SCHOOL DISCIPLINE BASICS & INTEGRATING SUPPORTS:

A FOCUS ON STUDENTS WITH DISABILITIES

Maryland State Department of Education
Division of Early Intervention and Special Education Services
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School Discipline Basics & Integrating Supports: A Focus on Students with Disabilities

STUDENTS WITH DISABILITIES

In order to effectively provide educational services, every school setting must first provide physical and emotional safety to all students. Building the capacity for a positive school environment can help create a culture where students feel valued and supported by school staff and by their peers. There are many preventive and proactive strategies available to educators as they interact with students on a daily basis.

When a child or student with a disability presents with behavioral challenges, appropriate behavioral support may be necessary to ensure the child receives free appropriate public education (FAPE). As part of the development, review, and as appropriate, revision of the Individualized Education Program (IEP), IEP Teams should determine whether behavioral supports should be provided [34 CFR §300.324(a)(2)(i)].

In addition to behavioral supports that may be provided directly to children or students with disabilities, program modifications or supports for school personnel may also be necessary to support their involvement and progress in the general education curriculum, advancement towards attaining the annual goals approved in the IEP, and participation in extracurricular and other nonacademic activities. These behavioral supports should be supported by peer-reviewed research [34 CFR §300.320(a)(4)]. Schools are strongly encouraged to consider how the implementation of behavioral supports within IEPs could be facilitated through a schoolwide, integrated tiered framework.

Interventions and supports that could assist a student with a disability to benefit from special education may include instruction and reminders of school expectations, violence prevention programs, anger management groups, counseling for mental health concerns, life skills training, or social skills instruction.

OVERVIEW

Research shows that schoolwide, small group, and individual behavioral supports using proactive and preventive approaches address the underlying causes of behavior, and reinforce positive behaviors associated with increases in academic engagement, academic achievement, and decreases in suspensions and dropouts (Christie, Jolivette, & Nelson, 2005). In short, children are more likely to achieve when they are directly taught predictable and contextually relevant school and classroom routines and expectations, acknowledged clearly and consistently for displaying positive academic and social behavior, consistently prompted and corrected when behavior does not meet expectations, and treated with respect (Algozzine, Wang, & Violette, 2011).

Rather than viewing academic and behavior systems as separate entities, schools should look at shared outcomes resulting from combined efforts. Academic and behavior supports share a range of common outcomes, including maximizing time for instruction, enhancing student-teacher relationships, fostering school connectedness, and improving academic and social competency for all students (Walker & Shinn, 2002).

Implementing an evidence-based, integrated, tiered behavioral and academic framework will support schools and systems to improve overall school climate, school safety, and academic progress and achievement for all children, including students with disabilities. Academic and behavioral supports are most effectively organized within a tiered framework that provides consistent instruction alongside clear behavioral expectations for all children, targeted intervention for small groups not experiencing success, and individualized support and services for those needing the most intensive support.

By supporting students to learn the skills and strategies that help them reduce the number of disruptive behaviors that occur in a school setting, schools can also provide students with an opportunity to learn appropriate behavior that does not interfere with their learning or the learning of others. Students should be taught replacement behaviors while addressing disciplinary infractions, reserving exclusionary disciplinary practices as a last resort.

School personnel may require training, coaching, and other tools to effectively address the behavioral needs of a particular child. Training and other supports for school staff may be delivered, as needed, to better implement effective instructional and behavior management strategies with those behavioral interventions included in the child's IEP.

Involving families as partners in the education of students is critical to their success. Schools should seek family engagement and partnerships between school, home, and community, in addition to family involvement. These partnerships, or bridges between stakeholders, are important for fostering student wellness and achievement. The school, community, and families can work together to provide the support, structure, and make decisions for the benefit of student achievement when there is a keen focus on promoting meaningful and personal connections.

According to the American Psychological Association, studies have shown that parent engagement in schools can promote positive education and health behaviors among children and adolescents. Research shows a strong relationship between parent engagement and educational outcomes, including school attendance (Epstein & Sheldon, 2002) and higher grades and classroom test scores (Fan & Chen, 2002).

> "If a child doesn't know how to read, *we teach*"
>
> "If a child doesn't know how to swim, *we teach*"
>
> "If a child doesn't know how to multiply, *we teach*"
>
> "If a child doesn't know how to divide, *we teach*"
>
> "If a child doesn't know how to behave, *we teach? … We punish?*"
>
> "Why can't we finish the last sentence as automatically as we do the others?"

The Integration of Frameworks

Many well-known and supported models such as Response to Intervention (RTI), Positive Behavioral Interventions and Supports (PBIS), Restorative Practices, and Social-Emotional Learning (SEL) have been shown to be effective in addressing issues that students and school systems face while growing academic achievement. More schools are incorporating a schoolwide approach that encompasses many programs, rather than relying on a single solution. This Integrated Tiered System of Supports (ITSS), often called a Multi-Tiered System of Supports (MTSS), helps educators see a fuller picture and ensures that all students are given the same opportunity to succeed.

RESPONSE TO INTERVENTION

Response to Intervention, or RTI, gained popularity after the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004, guiding educators to identify students with specific learning disabilities by measuring their response to scientific, research-based instruction. The general consensus is that the RTI framework should include multiple tiers of instruction and interventions, and the use of data and assessment to inform decisions and problem-solving at each tier. RTI is intended to serve as a preventative, proactive, school-wide framework designed to address efficiently the needs of all students with an appropriate level of intensity to ensure strong outcomes.

POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS

While **Positive Behavioral Interventions and Supports**, or PBIS, has been around a bit longer than RTI, as a systems approach, it was adopted by the Maryland State Board of Education in 2012. PBIS is defined as a framework for enhancing the adoption and implementation of a continuum of evidence-based interventions to achieve academically and behaviorally important outcomes for all students. Key characteristics include using research-based practices to support students across all school settings (school-wide, non-classroom, classroom); establishing a continuum of behavioral support practices and systems including universal screening, progress monitoring, team-based decision-making rules and procedures, and monitoring implementation to fidelity; and using relevant data to guide decision-making.

PBIS Maryland

PBIS Maryland represents a partnership between the Maryland State Department of Education, Sheppard Pratt Health System, the Johns Hopkins University, 24 Local Maryland School Systems, public agencies, and nonpublic schools across Maryland. Throughout this 20-year collaboration, an infrastructure has been established for training, implementation, and coaching of best practices which includes: an annual training calendar, data collection, PBIS Coaching structure, technical assistance to LSSs and nonpublic schools, and a Management Team and State Leadership Team who meet regularly.

The real contributions of PBIS lie in focusing on the whole school as the unit of analysis; emphasizing multiple tiers of support in which a student's needs are assessed regularly, support levels are tied to needs, and supports are delivered as early as possible; tying educational practices to the organizational systems needed to deliver these practices with fidelity and sustainability; and the active and cyclical use of data for decision making (Sugai et al., 2009).

PBIS highlights procedures such as the use of operational definitions of behavioral expectations, active instruction, consistent positive reinforcement, a continuum of consequences that minimize reinforcement of challenging behaviors, and data use within ongoing problem solving (Sugai & Lewis, 1999; Sugai et al., 2009).

Restorative Practices

In 2019, the Maryland General Assembly passed House Bill 725 directing all schools and school systems in Maryland to use a restorative approach when it comes to matters of student discipline. Restorative Practices is a strategy that uses an approach focused on repairing harm and encouraging honest and open communication between parties while working to build understanding through relationship building.

Restorative practices promote inclusiveness, relationship-building, and problem-solving, through such restorative methods as circles for teaching, conflict resolution, and conferences that bring victims, offenders and their supporters together to address wrongdoing. Restorative practices do more than supplant punitive approaches to discipline. They can dramatically improve the school climate and strengthen the social and emotional skills of young people and adults. Restorative practices represent a positive step forward in helping all

students learn to resolve disagreements, take ownership of their behavior, and engage in acts of empathy and forgiveness (Porter, 2007). There are many ways to implement restorative practices in the classroom.

