Behavior Assessment Process Flow Chart
- Discipline Flow Charts

## Discipline Checklist

[COMAR 13A.08.03]

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### Removals for Less Than 10 Days

- A) Schools may remove to the same extent as they remove students without disabilities.
- B) Schools do not have to provide services if they do not provide services to students without disabilities.

### Removals for More Than 10 Days

- A) For any removals after the student has been removed for a cumulative equivalent of 10 school days in one school year, the principal is to consult with the special education teacher regarding the services that will be provided to enable the student to:
  1. Progress in the general curriculum
  2. Advance toward achieving the goals of the IEP

### Change in Placement

- A) A removal is a change in placement if the student is:
  1. Removed from his/her current placement for more than 10 consecutive school days; or
  2. Removed on a series of occasions that constitutes a pattern of removals that adds up to more than ten school days in a school year.
- B) Factors as to whether multiple removals form a pattern:
  1. Length of each removal;
  2. Total amount of time of removal; and
  3. Amount of time between removals.
- C) For any removal after the first ten days or its cumulative equivalent in a school year, the principal is to consult with the special education teacher regarding the services that will be provided to enable the student to:
  1. Progress in the general curriculum, and
  2. Advance toward achieving the goals of the IEP.

### Behavioral Assessment

- A) The IEP team must meet within ten business days of any removal after a student has been removed for the cumulative equivalent of ten school days in a school year, or any removal that constitutes a change in placement, to develop a plan to conduct a **functional behavioral assessment (FBA)** or to review the **behavioral intervention plan (BIP)**. The IEP team must:
  1. Develop a plan to conduct an FBA if the IEP team did not:
    - a. Conduct an FBA to address the behavior that led to the disciplinary action, before the behavior occurred, and

- b. Implement a BIP to address the behavior that led to the disciplinary action, before the behavior occurred.
  - c. Once the FBA is complete, the IEP team is to meet again to:
    - Develop appropriate behavioral interventions that address the behavior that led to the disciplinary action, and
    - Implement a BIP that includes these interventions; OR
2. Review the BIP.
    - a. If there is a BIP for the student, review the BIP to determine whether it:
      - Addresses the behavior that led to the disciplinary action, and
      - Was implemented appropriately prior to the incident that led to the disciplinary action.
    - b. In reviewing the BIP, the IEP team is to determine whether, in light of the disciplinary action:
      - The BIP needs to be revised, and/or
      - Implementation of the BIP needs to be modified in order to better address the behavior that led to the disciplinary action.

### **Manifestation Determination**

- A) A manifestation determination must be made for a disciplinary removal when the student is:
1. Subject to a removal that is considered a change in placement (removal exceeds ten consecutive school days or a series of removals forms a pattern which accumulates to more than ten school days in one school year);
  2. Carries or possesses a weapon while at school or a school function;
  3. Knowingly possesses or uses an illegal drug while at school or a school function; or
  4. Sells or solicits the sale of a controlled substance while at school or a school function.
  5. Inflicts serious bodily injury on another person while at school or a school function.
- B) The IEP team must meet within ten days of a disciplinary removal to make a manifestation determination. The manifestation determination is to determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or a direct result of the public agency's failure to implement the student's IEP.
1. Consider all relevant information:
    - a. Relevant information within the student's educational record,
    - b. Evaluations,
    - c. Teacher Observations,
    - d. Information supplied by parents, and
    - e. Student's IEP

2. If there is a determination that the behavior **is** a manifestation of the student's disability, because of the public agency's failure to implement the IEP, the public agency must remedy those deficiencies.
3. If there is a determination that the behavior **is** a manifestation of the student's disability, the IEP team must either:
  - a. Conduct a functional behavioral assessment, unless the public agency had conducted a functional behavioral assessment before the behavior that had resulted in a of placement occurred and implement a behavioral; intervention plan; or
  - b. If a behavioral intervention plan had already been developed, review and modify it, as necessary to address the behavior; and
  - c. Return the student to the placement from which the student was removed, unless the parent and the public agency agree to a change of placement as a part of the modification of the behavioral intervention plan.
4. If there is a determination that the behavior is **not** a manifestation of the student's disability, the school may discipline the student in the same manner the school disciplines a student without disabilities, except the school must put in place services that enable the student to:
  - a. Progress in the general curriculum, and
  - b. Advance toward achieving the goals of the IEP.

### **Interim Alternative Educational Setting**

A student may be placed in an **Interim Alternative Educational Setting (IAES)** in certain special circumstances.

- A) School makes IAES Placement/One-Step Removal
  1. A school may place a student directly into an IAES for up to 45 school days in any of the following circumstances:
    - a. A student carries a weapon while at school, on school premises, or a school-sponsored function;
    - b. A student knowingly possesses or uses illegal drugs while at school, on school premises, or a school-sponsored function;
    - c. A student sells or solicits the sale of a controlled dangerous substance while at school, on school premises, or a school-sponsored function; or
    - d. A student inflicts serious bodily injury on another person while at school, on school premises, or a school-sponsored function.
  2. The IEP team decides which IAES is appropriate.
  3. The IAES must be a place where the student can:
    - a. Progress in the general curriculum;
    - b. Receive the services and modifications included in his/her IEP;
    - c. Meet the goals of his/her IEP; and
    - d. Receive the services and modifications designed to address the behavior that led to the disciplinary action to prevent recurrence.



4. Previously described procedures for manifestation determinations and FBA/BIP must be followed, although the school may keep the student in the IAES until the end of the 45 school day period, regardless of the IEP team's findings in the manifestation determination.
- **B. Administrative Law Judge (ALJ) makes IAES Placement/Two-Step Removal**
1. A school may request an expedited due process hearing to seek an order from an ALJ to place the student in an IAES for up to 45 school days in any of the following circumstances:
    - a. A student is substantially likely to cause harm to himself or herself; or
    - b. A student is substantially likely to cause harm to others.
      - The school must provide documentation of the efforts to minimize the risk of harm and documentation that proves beyond a preponderance of the evidence the likelihood of harm.
  2. An ALJ may order the placement of a student in an IAES if remaining in the current placement is substantially likely to:
    - a. Result in injury to the student, or
    - b. Result in injury to others.
  3. In making this decision, the ALJ is to consider:
    - a. The efforts made to minimize the risk of harm in the current placement, including the use of supplemental aids and services;
    - b. The appropriateness of the current placement; and
    - c. The appropriateness of the proposed IAES.

