

# **“His Behavior is So Extreme, It is Unsafe for Him to Be at School”: Providing FAPE to a Student with Significant Behavior**

31<sup>st</sup> Annual Autism & Disabilities Conference

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## **Learning Objectives:**



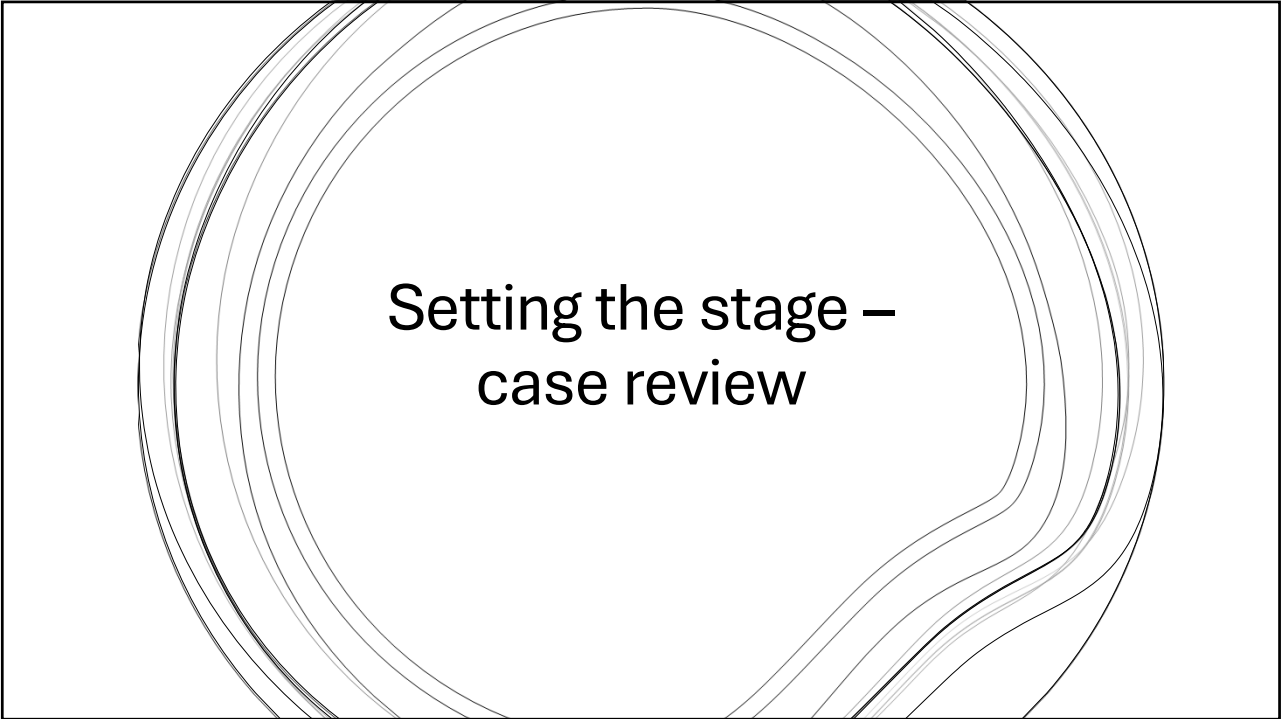
Understand legal and ethical considerations



Identify increased levels of support



Learn strategies for effective crisis responding

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## Setting the stage – case review

### Legal Framework

- ❖ **Individuals with Disabilities Education Act (IDEA):** Mandates Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).
- ❖ **Section 504 of the Rehabilitation Act:** Ensures students with disabilities receive appropriate accommodations.
- ❖ **Manifestation Determination Review (MDR):** Required when a disciplinary change of placement exceeds 10 consecutive days to assess if behavior is linked to the student's disability.

## Ethical Considerations

1

Prioritize the student's right to education

2

Balance safety with maintaining the student in the educational environment

3

Involve parents/guardians in decision-making processes

4

Ensure the student's dignity and well-being remain central to all decisions

## Considerations Prior to Campus Removal

### **A. Conduct a Functional Behavior Assessment (FBA)**

- ❖ Identify triggers, patterns, and functions of behavior.
- ❖ Collect data through observations, interviews, and behavior logs.
- ❖ Involve mental health professionals for comprehensive services and support
- ❖ Tailor assessment methods to accommodate cognitive and developmental delays.

**B. Develop and Implement a Behavior Intervention Plan (BIP)**

- Establish specific, measurable strategies to address problem behaviors.
- Include crisis prevention and intervention strategies.
- Adapt intervention strategies to the student's cognitive level and communication abilities.
- Monitor and adjust interventions regularly.

**C. Convene the ARD committee**

- Review current services, supports, and accommodations.
- Document all interventions and outcomes.
- Ensure crisis response strategies are included in the IEP.
- Include specialists with expertise in areas of need/concern.