In July 2017, the Commission on the School-to-Prison Pipeline and Restorative Practices was established (Chapter 762, Acts of 2017). The Commission studied and analyzed current disciplinary practices in Maryland's public schools and explored national best practices for training school personnel, engaging parents in restorative practices, and eliminating the school-to-prison pipeline. The full report and collaborative action plan can be found here: Maryland Commission on the School-to-Prison Pipeline and Restorative Practices.

Integrated Tiered System of Supports

Kent McIntosh, at the University of Oregon, has outlined models for the integration of a multi-tiered system of supports. As a result, many states have begun to focus on the implementation of an integrated tiered system of supports (ITSS) that focuses on the alignment of initiatives and resources within a school and school system to address the needs of all students. ITSS intentionally integrates the use of data-based decision-making to drive a purposefully integrated, comprehensive framework that aligns academic, behavioral, and social-emotional learning in a fully integrated culturally responsive and trauma informed system of support to benefit all students.

It offers **predictive**, **proactive**, and **responsive** supports to enhance the ability of educators and school staff to meet the needs of all students. The integrated instruction and interventions are delivered to students at varying levels of intensity (tiers) based on individual student needs, often intermingling supports based on the needs of each individual student.

ITSS is a schoolwide model that provides a continuum of support to address academic and non-academic needs of all students. It offers opportunities for school staff to identify students at-risk in academic areas and the barriers to learning that may impact each student's success. It is structured to efficiently organize resources and supports on a continuum of intensity, based on an individual student's academic and behavioral needs, within a culturally sensitive and trauma informed environment.

ITSS offers the potential to create systemic change to more quickly identify and meet the needs of each student. It provides a basis for understanding how educators can work together to ensure equitable access and opportunity for every student to achieve their goals.
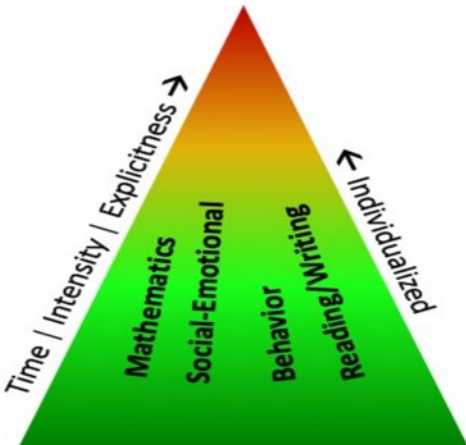
Tier 1 Core Instruction +
- Universal screening for ALL students
- Formative and summative assessment
- Explicit teaching of behavior expectations
- Differentiated instruction
- Lessons designed with the UDL frameworks

Tier 2 Supplemental Instruction
- Input from specialists
- Diagnostic assessment
- Integrates behavior & academic data
- Monthly or bi-monthly progress monitoring
- More intensive instruction

Tier 3 Intensive Intervention
- Designed to remedy error patterns
- Weekly or daily progress monitoring
- Integrates comprehensive behavior supports
- Family involvement
- Individual student planning

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Technical Assistance Bulletin #19-01- Improving Outcomes for Students with Disabilities, Curriculum, Instruction, and Assessment

A common point of confusion is whether academic, behavior, and social-emotional interventions are parts of separate systems. By definition, this framework integrates academic and behavioral supports that are culturally sensitive and trauma informed. So, rather than addressing academics in one silo and behavior in another, teams are directed to work together to intentionally address how academic challenges may impact behavior.

It is important to keep in mind that ITSS is a framework for aligning resources and protocols; it is not a specific curriculum or model. Interventions are selected according to their proven effectiveness and student need, they are correctly and fully implemented, and student progress is monitored through objective and valid measures. There is a focus on all component of the child's learning, supporting academic growth and achievement, but also supporting other areas, including behavior, social and emotional needs, and absenteeism. The ITSS framework includes the thoughtful inclusion of an intentional and planful problem-solving and data-based approach to decision making. Tiered supports

that are culturally responsive provide a continuum of both academic and behavior supports.

In particular, an ITSS framework assists schools and school systems to:
- *Promote alignment of a system of initiatives, supports, and resources;*
- *Rely on problem-solving systems processes and methods to identify problems, develop interventions, and evaluate the effectiveness of the intervention;*
- *Set higher expectations for all students through intentional integration of instruction and intervention services and supports leading to systemic change that is sustainable;*
- *Endorse instructional strategies that offer all students opportunities for learning through a differentiated framework;*
- *Challenge all school staff to change the way in which they have traditionally worked both in and out of the classroom;*
- *Use schoolwide and classroom research-based positive behavioral supports for achieving important social and academic outcomes;*
- *Support high-quality standards and research-based, culturally and linguistically relevant instruction;*
- *Integrate a data collection and assessment system to inform decisions appropriate for all students; and*
- *Implement a collaborative approach to analyze student data and work together in the intervention process.*

Schoolwide interventions and supports provide a prevention-based framework to address student behavior and their development in a common language and focuses on growth instead of on deficits. ITSS lays a foundation for the implementation of supports and scaffolds or layers them so students can generalize and learn to be successful without those supports. The ITSS model is more effective when implemented as part of a comprehensive schoolwide commitment to a seamless system for ongoing academic and behavioral success for all students. Essential components of an integrated academic and behavioral framework include:

Instruction and Intervention, with
- *Effective instruction for all children*
- *Early intervention*
- *Integrated tiered model*

Data/Assessment, including
- *Data-based decision making*
- *Assessments that guide intervention*
- *Progress monitoring*

Implementation of Evidence-Based Practices that are
- *Research based with validated interventions and instruction*
- *Implemented with fidelity*

Problem Solving through a
- *Collaborative problem-solving model*

Engagement of
- *Parents*
- *Stakeholders*

BEHAVIOR BASICS

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Behavior
Is learned
Is shaped by the environment
Is strengthened or weakened by its consequences
Responds best to positive reinforcement

</div>

Behavior is shaped by each student's immediate environment, including the classroom, school environment, home and community. As such, it is important to provide students with a foundation for success while in the classroom and school setting. Teachers have the combined tasks of laying the foundation, engaging students in academic instruction, and managing their behavior.

Students use behavior as a way of communication. The interaction between academic and behavioral interventions can prevent difficulties in the classroom. Students learn to get along with others, to solve problems, and to make responsible choices as part of their experiences. A systemic approach to discipline, as well as academics, is focused on teaching, guiding, and supporting. Teaching behavior is about recognizing which social skills students may be lacking and being able to address them through instruction.

PREDICTIVE - PROACTIVE - RESPONSIVE PRACTICES

An Integrated Tiered System of Supports includes universal interventions where intentional positive reinforcement is primary and all students are provided explicit instruction regarding behavioral expectations so students and staff understand expectations and limits. While supporting behavior, social and emotional well-being, it also supports academic growth and achievement. ITSS utilizes tiers of multiple supports that have the flexibility to increase and decrease in intensity as needed for success. There is not an expectation or requirement that targeted strategies are utilized solely because interventions at a lower level have been ineffective. On the contrary, a tiered system of supports allows teams to identify strategies across tiers to specifically target individual behaviors. By integrating behavioral practices into instruction, school climate, and culture students develop the ability to make more positive behavioral choices that strengthen their own pro-social behavior and decrease maladaptive behaviors.

Predictive

The use data analytics and **predictive** data is growing rapidly among school district leaders. Many school systems across the nation are now using data analytics to predict and monitor student performance to improve learning. Schools and school systems use these data analytics in several ways:

- *To build early warning indicators based on students' attendance and course failure to predict dropouts;*
- *To predict on-time high school graduation;*
- *To identify and address social-emotional, mental health, and behavioral needs; and*
- *To examine indicators that predict college- and career-readiness and postsecondary success.*

Indicators can include such measurable events as:

- *Course grades;*
- *Attendance;*
- *Behavioral infractions;*
- *Suspensions; and*
- *Extracurricular involvement.*

Less obvious data can also be used, such as classroom observations and other variables. Analyses can lead to screening and assessments of individual students'

needs so students can be grouped into categories needing high-, medium- or no-intervention to succeed.