### **Parental Appeal**

Parents may appeal a school's decision by filing a due process complaint. Parents may appeal the following decisions:

1. Disciplinary removal,
2. Manifestation determination,
3. Placement in an IAES.
4. During an appeal of a placement in an IAES, the student remains in the IAES until the due process hearing decision by the ALJ or until the completion of the 45 school day placement, unless the parents and public agency agree to another course of action. During the appeal of a new placement after the 45 school day IAES placement is complete, the:
5. Student returns to his/her school placement prior to the IAES, unless the parent and the public agency agree to a change of placement.

### **Students Not Yet Eligible for Special Education**

- A) Schools must apply the procedural safeguards that are set up for students with disabilities if a school system has knowledge that a student has a disability prior to the behavior that led to the disciplinary action, even if a determination has not been made that the student is eligible for services.

- B) Schools have knowledge of a disability in the following circumstances:
  1. The parent stated in writing to supervisory or administrative personnel of the public agency, or a teacher of the student that the parent believes the student needs special education services; or
  2. The parent requested an evaluation of the student to determine if the student is a student with a disability in need of special education and related services; or
  3. The teacher of the student or other personnel of the public agency expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education for the public agency or other supervisory personnel of the public agency.
  
- C) Schools do not have knowledge of a disability if:
  1. The parent of the student:
    - a. Has not allowed the public agency to evaluate the student; or
    - b. Has refused or revoked services under IDEA; or
  2. The student has been evaluated and determined to not be a student with a disability under IDEA.
  
- D) The school may apply the same disciplinary measures applied to students without disabilities if the school system does not have knowledge that the student has a disability before the school takes disciplinary action.
  
- E) If the school system receives a written referral to an IEP team while the student is subject to disciplinary measures, the school system will evaluate the student in accordance with Maryland law in an expedited fashion, and the student will remain in the educational placement determined appropriate by the school personnel until the evaluation is complete. If the IEP team decides the student is a student with a disability, the school is to provide special education and related services.

**Referral to Law Enforcement**

- A) A school is to report a crime committed by a student with a disability to appropriate law enforcement authorities consistent with State law.
  
- B) The school is to ensure that copies of the student's special education and disciplinary records are transmitted to the authorities to whom the school reported the crime, to the extent permitted, in accordance with the Family Educational Rights to Privacy Act (FERPA) and COMAR 13A.08.02.

## Federal Definitions

34 C.F.R. §300.530(i)

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### Controlled Substance

Controlled Substance means a drug or other substance identified under schedules I, II, III, IV, or V of section 202 (c) of the Controlled Substances Act.

### Illegal Drug

Illegal Drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under that Act of any other provision of federal law.

### 21 U.S.C. 812(c)

#### (c) Initial schedules of controlled substances

Schedules I, II, III, IV, and V shall, unless and until amended pursuant to section 811 of this title, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

#### Schedule I

(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetylmethadol.
- (2) Allylprodine.
- (3) Alphacetylmethadol.
- (4) Alphameprodine.
- (5) Alphamethadol.
- (6) Benzethidine.
- (7) Betacetylmethadol.
- (8) Betameprodine.
- (9) Betamethadol.
- (10) Betaprodine.
- (11) Clonitazene.
- (12) Dextromoramide.
- (13) Dextrorphan.
- (14) Diampromide.
- (15) Diethylthiambutene.
- (16) Dimenoxadol.
- (17) Dimepheptanol.
- (18) Dimethylthiambutene.
- (19) Dioxaphetyl butyrate.
- (20) Dipipanone.
- (21) Ethylmethylthiambutene.
- (22) Etonitazene.

- (23) Etoxeridine.
- (24) Furethidine.
- (25) Hydroxypethidine.
- (26) Ketobemidone.
- (27) Levomoramide.
- (28) Levophenacymorphan.
- (29) Morpheridine.
- (30) Noracymethadol.
- (31) Norlevorphanol.
- (32) Normethadone.
- (33) Norpipanone.
- (34) Phenadoxone.
- (35) Phenampromide.
- (36) Phenomorphan.
- (37) Phenoperidine.
- (38) Piritramide.
- (39) Propheptazine.
- (40) Properidine.
- (41) Racemoramide.
- (42) Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine.
- (2) Acetyldihydrocodeine.
- (3) Benzylmorphine.
- (4) Codeine methylbromide.
- (5) Codeine-N-Oxide.
- (6) Cyprenorphine.
- (7) Desomorphine.
- (8) Dihydromorphine.
- (9) Etorphine.
- (10) Heroin.
- (11) Hydromorphenol.
- (12) Methyl-desorphine.
- (13) Methylhydromorphine.
- (14) Morphine methylbromide.
- (15) Morphine methylsulfonate.
- (16) Morphine-N-Oxide.
- (17) Myrophine.
- (18) Nicocodeine.
- (19) Nicomorphine.
- (20) Normorphine.
- (21) Pholcodine.
- (22) Thebacon.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine.
- (2) 5-methoxy-3,4-methylenedioxy amphetamine.
- (3) 3,4,5-trimethoxy amphetamine.
- (4) Bufotenine.
- (5) Diethyltryptamine.
- (6) Dimethyltryptamine.
- (7) 4-methyl-2,5-dimethoxyamphetamine.
- (8) Ibogaine.
- (9) Lysergic acid diethylamide.
- (10) Marihuana.
- (11) Mescaline.
- (12) Peyote.
- (13) N-ethyl-3-piperidyl benzilate.
- (14) N-methyl-3-piperidyl benzilate.
- (15) Psilocybin.
- (16) Psilocyn.
- (17) Tetrahydrocannabinols.

### **Schedule II**

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.
- (3) Opium poppy and poppy straw.
- (4) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Alphaprodine.
- (2) Anileridine.
- (3) Bezitramide.
- (4) Dihydrocodeine.

- (5) Diphenoxylate.
- (6) Fentanyl.
- (7) Isomethadone.
- (8) Levomethorphan.
- (9) Levorphanol.
- (10) Metazocine.
- (11) Methadone.
- (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
- (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (14) Pethidine.
- (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
- (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
- (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (18) Phenazocine.
- (19) Piminodine.
- (20) Racemethorphan.
- (21) Racemorphan.
- (c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

**Schedule III**

- (a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:
  - (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
  - (2) Phenmetrazine and its salts.
  - (3) Any substance (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.
  - (4) Methylphenidate.
- (b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:
  - (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.
  - (2) Chorhexadol.
  - (3) Glutethimide.
  - (4) Lysergic acid.
  - (5) Lysergic acid amide.
  - (6) Methyprylon.
  - (7) Phencyclidine.
  - (8) Sulfondiethylmethane.
  - (9) Sulfonethylmethane.
  - (10) Sulfonmethane.
- (c) Nalorphine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(e) Anabolic steroids.

