

BIP/FBA Responsibilities after MDR

Determination that Behavior WAS a Manifestation:

The ARD committee shall...

- Conduct a functional behavioral assessment (FBA), and implement a behavioral intervention plan. (If an FBA had not been conducted previously.)
- Review the behavioral intervention plan (BIP) and modify it as necessary to address the behavior. (If a BIP has been developed.)
- Return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the BIP.

34 CFR § 300.530(f)

Special Circumstances

Student may be removed to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases that involve drugs, weapons, or serious bodily injury.

34 CFR § 300.530(g)

Determination that Behavior WAS NOT a Manifestation:

- If the result of the review is a determination that the behavior of the child was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner for the same duration in which they would be applied to children without disabilities, except for the requirements to provide FAPE. FAPE may be provided in an interim alternative educational setting.

34 CFR § 300.530(c)

Services During Change of Placement:

The following services must be provided to a child with a disability during the change of placement (irrespective of whether the behavior is determined to be a manifestation of the child's disability):

- *Educational services (as required by FAPE) so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP*
- *A functional behavioral assessment, behavioral intervention services and modifications (as appropriate), that are designed to address the behavior violation so that it does not recur.*

34 CFR § 300.530(d)

TEXAS (HB785): IF removal is a disciplinary change of placement (COP)...

 **Seek consent for FBA within 10 days if no FBA or FBA > 1 year old**  **review FBA/BIP**  **develop BIP**