Local school system leaders can use this information to monitor progress of individuals and groups, identify needs and align resources, develop and evaluate tiered intervention systems to assist students and re-allocate resources to address problems and deficits more effectively. Change in policy can be based on sound, objective information developed based on specific data. In addition, school staff can use results to define intervention strategies targeted to individual student need. Teachers can use these data to improve teaching strategies. They can have informed, meaningful conversations with parents on their child's progress and can also use the data to discuss individual student information, academic planning and goal setting.

Proactive

Proactive behavioral strategies, often referred to as Tier 1 strategies, are also known as universal strategies because they are implemented for ALL students. They promote self-discipline by explicitly and intentionally teaching students expected behaviors; motivating students to commit to school rules by noticing and encouraging students who follow them; and addressing underlying conditions that provoke students to break school rules by providing opportunities for feedback and pro-social skill building. Because they reduce distractions in the learning environment and improve students' sense of safety and belonging at school, proactive, inclusive, and restorative discipline practices also impact positive school climate.

Tier 1 strategies can be viewed as **proactive** or preventive and should be integrated into academic instruction, school culture, climate, and policies and procedures. These strategies include:
- *Core instruction delivering effective differentiated learning opportunities;*
- *Universal screenings in academic, behavioral, socio-emotional, resilience and/or trauma;*
- *Trauma informed, culturally responsive practices implemented by all school staff;*
- *Positive, preventive, and articulated expectations designed to eliminate problematic behavior before it occurs;*
- *Consistent, predictable, and planned routines, implemented consistently;*

- *High quality* and *research-based* teaching practices;
- *Explicit* social-emotional/behavioral *thinking and behavior* integrated into practices and academic instruction;
- *Formative and summative* social-emotional assessments integrated into instruction;
- *Differentiated instruction and response strategies* informed by a student academic and social-emotional present level of performance; and
- *Professional development* provided to sustain proactive classroom management strategies.

Key elements to Tier 1 (proactive) strategies include:
- *Schoolwide SEL curriculum;*
- *Alignment of a system of initiatives, supports, and resources;*
- *Problem-solving systems, with processes and methods to identify problems, develop interventions, and evaluate the effectiveness of the intervention;*
- *High expectations for all students with intentional instruction, along with interventions and supports to lead to a systemic and sustainable change;*
- *Instructional strategies that offer all students opportunities for learning through a differentiated framework;*
- *Challenges all school staff to change the way in which they have traditionally worked both in and out of the classroom;*
- *Schoolwide and classroom research-based positive behavioral supports for achieving important social and academic outcomes;*
- *High-quality standards and research-based, culturally and linguistically relevant instruction;*
- *Integrated data collection and assessment system to inform decisions; and a*
- *Collaborative approach to analyze student data and work together in the intervention process.*

Responsive

Responsive school discipline strategies, often referred to as Tier 2 strategies, provide more targeted support to groups of students that need alternative strategies to support their behavioral, and therefore, academic success. Classroom management supports are generated to guide and reinforce behavioral learning, data collection, discuss student outcomes, and monitor progress.

Tier 2 strategies can be viewed as **responsive** and are focused on addressing ongoing behavior to prevent the escalation of ongoing struggles. They should be integrated into academic instruction, school culture, climate, and policies and procedures. Tier 2 strategies include:

- ***Diagnostic Assessments*** *made up of academic, social-emotional development, trauma and/or resilience indicators;*
- ***Differentiated, scaffolded, and targeted*** *teaching and learning;*
- ***Progress monitoring*** *with the student(s) and those who are working to affect change on a learning cycle with continuous improvement process focusing on changes in thinking and actions;*
- *May include* ***Functional Behavioral Assessments*** *and* ***Behavior Intervention Plans****;*
- ***Behavior instruction*** *incorporated in and outside of academic instruction;*
- ***Check-In & Check-Out*** *planned and ongoing;*
- ***Restorative Circles*** *or other trauma informed practices integrated into behavioral teaching; and*
- *Focus on and* ***reward progress*** *instead of achievement*

Key Elements to Tier 2 (responsive) strategies include:

- *Assessment to determine the function of the behavior;*
- *Small group and individual techniques for both academic instruction and behavior interventions;*
- *Problem-solving systems with processes and methods to identify problems, develop interventions, and evaluate the effectiveness of the intervention;*
- *Differentiated reinforcement;*
- *Integrated SEL throughout learning;*
- *Counseling focused on areas of concern that may use both in school and community resources;*
- *Mentoring programs that encourage students to expect more from themselves through both educational and recreational activities; and*
- *Data-driven decision making to plan, carry out, and evaluate which students:*
  - *require and could benefit from Tier 2 interventions,*
  - *require more intensive Tier 3 interventions, or*
  - *have demonstrated success and are ready to return to Tier 1 interventions.*

Responsive strategies can also be found in Tier 3 and are employed when warranted to address significant behavior concerns. Tier 3 strategies are more individualized, specialized, and intensive in nature to address the specific needs and barriers to success that a student may encounter. Tier 3 interventions are typically used for less that 5% of the total student population.

Tier 3 strategies can be viewed as **responsive** and should be integrated into academic instruction, school culture, climate, policies and procedures. Tier 3 strategies include:

- *Intensive interventions focused on establishing immediate physical safety while acknowledging that emotional safety is more important;*
- *One-on-one or small group skill specific teaching;*
- *Strategies developmentally aligned to the student's social-emotional and academic present level of performance;*
- *Behavioral strategies promoting and reinforcing progress even when the progress is below age/grade expectations;*
- *Progress monitoring, at least daily, focused on the student's self-identification of growth and struggles; and*
- *Ongoing and frequent adult reinforcement.*

Key Elements to Tier 3 (responsive) strategies include:

- *Replacement Behavior training focused on intensive behaviors and reinforced throughout academic instruction;*
- *Intensive individualized academic and social skills teaching strategies;*
- *Multi-agency integration of strategies and services;*
- *Functional Behavioral Assessment and Behavior Intervention Plan, if not already in place;*
- *Intensive Behavior Management Plan;*
- *Progress monitoring that includes corrective feedback and increased opportunities for practice;*
- *Crisis response or safety planning to ensure the safety of the student and others; and*
- *Parent training and collaboration.*

The range of behavioral and academic challenges exhibited in schools require predictive, proactive, and responsive practices guided by data and evidence. A schoolwide integrated tiered system of supports establishes the framework for schools and school systems to identify evidence-based practices and solutions that best meet the needs of their students within a culturally sensitive and trauma informed environment.

Positive relationships are a critical piece of the foundation for effective learning. Teaching, combined with acknowledgement and feedback for positive student behavior will reduce unnecessary discipline practices and promote a climate of belonging and one with greater productivity, safety, and learning.

Creating Environments for Success

CULTURALLY RESPONSIBLE PRACTICES

Learning environments are constantly changing with each new group of students, changes throughout the year, and changes in curriculum and expectations. Additionally, changes in student demographics across the nation create a need for educators to effectively meet the needs of an ever-growing diverse student population. For classrooms to be culturally responsible, teachers, administrators, and other school staff need to recognize the cultural knowledge, prior experiences, and learning styles of diverse populations of students to make learning more engaging and effective.

Culture is central to learning. It plays a key role not only in communicating and receiving information, but also in shaping the thinking process of groups and individuals. A pedagogy that acknowledges, responds to, and celebrates fundamental cultures offers full, equitable access to education for students from all cultures. Culturally Responsive Teaching is a pedagogy that recognizes the importance of including students' cultural references in all aspects of learning (Ladson-Billings, 1994).