#### **Schedule IV**

(1) Barbital.

(2) Chloral betaine.

(3) Chloral hydrate.

(4) Ethchlorvynol.

(5) Ethinamate.

(6) Methohexital.

(7) Meprobamate.

(8) Methylphenobarbital.

(9) Paraldehyde.

(10) Petrichloral.

(11) Phenobarbital.

#### **Schedule V**

Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

**Weapon**

“Weapon” has the meaning given the term “dangerous weapon under the second paragraph of the first subsection (g) of section 930 of title 18, United States Code.

**18 U.S.C. Section 930(g)(2):**

(2) The term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

**Serious Bodily Injury****[34 C.F.R. 300.530(i)(3)]**

Serious Bodily Injury has the meaning given the term “serious bodily injury under 18 U.S.C. §1365(h)(3)

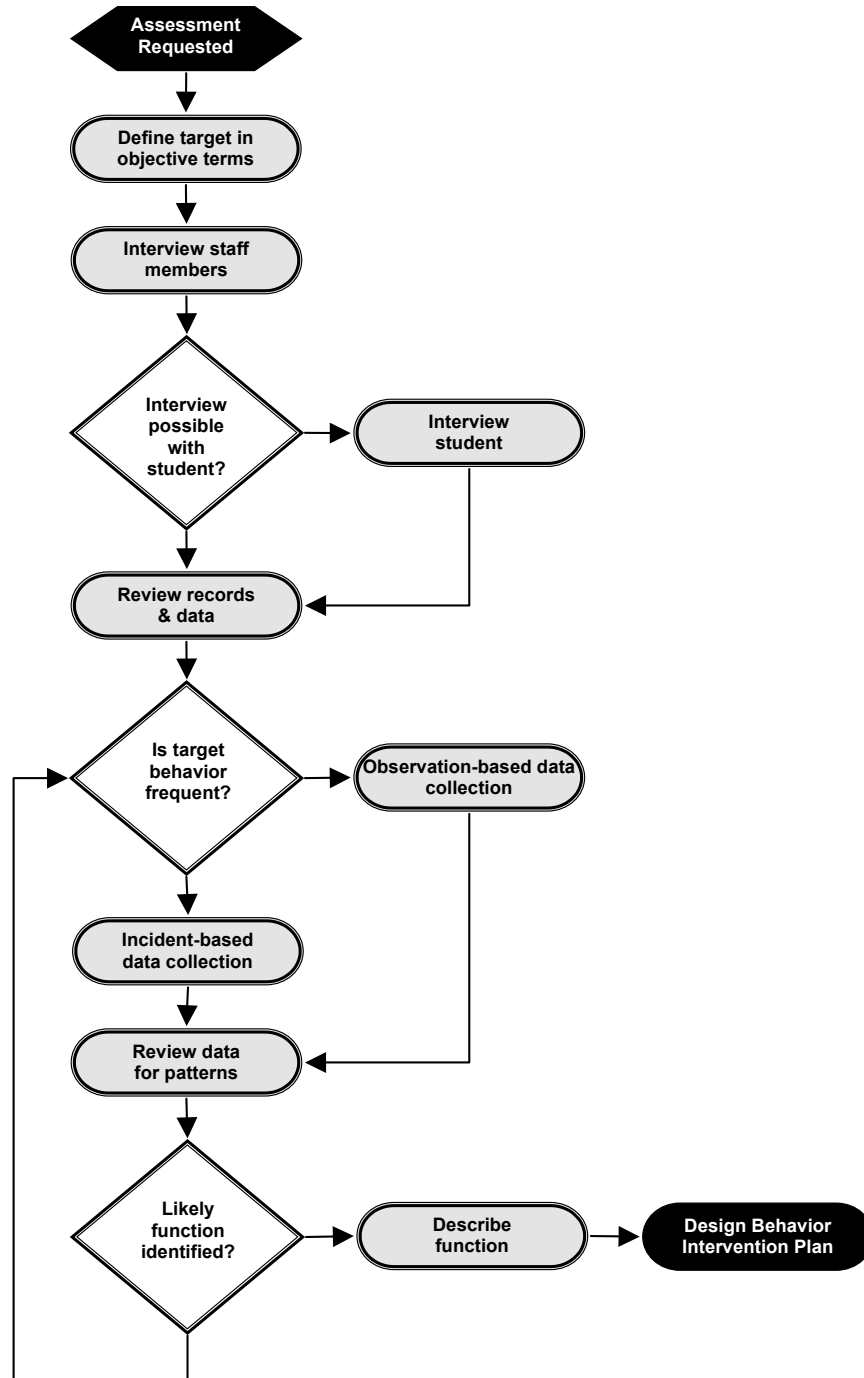
**18 U.S.C. 1365(h)(3)**

Serious bodily injury means bodily injury which involves—

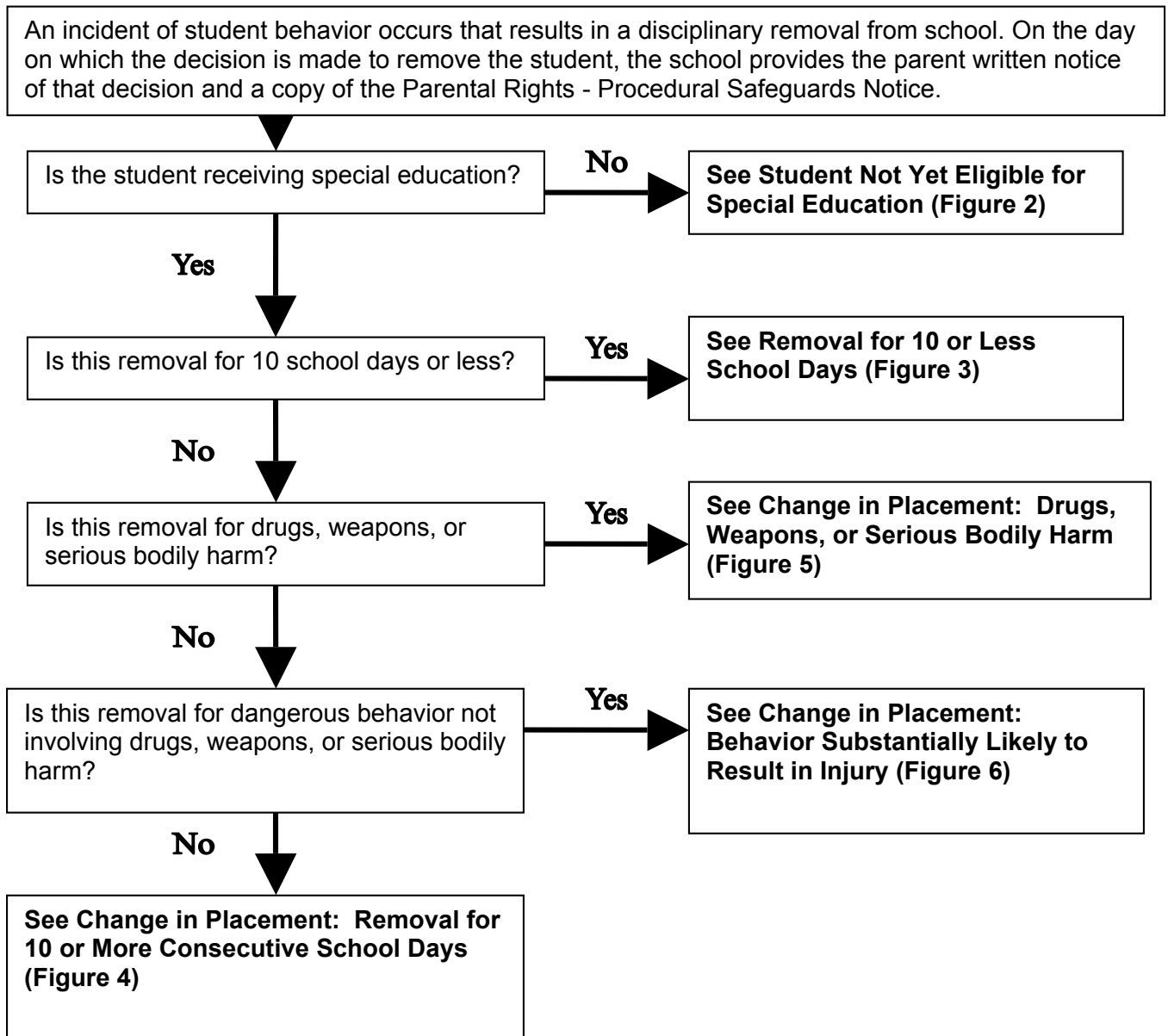
- (A) a substantial risk of death;
- (B) extreme physical pain;
- (C) protracted and obvious disfigurement; or
- (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.



# Functional Behavior Assessment Process Flow Chart



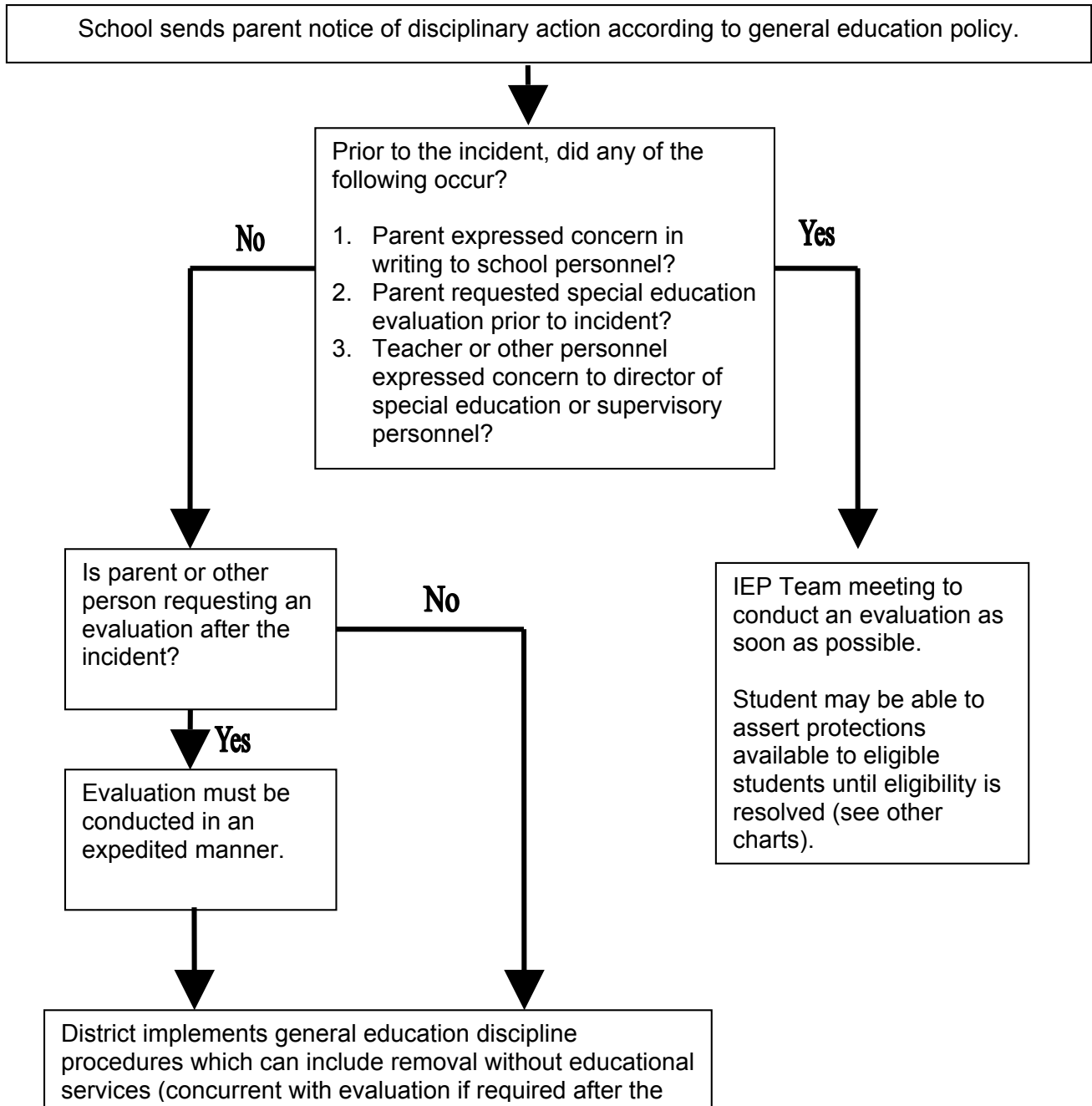
## Discipline Flow Chart: Figure 1



Adapted from the Center for Educational Networking - Michigan Department of Education  
[http://www.cenmi.org/focus/dispute/sept04/article\\_04-02\\_fig1.asp](http://www.cenmi.org/focus/dispute/sept04/article_04-02_fig1.asp)