#### **D. Perform a Risk Assessment/Behavior Threat Assessment**

- Evaluate the severity, frequency, and unpredictability of dangerous behaviors.
- Involve mental health professionals and law enforcement as needed.
- Identify immediate safety concerns and develop a mitigation plan.
- Consider how cognitive and developmental delays affect risk factors and response needs.

#### **E. Exhaust In-School Support Options**

- Implement crisis intervention strategies (e.g., CPI, Safety-Care).
- Utilize de-escalation techniques and provide staff training.
- Consider specialized in-school programs.
- Explore sensory supports and alternative communication methods to address behavioral triggers.



## **F. Seeking an Injunction in Texas**

### **. When to Seek an Injunction:**

- When a student's behavior poses an ongoing, imminent threat to the safety of themselves or others.
- If all other interventions and placements (including home-based instruction) have been exhausted or deemed inappropriate.
- When the school district needs legal authority to enforce a specific educational placement or prevent the student from returning to campus.

### **Legal Process in Texas:**

- ❖ Consult with the school district's legal counsel to assess the need and evidence for an injunction.
- ❖ File a petition for injunctive relief in the appropriate Texas district court.
- ❖ Provide thorough documentation, including FBA data, BIP implementation, IEP team meeting notes, and records of all interventions and safety concerns.
- ❖ Ensure compliance with IDEA requirements and maintain the student's right to FAPE during legal proceedings.

## **Steps for Ensuring Safety and Providing Home-Based Instruction**

### **A. IEP Review and Placement Decision**

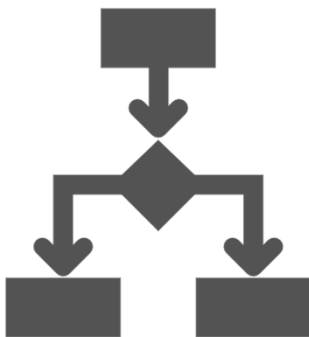
- ❖ Conduct an IEP meeting to determine the need for home-based instruction.
- ❖ Document reasons and provide Prior Written Notice (PWN) to parents.
- ❖ Ensure home-based instruction is temporary and includes a re-evaluation timeline.

### **B. Establish a Safety Plan**

- ❖ Identify and mitigate risks in the home environment.
- ❖ Ensure staff are trained in handling severe behaviors and emergencies.
- ❖ Implement clear protocols for handling violent or self-injurious behavior.
- ❖ Provide caregivers with training and resources to support the safety plan.

### **C. Instructional Delivery**

- ❖ Design individualized learning plans aligned with IEP goals.
- ❖ Use virtual platforms, home visits, or a hybrid model.
- ❖ Ensure delivery methods accommodate the student's behavioral and cognitive needs.
- ❖ Use visual supports, simplified language, and hands-on learning for students with developmental delays.



### **D. Ensure Continuity of Services**

- Provide related services (e.g., speech, OT) through teletherapy or in-person visits.
- Schedule regular check-ins with the student and family.

Ensure mental health services are integrated into the educational plan.

Address sensory, communication, and medical needs in service delivery.



### **E. Progress Monitoring and Documentation**

- ❖ Collect and analyze data on academic and behavioral progress.
- ❖ Conduct frequent IEP reviews to ensure alignment with the student's evolving needs.
- ❖ Communicate regularly with the IEP team and external partners.
- ❖ Use individualized assessment tools that properly assess a student's adaptive skill needs.

### **Coordination with Local Agencies and Medical Personnel**

#### **• Local Agencies:**

- Partner with child welfare services, law enforcement, and community mental health organizations to provide wraparound support.
- Ensure consistent communication to address safety and monitor student progress.
- Share appropriate records while maintaining confidentiality under FERPA and HIPAA.

#### **• Medical Personnel:**

- Collaborate with psychiatrists, therapists, and medical professionals to align educational and therapeutic goals.
- Obtain medical input on behavior management, medication needs, and crisis prevention.
- Facilitate regular case reviews and adjust plans accordingly.

#### **• Crisis Response Teams:**

- Engage mobile crisis units for emergency intervention.
- Develop coordinated emergency protocols with law enforcement.
- Ensure crisis teams are trained in developmental and cognitive disabilities.

### **G. Responding to Mental Health Crises That Become Medical Emergencies**

- Recognize signs of a medical emergency (e.g., loss of consciousness, severe self-injury, unresponsiveness).
- Immediately contact emergency medical services (911) and provide necessary information.
- Follow the student's individualized crisis plan and alert caregivers.
- Ensure a trained staff member stays with the student until medical personnel arrive.
- Document the incident thoroughly and inform the IEP team to review and adjust interventions.

### **Key Takeaways:**

- Plan, plan, plan
- Document EVERYTHING
- Frequently review progress
- Adjust plan and reintegration criteria as progress is made

**Goal: Return safely to school**



*Thank you!*

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