Many education experts have written about the characteristics of culturally responsive pedagogy, and there seems to be agreement on five key features: educators communicate high expectations, actively engage students in learning, facilitate learning, have a positive perspective on parents and families, and help students understand how the curriculum links to their everyday lives.

What Research Says

In our increasingly diverse schools, culturally responsive practices support the achievement of all students by providing effective teaching and learning in a "culturally supported, learner-centered context, whereby the strengths students

bring to school are identified, nurtured, and utilized to promote student achievement" (Richards, Brown, & Forde, 2006). Culturally responsive teaching uses "the cultural knowledge, prior experiences, frames of reference, and performance styles of ethnically diverse students to make learning encounters more relevant and effective for them" (Gay, 2013).

Culturally responsive pedagogy and practices facilitate and support the achievement of ALL students. Research by the National Research Council for Responsive Educational Systems and the Office of Civil Rights support Multi-Tiered System of Supports (MTSS) and Positive Behavioral Intervention Supports (PBIS) as powerful frameworks that reflect culturally responsive schoolwide practices. Culturally responsive educational systems are grounded in the belief that culturally and linguistically diverse students can excel in both social and academic endeavors (NCCRESt, 2008).

BIAS

Culturally responsive schools can help "support historically underserved and marginalized students in coping with bias, discrimination, and negative stereotypes they too often face because of their cultural, racial, and socioeconomic identities" (Alliance for Excellent Education).

The Collaborative for Academic, Social, and Emotional Learning's research on bias and beliefs and their impact on student learning tell us that our brains are wired to recognize patterns and make generalizations that often bias our judgements and decision making. In many situations, these unconscious biases are a normal, healthy aspect of our cognitive ability. But there are other times when biases can cause us to act in ways that undermine our personal values and goals.

Our unconscious biases cause us to make assumptions about a person because of an aspect of their identity such as race, ethnicity, gender, sexual orientation, socioeconomic status, weight, level of ability, etc. Without realizing it, we can have biases that either favor those who match our own identity or an identity that we believe is more privileged. Likewise, we may make negative assumptions about aspects of someone's identity.

Implicit bias involves "automatically categorizing people according to cultural stereotypes". Addressing bias and inequity requires acknowledgement, effort, and on ongoing commitment to do so. The consequences of implicit bias in schools are both powerful and measurable. Many educators may not be aware of

their own struggle with unconscious bias in their roles at school, and often in ways that can perpetuate disproportionality, access, and equity.

Implicit, or unconscious bias is particularly relevant because of the disproportionate discipline and placement of students, as well as the education achievement gap in Maryland and elsewhere. Being aware of bias that exists, participating in professional learning that emphasizes insight and self-awareness, diversity, and reflection on the equity of teaching practices are simple and critical means to impact closing the achievement gap.

Schools, across the nation, are becoming increasingly aware of the impact unconscious bias can have on student outcomes, but let's not stop there. In fact, in 2019, Maryland regulations were amended to include requirements for educational equity [COMAR 13A.01.06.04]. To stop the impact of unconscious bias, we must challenge it. We must support educators to gain awareness of their personal biases and learn how to take purposeful actions to overcome their biases, thereby reducing the negative effects on students. To do this most effectively, schools and school systems should establish an environment where educators can collaboratively support each other's development and ongoing professional learning that effectively supports anti-bias practices within a culturally responsive framework.

> **"By identifying and addressing our own biases as educators, we have the ability to directly impact the engagement of our students. When students are engaged, they are better learners".**
> **– Hilario Benzon, NEA Human and Civil Rights Dept.**

What Research Says

A growing number of studies highlight the long-term impacts of teachers' unconscious bias on student outcomes. As educators who care about students and want them to be successful, it is important to accept the possibility that unconscious bias may be impacting classrooms and learning. Despite the difficult nature of this possibility/topic/awareness, it is essential to understand the impacts of unconscious bias in schools and work to grow our awareness to help ensure an equal chance of success for all our students.

The 2002 Education Longitudinal Study (ELS: 2002) found that "Teacher expectations were more predictive of college success than most major factors, including student motivation and student effort". Examining unconscious bias is critical to improving educational outcomes, particularly for low-income students

and minorities, but the only way to do that is to first understand what biases exist for most educators.

Specific professional development programs have been shown to decrease bias; interventions encouraging empathy-centered discipline have shown suspension rates that are cut in half, an important success given the disproportionate rates of suspension for black students and students with disabilities.

> "Teacher perceptions influence how they engage with students, which is then internalized to what students believe they are capable of. As educators, we are the gatekeepers of the courses they take, the opportunities they can access, and how they feel when they reach those environments. We HAVE to be aware of and address the biases we hold." - Social-Emotional Learning Specialist, Charlotte Meckenberg Schools.

TRAUMA INFORMED PRACTICES

A growing awareness of the impact of trauma on children has led to the development of frameworks to help schools support students who have been adversely affected by trauma. A trauma-sensitive school is defined as one in which all students feel safe, welcomed, and supported and where addressing trauma's impact on learning on a school-wide basis is at the center of its educational mission. Approaches using an integrated tiered system of supports for all students, includes tailored supports for students who may need more intensive services. It is critical that schools provide strategies for integrating trauma-informed frameworks with special education services under the Individuals with Disability Education Act (IDEA; 2004).

The National Child Traumatic Stress Network (NCTSN) hosts resources and research showing children exposed to violence and trauma may not feel safe or ready to learn. Research shows that, as individual children are affected by traumatic experiences, so are other students, adults, and the school community, through their interactions with that child who has experienced trauma. Schools with educators who maintain their focus on education and the success of each student and also acknowledge that emotional readiness to learn and wellbeing is connected to each students' academic and behavioral successes will positively impact achievement.

We know that trauma intersects with culture, history, race, gender, location, and language in many different ways. Trauma-informed systems acknowledge the

compounding impact of structural inequity and are responsive to the unique needs of diverse communities. Cultural awareness, responsiveness, and understanding are critical components to increasing access and improving educational expectations for traumatized children, families, and communities across Maryland schools. Eliminating disparities in trauma requires culturally responsive involvement throughout our communities, organizations, and neighborhoods to reduce barriers, overcome stigma, address social adversities, strengthen families, and encourage each individual's positive identity.

Becoming trauma-informed should be an essential component of every education system. A trauma-informed school recognizes that trauma affects staff, students, families, communities, and systems. Thus, organizational support, partnerships, and capacity-building are essential.

Essential elements for a trauma-informed school system include:
1. Identifying and assessing traumatic stress;
2. Addressing and treating traumatic stress;
3. Teaching trauma education and awareness;
4. Having partnerships with students and families;
5. Creating a trauma-informed learning environment (social-emotional skills and wellness);
6. Being culturally responsive;
7. Integrating emergency management & crisis response;
8. Understanding and addressing staff self-care and secondary traumatic stress;
9. Evaluating and revising school discipline policies and practices; and
10. Collaborating across systems and establishing community partnerships.

National Child Traumatic Stress Network

What Research Says

Research has shown that social support, resilience, and hope are important in helping children successfully cope with the mental and behavioral challenges that often accompany exposure to trauma (Hines, 2015). When schools are trauma-informed, students cultivate lasting resilience, which leads to significant improvements in behavior, decreases in suspensions and expulsions, and notable improvements in academic achievement.

Through relationships with important attachment figures, children learn to trust others, regulate their emotions, and interact with the world; they develop a sense of the world as safe or unsafe, and come to understand their own value as individuals. Children who have experienced complex trauma often have difficulty identifying, expressing, and managing emotions, and may have limited language

for feeling states. They often internalize and/or externalize stress reactions and as a result may experience significant depression, anxiety, or anger. Their emotional responses may be unpredictable or explosive (NCTSN).

