

# Selected Part B Provisions that Address a Preschooler's Challenging Behavior

## Evaluation Procedures:

**Provide for the initial identification of challenging behaviors exhibited by a preschooler for use in program development to include:**

Identification of social and emotional status through evaluation process.

Assessing relative contribution of behavioral factors.

Identifying all preschooler's special education and related services needs whether or not commonly linked to disability category in which child has been classified.

Gathering relevant functional and developmental information, including parental input to enable preschooler to participate in "Appropriate Activities."

Re-evaluating, as necessary, the challenging behaviors for the purpose of revising the child's IEP or completing functional behavioral assessment.

Note: Initial evaluation of preschooler's challenging behaviors may serve as functional behavioral assessment for disciplinary procedures.

## IEP Procedures:

**Provide for addressing challenging behaviors through the IEP process, to include:**

Consideration by IEP team of behaviors that impede a preschooler's learning or that of others.

Identifying strategies, including positive behavioral interventions, strategies and supports to address behavior.

Regular education teacher assisting in determining appropriate positive behavioral interventions and strategies for the preschooler.

Regular education teacher assisting in determining supplementary aids and services, program modifications or supports for school personnel to be provided for the child.

Addressing challenging behaviors in content of IEP, including:

- Impact of behaviors on preschooler's participation in appropriate activities;
- Measurable annual goals, including benchmarks or short term objectives specifically related to behaviors;
- Special education, related services, supplementary aids/services, program modifications or supports required to:
  1. Advance appropriately toward attaining annual goals that address challenging behaviors;
  2. Ensure involvement and progress in appropriate activities; and
  3. Be educated and participate with non-disabled children and other children with disabilities.

Evaluating progress toward addressing challenging behaviors identified in annual goals, including reporting results to parents and achievement of goals by end of the year.

Reviewing and revising of preschooler's IEP in order to assess effectiveness of steps taken to address challenging behaviors related to any lack of expected progress toward the annual goals.

## Personnel Development Procedures:

**Provide for the ongoing implementation of a state's comprehensive system of personnel development that addresses improvement strategies for all individuals that work on preschoolers' challenging behaviors, to include:**

Enhancing the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of preschoolers with disabilities that impedes their learning or that of others.

Acquiring and disseminating significant knowledge derived from educational research and other sources on challenging behaviors, including, as appropriate, the adoption of promising practices, materials and technology.

Conducting joint training on strategies for addressing challenging behaviors with parents and special education, related services, and general education personnel.

## Discipline Procedures:

**Provide for dealing with significant challenging behaviors exhibited by a preschooler through the discipline procedures, to include:**

### Removal of ten (10) consecutive school days or less in the same school year:

- Determination made by school personnel;
- For any violation of school rules that apply to non-disabled children; and
- No services required if services are not provided to non-disabled children similarly removed.

### Additional removals of ten (10) consecutive school days or less in the same school year if it does not constitute a change of placement:

- Determination made by school personnel for separate incidents of misconduct;
- No pattern of removals—no change of placement;
- Services provided to the extent necessary to enable child to appropriately progress in general curriculum and advance toward achieving goals set out in IEP;
- School personnel in consultation with child's special education teacher determine services; and
- Conduct a functional behavioral assessment and implement/review a behavioral intervention plan developed by IEP team. Behavioral intervention plan to be developed within ten (10) business days of removal. Assessment as soon as practicable. IEP team to modify plan if necessary.

### Removals for more than ten (10) consecutive school days or pattern of removals which constitute a change of placement:

- A pattern—series of removals that cumulate to more than ten (10) school days in a school year, must consider length, total time, and proximity of removals;
- IEP team determines services required by child to appropriately progress in general curriculum and advance toward achieving goals set out in IEP;
- Conduct a functional behavioral assessment and implement/review a behavioral intervention plan developed by IEP team. Behavioral intervention plan to be developed within ten (10) business days of removal. Assessment soon as practicable. IEP team to modify plan if necessary;
- Provide parents with procedural safeguards notice no later than the date on which decision to remove child is made, includes parental right to appeal decisions; and
- Conduct a manifestation determination review within ten (10) school days after decision to remove child is made.

### Removals for dangerous behaviors—injury to self or others:

- Determination made by independent hearing officer in expedited due process hearing;
- School personnel in consultation with child's special education teacher have proposed an appropriate interim alternative educational setting;
- Placement by hearing officer for no more than 45 calendar days in an appropriate interim alternative educational setting;
- Conduct a functional behavioral assessment and implement/review a behavioral intervention plan developed by IEP team. Behavioral intervention plan to be developed within ten (10) business days of removal. Assessment as soon as practicable. IEP team to modify plan if necessary;
- Conduct a manifestation determination review within ten (10) school days after decision to remove child is made;
- Provide parents with procedural safeguards notice no later than the date on which decision to remove child is made, includes parental right to appeal decisions; and
- At conclusion of removal period (no more than 45 calendar days), unless district invokes additional discipline procedures, preschooler returns to placement he/she was in when behavior occurred.

### Removals for weapons or drugs:

- Determination made by school personnel to extent removal would be applied to children without disabilities;
- IEP team determines interim alternative educational setting;
- Placement by school personnel for no more than 45 calendar days;
- Conduct a functional behavioral assessment and implement/review a behavioral intervention plan developed by IEP team. Behavioral intervention plan to be developed within ten (10) business days of removal. Assessment as soon as practicable. IEP team to modify plan if necessary;
- Conduct a manifestation determination review within ten (10) school days after decision to remove child is made;
- Provide parents with procedural safeguards notice no later than the date on which decision to remove child is made, includes parental right to appeal decisions; and
- At conclusion of removal period (no more than 45 calendar days), unless district invokes additional discipline procedures, preschooler returns to placement he/she was in when behavior occurred.

### Removals for behaviors that are not a manifestation of the child's disability:

- IEP team and other qualified personnel, in a meeting, determine that the behavior was not a manifestation of the child's disability;
- District's discipline procedures for children without disabilities apply in the same manner to children with disabilities;
- Conduct a functional behavioral assessment and implement/review a behavioral intervention plan developed by IEP team. Behavioral intervention plan to be developed within ten (10) business days of removal. Assessment as soon as practicable. IEP team to modify plan if necessary;
- IEP team determines extent to which services are necessary to progress in general curriculum and achieve annual goals; and
- Provide parents with procedural safeguards notice no later than the date on which decision to remove child is made, includes parental right to appeal decisions.