## Discipline Flow Chart: Figure 2

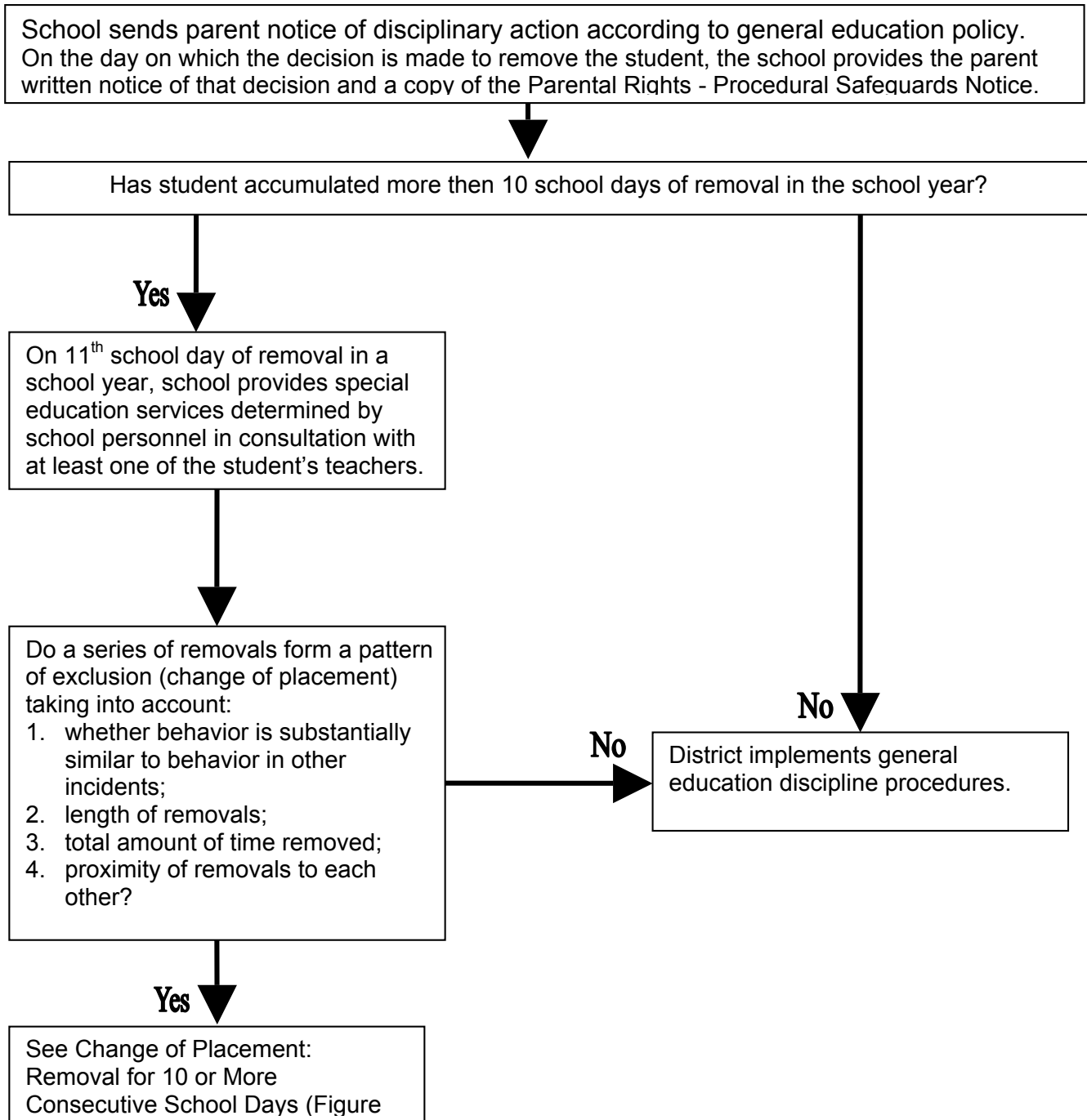
**Students Not Yet Eligible for Special Education**  
 (Student is not currently in referral and does not currently receive special education)



**Adapted from the Center for Educational Networking - Michigan Department of Education**  
[http://www.cenmi.org/focus/dispute/sept04/article\\_04-02\\_fig1.asp](http://www.cenmi.org/focus/dispute/sept04/article_04-02_fig1.asp)