Specific school-based interventions that address health and emotional well-being are most effective when they are implemented within the context of integrated and coordinated mental and behavioral health services for all students (Adelman & Taylor, 2013; Huang et al., 2005). School-based mental health supports take a variety of forms.

Students who participate in school-based social and emotional learning programs show significant improvement in grades and standardized test scores, social and emotional skills, caring attitudes, and positive social behaviors; and a decline in disruptive behavior and emotional distress (Bierman et al., 2010; Durlak, Weissberg, Dymnicki, Taylor, & Schellinger, 2011). Interventions that foster students' engagement in school have been shown to reduce high school dropout (Reschly & Christenson, 2006) and improve academic performance (Battistich, Schaps, & Wilson, 2004; Catalano, Haggerty, Oesterle, Fleming, & Hawkins, 2004). Additionally, interventions that foster strong and supportive relationships with teachers help students to feel more safe and secure in school, feel more competent, make more positive connections with peers, and achieve greater academic success (Hamre & Pianta, 2006).

Trauma-sensitive school cultures are a pathway to success for all students. A two-year descriptive study by AIR provides evidence that an understanding of trauma sensitivity can lead to changes in practice and new ways of interacting with both students and with fellow staff members. In turn, these new ways of thinking and changes in practice can serve as a foundation for school-wide culture change that enables students and their educators to feel safe and supported to learn and be successful. New ways of thinking and changing practices can become a regular part of the way the school is run, leading to learning environments that are characterized by safety, connectedness, and holistic support for all students.

SYSTEMIC SOCIAL EMOTIONAL LEARNING

The Collaborative for Academic, Social, and Emotional Learning (CASEL), identifies Social and Emotional Learning (SEL) as the foundational learning process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions

and achieve personal and collective goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible and caring decisions. SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities. This holistic view of SEL offers a broadened scope that allows for a more explicit inclusion of areas like family engagement, adult SEL, social justice, cultural competence, curriculum and instruction, continue improvement, and equity.

According to Panorama, one takeaway from CASEL's 2020 update to the definition of social-emotional learning is that SEL and equity are interwoven; any conversation about social-emotional learning is also a conversation about equity. The new "CASEL Wheel" (page 22) now includes four key settings: Communities, Families, Schools, and Classroom, that wrap around the five core competencies.

A systemic approach to SEL intentionally cultivates a caring, participatory, and equitable learning environment and evidence-based practices that actively involve all students in their social, emotional, and academic growth. This approach infuses social and emotional learning into every part of students' daily lives—across all of their classrooms, during all times of the school day, and when they are in their homes and communities. SEL should be a deeply ingrained part of the way students and adults interact both in the classroom and out of it, and helps provide children with equitable, supportive, and welcoming learning environments. If supports are coordinated and working in harmony, this can promote student voice and choice, create supportive school climates, foster family engagement, and build student and adult SEL.

What Research Says

The research documenting the impact of SEL is compelling. More than two decades of research demonstrates that education promoting SEL gets results. The findings come from multiple fields and sources, including student achievement, neuroscience, health, employment, psychology, classroom management, learning theory, economics, and the prevention of challenging behaviors. SEL interventions that address CASEL's five core competencies increased students' academic performance by 11 percentile points, compared to students who did not participate in such SEL programs. Students participating in

SEL programs also showed improved classroom behavior, an increased ability to manage stress and depression, and better attitudes about themselves, others, and school (Durlak, et al., 2011; Taylor et al., 2017).
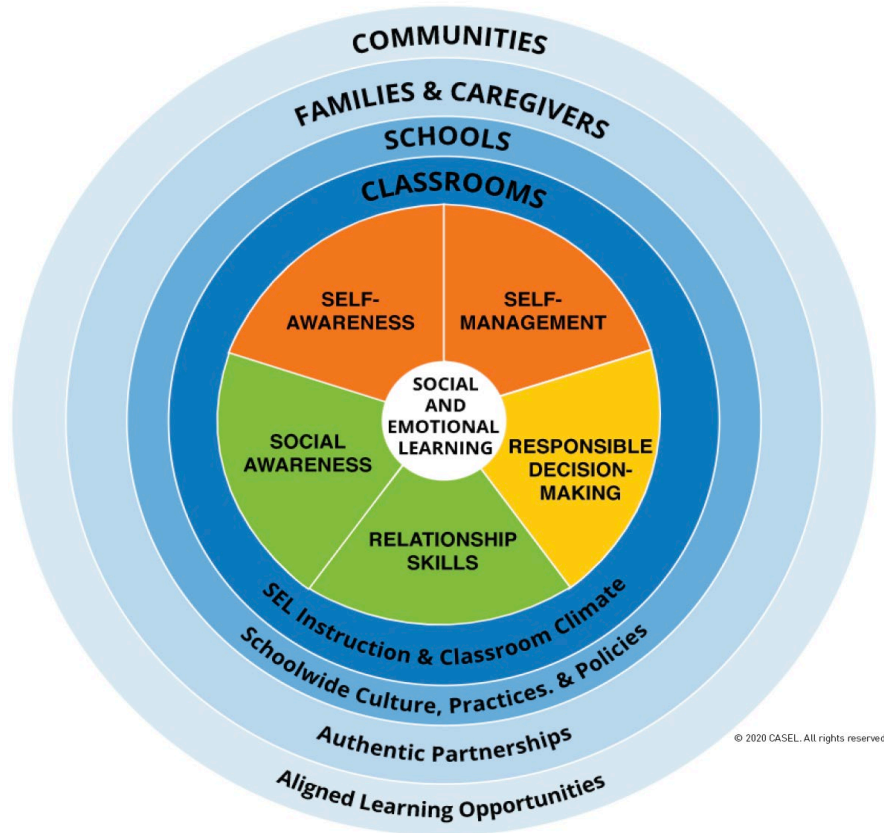
CONFLICT RESOLUTION & PEER MEDIATION AS RESPONSIVE MEASURES

Conflict Resolution

Conflict resolution can be a component to the restorative practices' framework, or may be a practice by itself within ITSS. Conflict resolution attempts to instill problem-solving skills among children and youth in dispute. It involves allowing both parties to express their points of view, interests, and provide ways to find acceptable solutions. Under this approach, trained mediators work with their peers to resolve conflict.

Effective conflict management aims to decrease incidents like fighting, bullying, harassment, and other forms of violence among students. Conflict resolution

seek to create opportunities for students and other members of the school community to: recognize that conflict is a natural part of life and that it can be resolved peacefully; to develop awareness of their own unique responses to conflict and to understand the diversity with which others respond; learn and practice the principles of conflict resolution and the skills of peaceful problem-solving processes; empower themselves to be individually and cooperatively responsible for resolving conflicts peacefully; and integrate this responsibility in their daily lives.

Peer Mediation

Peer mediation is an approach used in schools to help manage conflicts and disagreements. Formal peer mediation approaches provide training for peer mediators in how to intervene in disagreements and support the participants to reach an agreement. Peer mediation is problem solving by youth with youth. It is a process by which two or more students involved in a dispute meet in a private, safe, and confidential setting to work out problems with the assistance of a trained student mediator. Peer mediation empowers students, teaches the skills, and encourages students to resolve their own conflicts in a supervised setting.

The benefits of peer mediation are:
- *Reduced staff time spent on discipline practices;*
- *Reduced suspension, expulsion, and fights; and*
- *Empowers students to learn how to resolve disputes by themselves.*

When classrooms become places where destructive conflicts are prevented, they become environments where constructive conflicts are structured, encouraged, and utilized to improve the quality of instruction and classroom life. Teaching all students negotiation and mediation procedures and skills results in a schoolwide discipline program that empowers students to regulate and control their own and their classmates' actions.

Functional Behavioral Assessments and Behavior Intervention Plans

It is important that existing schoolwide structures and processes include interventions where positive reinforcement is dominant and all students are provided explicit instruction regarding behavioral standards so students and staff understand limits and expectations. That said, the use of Functional Behavioral Assessments (FBA) and Behavior Intervention Plans (BIP) should be integrated throughout the ITSS framework so assessments can drive interventions as an early effort to proactively alter challenging behaviors before the behaviors become habitual and intractable.

When it is determined that schoolwide and classroom management strategies may not be sufficient to address all students' challenging behaviors, the team should consider if a FBA and BIP is warranted. There are a number of reasons that suggest a FBA may be appropriate, and/or a BIP may need to be completed, or an existing BIP be revised, including:

- *When a student has not responded to other less restrictive universal interventions (both academic and behavioral);*
- *When a student displays a pattern of repeated, frequent challenging behavior (e.g. aggression, biting, property destruction, elopement);*
- *When there is a significant change in the student's behavior – an increase or a decrease that requires a review of the functions of the behavior or when a challenging behavior intensifies or occurs more frequently;*
- *When there is a significant change for the student such as placement, classroom, staff, major illness/health issue, mental health change, trauma, etc.;*
- *When a student displays a behavior that has the potential of imminent, serious, physical harm to self or others and/or significantly interferes with the learning environment;*
- *When a student displays a behavior that impacts safety, student learning/learning environment, peer learning and/or social relationships;*
- *When a student with a disability has been suspended more than 10 days (cumulative or consecutive) or when the student has repeated, short-term suspensions.*

A FBA is the systematic process of gathering information to guide the development of an effective and efficient Behavior Intervention Plan for the problem behavior [COMAR 13A.08.04.02B(5)(a)]. The FBA consists of three parts: 1) identification of the functions of the problem behavior for the student; 2) description of the problem behavior exhibited in the educational setting; and 3) identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time [COMAR 13A.08.04.02B(5)(b)]. A Behavior Intervention Plan (BIP) is a proactive, data-based, structured plan that is developed as a result of a FBA which is consistently applied by trained staff to reduce or eliminate a student's challenging behaviors and to support the development of appropriate behaviors and responses [COMAR 13A.08.04.02B(1)].

If a student with a disability has behavioral challenges, that student may require a BIP as a component of their IEP. The BIP must always be preceded by a FBA and must be consistently applied by staff to reduce or eliminate a student's challenging behaviors and to support the development of appropriate behaviors and responses [COMAR 13A.08.04.02B(1)].

Although the law does not further define how the FBA should be completed, it does state when one must be completed in the context of disciplinary removals. The IEP team must meet within 10 business days of the removal of a student with a disability to develop an assessment plan if the IEP team has not conducted a FBA and implemented a BIP to address the behavior before the behavior occurred that resulted in the student's removal for more than 10 consecutive school days or if the cumulative effect of the removal constitutes a change of placement [COMAR 13A.08.03.07A; COMAR 13A.08.03.03B; COMAR 13A.08.03.05; 34 CFR 300.530]. Similarly, if a student with a disability is removed for up to 45 school days to an interim alternative educational setting, the student must receive, as appropriate, a FBA and behavior intervention services and modifications designed to address the behavior violation to prevent its recurrence [COMAR 13A.08.03.06D(2); 34 CFR 300.530]. For more information about the procedural requirements for disciplinary removals of students with disabilities, please see Maryland Procedural Safeguards Notice.

FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA)

Conducting a FBA is a thoughtful process that involves the following steps:
- *Identify the challenging behavior(s);*
- *Define that behavior in specific, measurable, and objective terms;*

- *Collect data on the challenging behavior(s);*
- *Develop a hypothesis for the behavior;*
- *Assess whether or not the hypothesis is valid for the student; and*
- *Determine the need for a Behavior Intervention Plan.*

Developing a FBA

Once a student is referred to the IEP Team to address a challenging behavior(s), the people who are most familiar with the student and the behavior(s) should meet to discuss what schoolwide and classroom systems are in place that can support the student, address the cause of the behavior, and support its elimination. A review of all available information regarding the student and the behavior(s) should take place. To move forward to complete a FBA:

1. Parental consent should be obtained in accordance with COMAR 13A.05.01.13A and local school system policies.

2. The target behavior(s) must be described in specific, measurable, and observable terms to ensure that all team members can agree on what the target behavior is and what it looks like for data collection.

3. Baseline data must be collected on the target behavior(s) across multiple settings, multiple staff, and multiple times of the day to ensure that the target behavior(s) is observed often enough that behavioral patterns start to emerge from the data.

   If the target behavior(s) occurs with a high frequency, interval recording data can be used to note whether the behavior occurred during predetermined intervals (e.g. 30 minutes) throughout the school day. For less frequent target behavior(s), frequency data can be used to note each behavior or an ABC- data sheet/chart can be maintained to record the antecedent prior to the behavior and consequence after the behavior.

   Observational baseline data collected using both of the following methods when possible: qualitative data, including non-numerical descriptive data points such as student movements, facial expressions, body language, descriptions of the classroom (ABC data sheet, daily behavior chart, etc.); and quantitative data, including numerical data such as frequency count of behaviors, duration, etc.

4. Attendance, discipline, and special education history should be reviewed and documented. Previous interventions should be noted and the outcome of such

interventions should be documented. The student's family, medical, and mental health history including traumatic events should be reviewed.

5. Once the data and information are collected, they must be evaluated to identify patterns or trends. The function(s) of the behavior(s) should be determined and a hypothesis must be developed and tested for correctness. This will also support the team to select interventions to be implemented in the BIP.

6. A decision is made by the team whether or not to move forward with the development of a BIP. If no plan is developed, the team may decide to implement other classroom supports or interventions.

BEHAVIOR INTERVENTION PLAN (BIP)

Writing a BIP is the systematic process to address how the adults in the school can change the physical school environment and/or their practices to encourage appropriate replacement behaviors by the student to meet the identified function of their challenging behavior. The BIP should focus on adult responses and practices in relationship to one to three challenging behavior(s), and includes the following steps:

- *Identify the challenging/target behavior(s);*
- *Define the behavior in specific, measurable, and objective terms;*
- *Develop preventive strategies;*
- *Develop teaching strategies for replacement behavior;*
- *Develop response strategies;*
- *Collect data on challenging/target behavior(s) and replacement behavior(s);*
- *Monitor progress; and*
- *Determine the need for a Crisis Plan.*

Developing a BIP

The development of a BIP involves a review of data and information from the FBA and expansion of that data. This process requires the development of the strategies on how the adults in the school will address the target behavior(s). The IEP Team, consisting of the people who are most familiar with the student and the behavior(s), should meet to determine the interventions that would best address the target behavior(s). The following steps should be followed to complete a BIP:

1. Identify the team members who are familiar with the student and can speak to the student's strengths and challenges. At minimum, the team should include a classroom teacher, parent/caregiver, and psychologist/social worker/behavior specialist or related service providers. The team members for the BIP may not be the same team that gathered for the FBA.

2. Certain background information can be carried over from the FBA to the BIP. This information includes: description of the reason for the FBA and context for the behavior(s) to be evaluated by the school team, previous interventions attempted, and the impact and timeframe of those interventions; brief student history, including strengths/protective factors, medical history, family concerns, academic/cognitive impacts, attendance history, mental health history, and trauma history should be included (direct observation is critical).

3. Identify targeted behaviors (not to exceed three), with priority to the behaviors that are safety concerns (e.g. headbanging on hard surfaces or repeated biting) and those that significantly interfere with learning (e.g. jumping/diving off classroom furniture) ahead of other behaviors (e.g. ripping paper, dropping to the floor, noncompliance). Behavior definitions must be specific, observable, and measurable. Each target behavior must be defined so that all observers agree on what the behavior looks like (also note what the behavior does not look like), thus allowing for data to be collected reliably and consistently. The BIP may or may not address all the behaviors that had baseline data collected during the FBA. The team may decide to focus only on the most unsafe behavior(s) or the behavior(s) that are most disruptive to the learning environment.