## Discipline Flow Chart: Figure 3

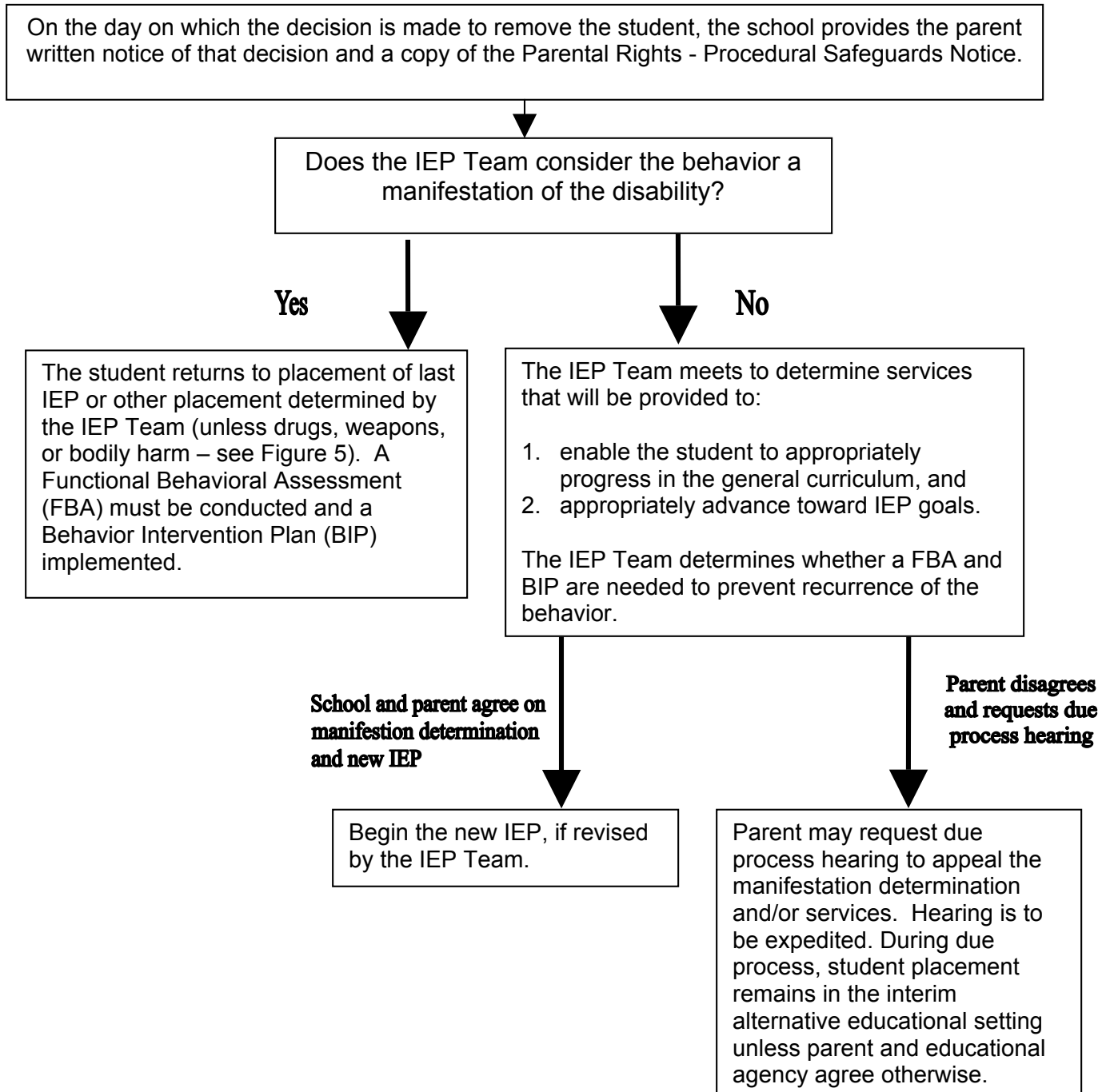
### Removal for 10 or Less School Days



**Adapted from the Center for Educational Networking - Michigan Department of Education**  
[http://www.cenmi.org/focus/dispute/sept04/article\\_04-02\\_fig1.asp](http://www.cenmi.org/focus/dispute/sept04/article_04-02_fig1.asp)

## Discipline Flow Chart: Figure 4

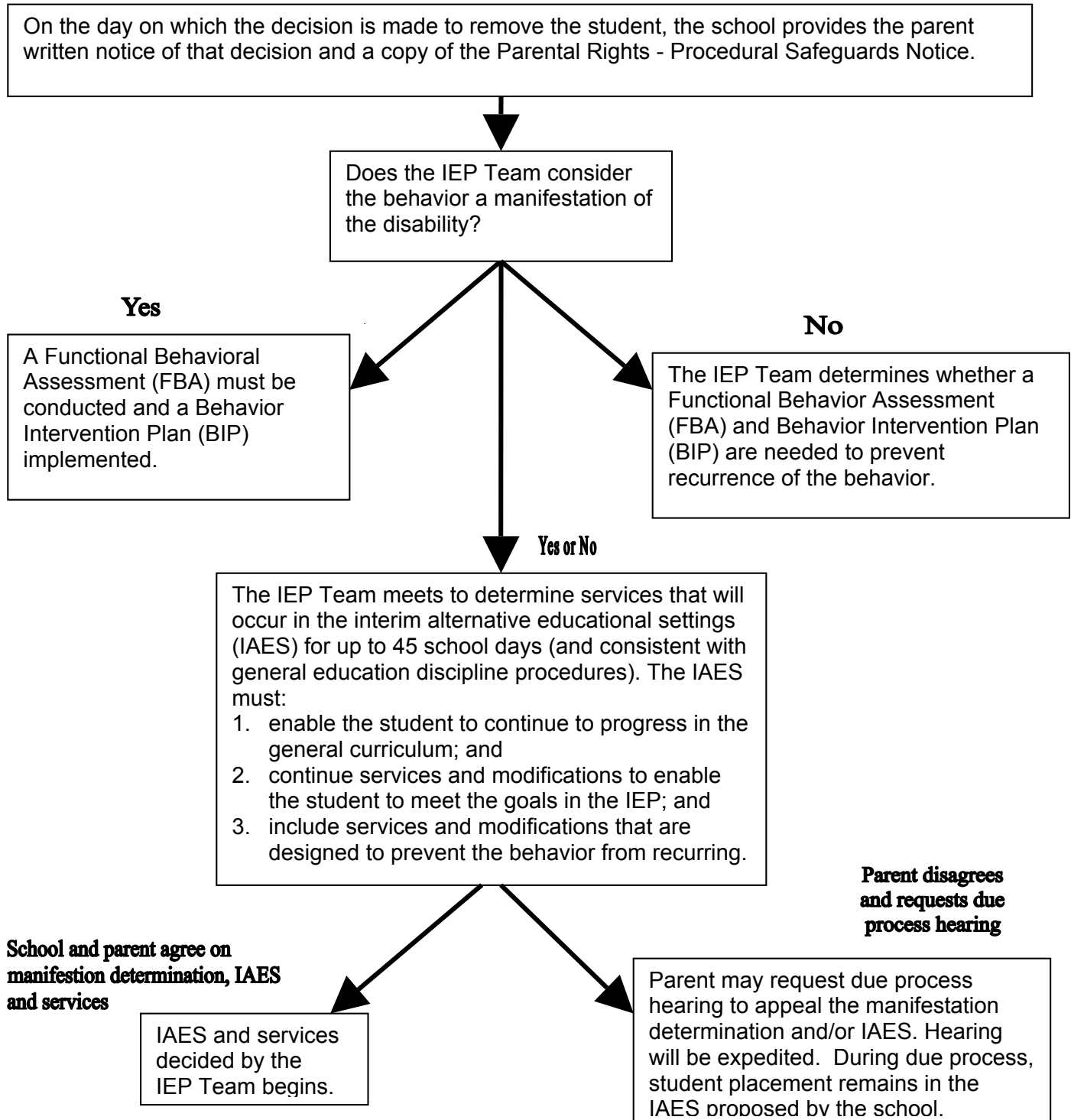
### Change of Placement: Removal for 10 or More Consecutive School Days



Adapted from the Center for Educational Networking - Michigan Department of Education  
[http://www.cenmi.org/focus/dispute/sept04/article\\_04-02\\_fig1.asp](http://www.cenmi.org/focus/dispute/sept04/article_04-02_fig1.asp)

## Discipline Flow Chart: Figure 5

### Change of Placement: Drugs, Weapons, or Serious Bodily Harm

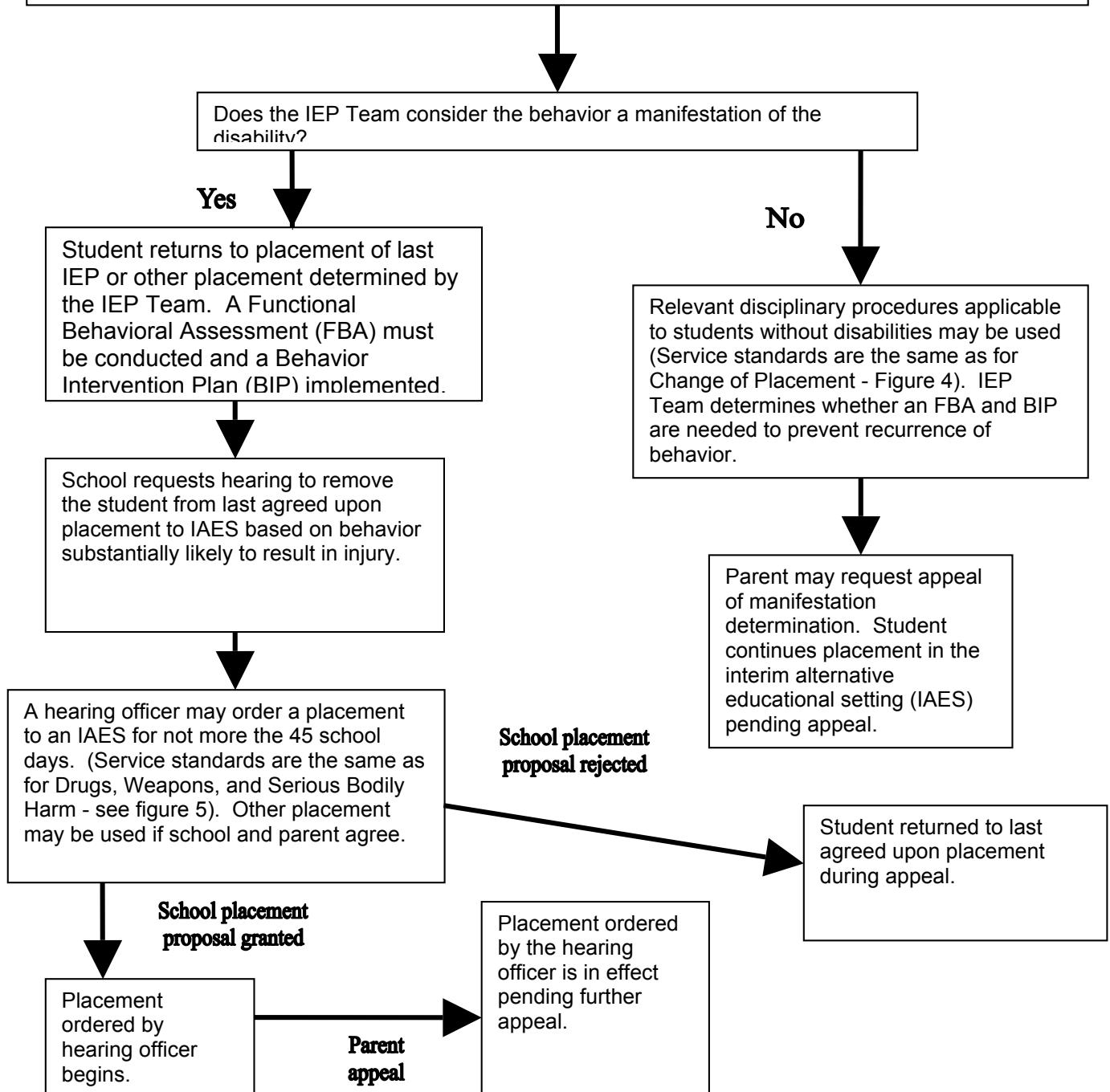


Adapted from the Center for Educational Networking - Michigan Department of Education  
[http://www.cenmi.org/focus/dispute/sept04/article\\_04-02\\_fig1.asp](http://www.cenmi.org/focus/dispute/sept04/article_04-02_fig1.asp)

## DICISPLINE FLOW CHART: Figure 6

### Change of Placement: Behavior Substantially Likely to Result in Injury

On the day on which the decision is made to remove the student, the school provides the parent written notice of that decision and a copy of the Parental Rights - Procedural Safeguards Notice.



**Adapted from the Center for Educational Networking - Michigan Department of Education**  
[http://www.cenmi.org/focus/dispute/sept04/article\\_04-02\\_fig1.asp](http://www.cenmi.org/focus/dispute/sept04/article_04-02_fig1.asp)

# **Appendix E:**

## **MSDE TECHNICAL ASSISTANCE BULLETIN**

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- FBA and BIP





## Technical Assistance Bulletin 7

For more information, call 410-767-0858

### **Division of Special Education/Early Intervention Services Functional Behavioral Assessment & Behavior Intervention Planning September 2007**

#### **1. What is functional behavioral assessment (FBA) and why is it important?**

Functional behavioral assessment is the process of gathering information that reliably predicts the conditions and/or circumstances surrounding a student's behavior that is considered inappropriate. Before personnel are able to redirect instructional interventions and supports or teach an appropriate replacement behavior, the targeted behavior must be identified across settings and described in accurate, objective, observable terms. This assessment is a collaborative, student-centered, problem-solving process.

A functional behavioral assessment is an assessment of a student's behavior to determine its function. All behaviors serve a function for individuals. We behave to get something, avoid something, or control activities. When students exhibit behaviors considered problematic, a behavioral assessment is needed to accurately describe and ascertain how the behavior functions for the students. For an appropriate replacement behavior or strategy for the identified problem behavior to be successful, the replacement behavior must satisfy the same function for the student.