4. Identify prevention strategies for the adults to use with, or provide to, the student in order to prevent the target behavior. These proactive techniques are implemented to decrease the likelihood of the occurrence of challenging behaviors and promote positive behavioral choices by structuring the classroom, promoting engagement in instruction, and creating a positive classroom climate.

5. Identify teaching strategies for adults to use in supporting students to learn and reinforce replacement behaviors, or those behaviors that serve the same function as the target behavior. The new behaviors may need to be modeled, role played, prompted, cued and/or shaped until the student learns to use them in place of the target behavior.

6. Identify response strategies that are reactive and implemented to de-escalate the student's behavior and ensure the safety of students and staff; these strategies should be implemented at the least restrictive level of support and are to be utilized once the target behavior has occurred.

7. Collect and document data on both the target and replacement behaviors being taught. The methods of data collection being utilized and goals, as well as who is responsible for data collection, should be described in detail and aligned with the IEP.

8. Create a Crisis Plan, as necessary. The Crisis Plan must describe, in detail, the protocol that must be followed to ensure the safety of the student, other students, and staff in the event of an escalation in harmful/dangerous behavior that is known to potentially lead to imminent, serious, physical harm to the student or others. Not every student's behavior will require the development of a Crisis Plan. Crisis Plans should only be created for those students who display behavior that is harmful to themselves and/or others.

RESTRAINT AND SECLUSION

Schools may face challenges when responding to students who exhibit challenging behaviors. In some cases, these behaviors can pose a serious danger to one's self or others and require careful attention. However, in most cases, challenging behaviors should not require restraint or seclusion of a student.

Using punishment, restraint, and/or seclusion can have a negative and traumatic effect on students. It has also been systematically demonstrated that these types of interventions are not as effective as the use of evidence-based behavior intervention and support, which can dramatically reduce dangerous and disruptive behaviors and prevent them from happening in the future (Lewis-Palmer, Bounds, & Sugai, 2004).

Teaching students to engage in appropriate behaviors should be part of the ITSS framework. In order for the culture of seclusion and restraint to change, professional development and support is necessary for educators who address the needs of students exhibiting challenging behaviors. For more information about the legal requirements for the use of restraint and seclusion of students with disabilities, please see Gen. Ed - Student Behavior Interventions: Restraint & Seclusion and TAB 19-02 - Student Behavior Interventions: Physical Restraint and Seclusion - Supplement on Students with Disabilities.

Frequently Asked Questions and Answers

Q - Is an Integrated Tiered System of Supports (ITSS) a curriculum?

A - ITSS is not a curriculum, nor is it an intervention. It is a framework of how to identify and address schoolwide needs in a way that is proactive and data-driven. Because ITSS provides a structure for implementing practices and ensuring systematic use of data, other programs can easily be integrated within the tiered framework, either at Tier 1 or across all three tiers. When mindfully integrated, these programs enhance learning and opportunities for growth.

Q - What behaviors can result in disciplinary action?

A - Each Local School System must have student discipline policies and regulations. The Maryland State Board of Education issues The Maryland Guidelines for a State Code of Discipline to provide guidance to local school systems as they define disciplinary offenses and appropriate disciplinary consequences. Local School Systems utilize it as a framework to establish local codes of conduct and to develop discipline-related policies available on each local school system's website.

Q - What principles should guide school personnel in their approach to student behavior?

A - Evidence-based practices, within an integrated tiered system of supports are intended to be used to increase the occurrence of behaviors that school personnel want to encourage and to decrease behaviors that school personnel want to lessen or eliminate. COMAR 13A.08.04.03A specifies the need for an "array" of positive approaches. Depending on the nature of the challenging behavior, it may be necessary to implement several interventions, strategies, or supports; or a combination of approaches, in order to address the behavior. It is important for the IEP team to focus on the student's "target behaviors". A process of identifying target behaviors, planning how to address them, and deciding on the particular interventions, strategies, and supports is necessary.

Q - When should the IEP include positive behavioral interventions restorative practices, or other interventions?

A - Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed individualized education program (IEP) that is based on the individual needs of the child [34 CFR §§300.17 and 300.320-324]. In the case of a child whose behavior impedes the child's learning or that of others, the IEP Team must consider – and, when necessary to provide FAPE, include in the IEP – the use of positive behavioral interventions and supports, and other strategies, to address that behavior [34 CFR §§300.324(a)(2)(i) and (b)(2); and 300.320(a)(4)].

Q - Does a Functional Behavioral Assessment require parental consent?

A - If the FBA focuses on the educational and behavioral needs of a specific child, the FBA qualifies as an evaluation or reevaluation under Part B and triggers all of the accompanying procedural safeguards, including the need to seek parental consent. If, however, the district uses an FBA as a widespread intervention tool to improve the behavior of all students in its schools, the FBA is not an evaluation and parental consent is not required by the IDEA. Letter to Christiansen, 48 IDELR 161 (OSEP 2007).

Q - When should the IEP team meet to develop a Functional Behavioral Assessment (FBA)?

A - The IEP team shall meet within 10 business days of the removal of a student with a disability to develop an assessment plan if the IEP has not conducted a Functional Behavioral Assessment [COMAR 13A.08.03.07A]. When the student with a disability is removed for up to 45 days to an interim alternative education setting according to COMAR 13A.08.03.06A, he/she shall receive, as appropriate a Functional Behavioral Assessment and behavioral intervention services and modifications designed to address the behavior violation to prevent its recurrence [COMAR 13A.08.03.06D(2)]. When the removal triggers a manifestation determination and the IEP team determines that the student's behavior is a manifestation of the student's disability, the IEP team shall conduct a FBA if it has not already done so prior to the disciplinary removal [COMAR 13A.08.03.08G]. When restraint or seclusion is used with a student with disabilities the IEP team should meet to consider the need for a FBA [COMAR 13A.08.04.05C(2)(a)].

If the IEP team is aware a student is struggling and not making academic progress, it should also meet and consider the appropriateness of a FBA without waiting for a disciplinary removal.

Q - How does a parent request a FBA?

A - Local school system policies guide the manner in which a parent may request a FBA. Parents/caregivers may request a FBA in writing.

Q - Who is qualified to perform a FBA?

A - The federal statute and regulations do not specify who must conduct the FBA but the regulations do require States to establish and maintain qualifications to ensure that personnel are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities [34 CFR §300.156(a)]. Each local educational agency (LEA) must ensure that all personnel are appropriately and adequately prepared. Letter to Janssen (OSEP 2008).

Q - When and by whom is observation required for the Functional Behavioral Assessment?

A - Best practices indicate that observation is a critical part of the systematic process for gathering information when completing a Functional Behavioral Assessment as it is important to observe the target behavior as it occurs in its natural environment. The regulations state that identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time is part of the FBA [COMAR 13A.08.04.02B(5)(b)]. Any staff trained to collect data on the antecedents and consequences should complete the observation of the target behavior.

Q - Are FBAs required for Manifestation Meetings?

A - If the removal triggers a manifestation determination (i.e., the removal is for more than 10 consecutive school days, the cumulative effect of the removal constitutes a change in placement, or the removal is to an interim alternative educational setting), and the IEP team determines that the student's behavior is a manifestation of the student's disability, the IEP team must, as appropriate:

1. Conduct a FBA and implement a BIP if such assessments had not been conducted prior to the disciplinary removal;

2. Review the student's BIP and modify it, if necessary, to address the behavior; and

3. 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 part of a modification of the student's BIP [COMAR 13A.08.03.08G; 34 CFR 300.530].

Q - If a parent disagrees with a FBA does he or she have the right to obtain an independent educational evaluation?

A - Yes, a parent of a student with a disability may obtain an independent educational evaluation [COMAR 13A.05.01.14]. Upon request, a public agency shall provide the parent with information about where an independent educational evaluation may be obtained and the public agency's criteria applicable for independent educational evaluations consistent with 34 CFR §300.502. If a parent disagrees with the evaluation obtained by the public agency, the parent may request an independent educational evaluation at public expense. When a parent requests an independent educational evaluation at public expense, the public agency shall provide a written response approving or denying the request within 30 days of the date the request was made, and:

1. If the public agency approves the request, advise the parent of the process for arranging the evaluation at public expense; or

2. If the public agency denies the request, file a due process complaint within 30 days of the date of the denial.

Q - What other types of assessments could be completed when a student has behavioral challenges that impede his or her learning or that of others?

A - If a student has a behavioral challenge that impedes his or her learning or that of others, the IEP team can meet and determine the provision of any or all of the following types of assessments as the team considers appropriate, in addition to the FBA:

- *Educational Assessment;*
- *Cognitive Assessment;*
- *Psychological Assessment;*
- *Intelligence Quotient Testing;*
- *Occupational Therapy Assessment;*
- *Speech and Language Assessment including Audiological Assessment;*
- *Assistive Technology Assessment; and*
- *Physical Therapy Assessment.*

Q - When should the IEP team meet to develop a Behavior Intervention Plan (BIP)?

A - If a student with a disability receives a disciplinary removal, then the IEP team shall meet within 10 business days to develop an assessment plan [COMAR 13A.08.03.07A]. As soon as possible after the completion of these assessments, the IEP team must meet to develop appropriate behavior interventions to address the behavior and implement the BIP [COMAR 13A.08.03.07B]. If the student with a disability has a BIP at the time of the removal, the IEP team must meet within 10 business days of the removal to review the plan to address the behavior that resulted in the removal, and determine if the BIP needs to be modified or the implementation of the BIP needs to be modified to address the behavior [COMAR 13A.08.03.07C]. Regardless of disciplinary removal, the IEP team should consider developing appropriate behavior interventions to address the behavior and implement a BIP if the IEP team is aware the student's behavior requires intervention and supports.

Q - When should the BIP be reviewed or updated?

A - For disciplinary removals of the student that result in a change of placement and are found to be a manifestation of the student's disability, the IEP team must meet to review the student's BIP [COMAR 13A.08.03.07G]. The IEP team must modify the BIP and its implementation to the extent the IEP team determines necessary [COMAR 13A.08.03.07G].

Q - What are less restrictive or alternative approaches to restraint or seclusion?

A - The regulations state that exclusion, restraint, and seclusion may be used only after less restrictive or alternative approaches have been considered and attempted or determined not to be feasible. In making the determination as to whether less restrictive or alternative approaches are not feasible; school staff should consider the following:
1. Are there time, space, or personnel limitations that prevent less restrictive or alternative approaches from being implemented or from being implemented safely or effectively?
2. Is the situation one that arises frequently? If so, it should be addressed with positive behavioral support as part of the student's Behavior Intervention Plan and should be part of his or her IEP. It is not appropriate to respond to a chronic situation with an emergency

response, which is what exclusion, restraint, and seclusion are considered to be.

3. What supplementary aids and services and programmatic modifications and supports will enable the student with behavioral needs to be successfully served in the general education setting and in nonacademic and extracurricular activities? To the greatest extent possible, students should be educated in the general education classroom with appropriate support in place. Students should not be removed solely on the basis of their disability, because of administrative convenience, or because of the configuration of the service delivery system. Supplementary aids, services, supports, and program modifications that will help the student be educated successfully in the least restrictive environment possible must be provided. If these supports and supplementary aids and services have not been provided, it is unlikely that a meaningful determination can be made that less restrictive alternatives to restraint and seclusion were not effective.

Q - Can restraint or seclusion be part of a Behavior Intervention Plan?

A - Once physical restraint or seclusion has been used or school personnel have made a student specific determination that it may need to be used through intentional conversation and discussion in the IEP process and development of the IEP, restraint or seclusion may be a part of the BIP and the IEP. However, physical restraint or seclusion may only be included to address the student's behavior in case of an emergency, provided that school personnel complete all of the following steps [COMAR 13A.08.04.05A(1)(b); COMAR 13A.08.04.05B(2)]:

- *Review available data to identify any contraindications to the use of physical restraint or seclusion based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;*
- *Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior prior to the use of physical restraint or seclusion in an emergency situation; and*
- *Obtain written consent from the parent, consistent with the Education Article §8-405, Annotated Code of Maryland.*

Q - Does the addition of physical restraint or seclusion to a student's BIP change the circumstances under which these interventions may be used?

A - Physical restraint or seclusion, even if added to a student's BIP, may only be used to address the student's behavior in an **emergency situation** and physical restraint or seclusion is necessary to protect a student or other person from **imminent, serious, physical harm** after other less intrusive, nonphysical interventions have failed or been determined inappropriate [COMAR 13A.08.04.05]. Imminent, serious, physical harm has the same meaning as serious bodily injury, as indicated in the Individuals with Disabilities Education Act (IDEA) 34 C.F.R. §300.530(h)(3); 18 U.S.C. §U.S.C.1365(h)(3).

Bodily injury involves:
- *A substantial risk of death;*
- *Extreme physical pain;*
- *Protracted and obvious disfigurement; or*
- *Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.*

Q - What are the requirements for the use of restraint or seclusion?

A - If the student's IEP or BIP **does not include the use of restraint or seclusion**, the IEP team must meet within 10 business days of an incident to consider the need for a FBA, developing appropriate behavioral interventions, and implementing a BIP [COMAR 13A.08.04.05C(2)]. If the student's IEP or BIP already **includes restraint or seclusion**, the student's IEP or BIP must specify how often the IEP team will meet to review and revise the IEP or BIP, as appropriate [COMAR 13A058.04.05C(3)]. Lastly, school personnel designated by a school administrator to use restraint or seclusion, or to serve as a school-wide resource for their proper administration, must receive training in positive behavior interventions and other critical practices, including Functional Behavioral Assessment and Behavior Intervention Planning [COMAR 13A.08.04.06C(3)].

Q - Are the local school systems and nonpublic schools required to conduct any professional development activities?

A - At the beginning of each school year, each public agency and nonpublic school must identify school personnel authorized to serve as a school-wide resource to assist in ensuring that exclusion, restraint, and seclusion are utilized

properly at the school [COMAR 13A.08.04.06]. These school personnel shall receive training in current professionally accepted practices and standards regarding:

1. Positive behavior interventions, strategies, and supports, including methods for identifying and defusing potentially dangerous behavior;
2. Trauma-informed interventions;
3. Functional Behavioral Assessment and Behavior Intervention Planning;
4. Exclusion;
5. Restraint and alternatives to restraint;
6. Seclusion;
7. Symptoms of physical distress and positional asphyxia;
8. First aid and cardiopulmonary resuscitation (CPR); and
9. Individualized behavior interventions based on student characteristics, including disability, medical history, and past trauma.

The professional development described in §C(3) of COMAR 13A.08.04.06 shall include a written examination and physical demonstration of proficiency in the described skills and competencies.

Resources

MSDE Technical Assistance Bulletins: Technical Assistance Bulletins

Maryland Commission on the School-to-Prison Pipeline and Restorative Practices: School-to-Prison Pipeline & Restorative Practices

Maryland House Bill 725 (2019): Student Discipline - Restorative Approaches

The United States Department of Education, Office for Civil Rights: Fact Sheet on Restraint and Seclusion of Students with Disabilities

The United States Department of Education, Office of Special Education and Rehabilitation Programs: Letter on the Inclusion of Behavioral Supports in Individualized Education Programs

Bias

Leader in Me: Unconscious Bias in Schools - Topics of Impact

Harvard Education Publishing Group: Unconscious Bias in Schools

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Integrated Multi-Tiered Systems of Support

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Restorative Practices

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Conflict Center: Restorative Practices Resources

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ASCD: Teaching Students to be Peer Mediators