#### **2. How is an FBA different than behavioral analysis?**

A functional behavioral assessment (FBA) and behavior analysis are on different ends of the same continuum. A functional behavioral assessment is the collection of data that is needed to accurately describe a problem behavior within the settings it occurs to determine its function. Functional is a descriptor used for the factors identified as influencing or controlling the behavior. Much of the material on FBA and behavior intervention plans (BIP) comes from the field of applied behavior analysis. Behavioral analysis is a more experimental approach that involves observing and recording a student's responses to planned behavioral interventions over time. Some problem behaviors may be so severe, pervasive, and intense that behavioral analysis may be warranted.

In either approach, in order to extinguish an inappropriate behavior and replace that behavior with an appropriate behavior that serves the same function, an assessment of that behavior is necessary. Such an assessment should be designed to:

- Determine the functional antecedents of a targeted behavior;
- Describe the behavior in precise and objective terms; and
- Determine the functional consequences of the behavior for the student.

#### **3. Does conducting an FBA result in a diagnosis, eligibility, or placement determination?**

No. An FBA alone is insufficient for determining the presence of a disability, eligibility for services under the Individuals with Disabilities Education Act (IDEA) or determining a student's educational needs and placement. Although an FBA cannot be used in isolation for making these decisions, it is important for the IEP team to review existing data. An Individualized Education Program (IEP) team may determine additional data is needed to ensure it has sufficient relevant functional information on a student's social and behavioral performance in order to develop and/or revise the student's IEP to ensure all of the student's needs have been addressed. This includes all needs, whether or not they are commonly linked to a particular category of disability.

**4. What are the functions of behavior?**

Identifying the functions of a behavior for a student provides individuals with direct explanations of how a particular behavior "works" for an individual student in a given context. Behaviors serve a function to:

- Get something (positive reinforcement), such as social attention, sensory stimulation, peer status and peer attention, and tangible rewards;
- Escape or avoid something (negative reinforcement), such as an event or person. This function typically results in a behavior that enables the student to terminate or postpone an event. As examples, students may tantrum, display physical or verbal aggression; or
- Engage in other activities to control antecedent stimuli such as instructional activities.

The functions of behavior may be different depending upon the context in which the behavior occurs. Also, multiple behaviors may serve similar functions or different functions in different contexts. As humans we do not engage in isolated behaviors or display single behaviors, but rather a string of behaviors that are connected to the ongoing interactions we have with others.

**5. When must an FBA be conducted?**

For students with disabilities, under the IDEA, a functional behavioral assessment is required once the student's behavior has resulted in a removal or series of removals equivalent to 10 school days. However, it is recommended that the FBA process be applied to any student's behaviors wherever those behaviors are of concern. The purpose of an FBA is to improve our understanding of behavior and the context in which it is observed, and to use this information to guide the development of behavior support plans. Whenever a problem behavior is first observed, the FBA process is used to enable professionals to develop a behavioral support plan. As such, an FBA should be conducted whenever a student's behavior is difficult to understand and/or a student's behavioral support plan needs to be developed or improved.

**6. Who conducts the FBA?**

The IDEA and COMAR do not specify a particular professional discipline or group of school personnel as the individuals to conduct the FBA. However, all staff members in a school should understand the purpose of conducting an FBA, be familiar with the basic steps of the process, and be able to participate in the FBA process. Therefore, all staff members should receive instruction on the purpose and features of FBA, and have opportunities to observe or participate in the FBA process. Personnel should receive training to be technically fluent with the FBA process and have the capacity to accurately and efficiently conduct an FBA.

**7. What steps are involved in conducting an FBA?**

There are a variety of formats and instruments public agency personnel may use to conduct an FBA. An FBA should include the following three steps:

**Step 1: Collect Information**

The collection of data is needed to:

- Identify the specific problem behavior; and
- Define that behavior in specific and objective terms.

This is accomplished through indirect observations and direct observations. Indirect observations, such as informal conversations, questionnaires, checklists, and structured interviews with key persons who have contact and experiences with the individual student and can offer insights into the contexts or conditions under which the behavior occurs. Direct observations are the most reliable and valid procedures for collecting information because observers watch the behaviors as

they are occurring and note the environmental events (environmental factors, antecedent, and consequence events) that are associated with the behaviors. The collection of data should include specific information regarding the environment, events, and activities immediately prior to the behavior, as well as following the behavior.

### **Step 2: Propose a hypothesis of the student's behavior**

The hypothesis should explain the relationship between a specific behavior and general conditions that appear to predict and maintain that behavior. The hypothesis focuses on the relationship between an observable and measurable antecedent, the behavior, and consequence variables. Most importantly, the statement indicates the possible function of that behavior for the student. A complete hypothesis includes:

- An objective description of the behavior;
- Possible setting events and antecedents that trigger the behavior; and
- Possible consequences that maintain the behavior.

### **Step 3: Assess the validity of the hypothesis**

This is to collect additional information about the conditions under which the problem behavior occurs and

does not occur, and demonstrate that occurrences of the behavior and the presence of these conditions are related and predictable. Typically this entails systematic observations of a student to identify and confirm patterns of predictable behaviors in order to create an effective intervention plan for changing the behavior. If during the validation phase the hypothesis cannot be confirmed, the hypothesis would need to be reformulated and revalidated.

## **8. How are outcomes of an FBA used and what is the relationship between an FBA and a behavioral intervention plan (BIP)?**

In determining appropriate strategies for the student, the results of the FBA are used to develop and implement a behavior intervention plan (BIP). This plan must also consider the student's strengths and the concerns of the student's parents. The BIP should focus on positive supports and strategies to address the events, environmental factors, and/or actions that trigger the behavior, to teach the student a replacement behavior or skill that serves the same functional intent for the student and how to implement the BIP consistently across settings.

## **9. What are positive behavioral interventions and supports and what does IDEA say about positive interventions?**

The purpose of positive interventions is to teach the student appropriate replacement behaviors that serve the same function for the student. Interventions and supports should focus on proactive preventative natural supports for the student. Intervening and altering the known environment, activities, and our responses to the behavior by modeling and positively reinforcing the desired appropriate behavior within the setting is more efficient and effective for both the student and the staff. The IDEA requires a student's IEP team to consider positive behavior interventions, strategies, and supports to address the behavior when that behavior impedes the student's learning or the learning of others. The identified interventions shall be included in the student's IEP as appropriate. IDEA also specifically requires the involvement of the student's general education teacher in the development, review, and revision of the student's IEP to assist in determining appropriate positive interventions and strategies for the student.

## **10. Who should be involved in the behavioral intervention planning and implementation for a student?**

The planning and implementation of effective interventions and supports requires a collaborative problem-solving team approach. The team must share in problem identification and development