



OHIO LEGAL RIGHTS SERVICE
for people with disabilities

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Ohio Legal Rights Service FACT SHEET:
What can I do if my child with a disability is having behavior problems in school?

If your child has an Individualized Educational Program (IEP), your child’s school is required to address your child’s behavior in school if the behavior impedes your child’s learning or the learning of other children. Follow these steps to address the behavior issue.

Determine if the behavior needs to be addressed formally

• **Behavior that can be addressed without a behavior plan**

Behavior that does not interfere with a child’s ability to learn can usually be addressed by informal methods in the classroom. This type of behavior is usually mild and can generally be addressed by more attention from the teacher and follow-through at home. If your child’s behavior is minor, work with the teacher to address your concerns.

• **Behavior that requires a behavior plan**

For some children, behavior in school requires a positive behavior intervention plan to address the behavior. If your child’s behavior is significant enough that it interferes with your child’s or another child’s ability to learn, you should ask your school to hold an IEP meeting to develop a plan to address the behavior.

Ask for an IEP meeting

To request an IEP meeting call your special education coordinator to schedule the meeting. Send a follow-up letter to confirm your discussion. At the meeting, the IEP team, including you, should address how to assess your child’s behavioral needs and what services are needed.

Ask the school to conduct a functional behavioral assessment (FBA) . . .

• **Document the behavior and interventions**

In order to decide how to address your child’s behavior, the school must document the behavior. The school should document the type of behavior, where the behavior

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is occurring, what and how responses to the behavior have worked, and why the behavior is occurring. With this information, your child's IEP team can determine ways to address the behavior.

- **Determine how to assess the behavior**

Your child's IEP team should determine how best to assess your child's behavior. Behaviors can be assessed by observation and by formal evaluation tools. Observation can confirm the accuracy of the information collected through documentation and can provide insight into why the behaviors are happening. It is important for your child's behavior to be observed and assessed in the environment where the behavior happens. Your child can be assessed by a variety of people, including teachers, special education personnel, and behavior specialists.

- **Determine who is qualified to assess the behavior**

The IEP team should determine who is qualified to assess your child's behavior. It is simple to document where and when behavior happens, but more difficult to assess the reasons for behavior. Your child's IEP team may be capable of determining why your child is having behaviors or the team may require the assistance of a specialist in behavior. Your child's IEP team should discuss what qualifications are required to assess your child. This discussion should include the required level of behavioral expertise and knowledge about your child's disability. A person capable of assessing your child's behavior might be a "behavior specialist", a psychologist, or a Ph.D. in education or a related field.

- **Determine if independent assessments are available**

Information on your child's behavior from sources independent of the school can help your child's IEP team determine how to address the behavior. This information can include psychological or psychiatric evaluations, information about medications, and information from your child's physician. You should decide whether to share this information with your child's IEP team. Generally, the IEP team will be able to better address your child's behaviors if the team has more information about your child and the behaviors.

If your school has conducted an evaluation of your child's behavior and you disagree with the evaluation, you may be able to pursue an independent educational evaluation (IEE) at the school's expense.

Review the results of the evaluation

Once your child's behavior has been assessed, the IEP team should consider the results of the assessment. The individual(s) who collected data about your child's behavior should attend the meeting. You should request that the individual(s) who conducted assessment or evaluation of your child's behavior also attend the meeting. The data collector and assessor should explain the results of their assessment and

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their recommendations to address the behavior. From this discussion, the team should determine if a positive behavior intervention plan is needed.

Determine services needed

- **The positive behavior intervention plan**

If needed, a positive behavior intervention plan (BIP) should be written to address your child’s behaviors. This plan can be written as goals and objectives on your child’s IEP, or can be a separate plan that is attached to your child’s IEP. The BIP should include positive ways to reduce your child’s behaviors. This can include goals that teach your child more appropriate behaviors or modifications to your child’s environment which decrease the likelihood that behaviors will occur. In addition, the plan should include recommendations to school staff about appropriate ways to respond to your child’s behaviors.

- **Training for school personnel**

Training or inservice opportunities for staff may be included in your child’s BIP. The IEP team should determine whether staff working with your child have the necessary information and training to effectively implement your child’s BIP. Your special education regional resource center (SERRC) can provide information about training opportunities. See the resource section for contact information on SERRCs.

- **Support from a behavior specialist**

It can be helpful to have the on-going support of a behavior specialist, especially from the behavior specialist who assessed your child. This on-going support is helpful to determine if the BIP is working, and if not, to help your child’s IEP team to modify the BIP. You should ask your child’s school to agree to on-going involvement from the behavior specialist until your child’s BIP is successfully implemented.

Keeping your child in school

- **Discipline**

The goal of your child’s BIP should be to reduce or eliminate the behavior so that your child can learn in school. Another goal should be to reduce or eliminate any discipline of your child. However, even with a BIP, your child may be suspended from school for behavior for short periods of time. Your school is required to follow specific procedures in disciplining a child with an IEP for more than short periods of time. If school discipline is a problem for your child, you should learn the discipline procedures, especially if your child has been suspended for more than 10 school days in the school year and received no educational services during the suspension.

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- **Least Restrictive Environment**

Your child is entitled to receive an education in the least restrictive environment (LRE). This usually means in the school setting with the most opportunity possible to be with students who do not have a disability. Your child's IEP is required to address your child's behavior so that your child can receive an education in the LRE with access to and progress in the general education curriculum. Your school should not change your child's LRE because of behavior if your school has not appropriately addressed your child's behavioral needs. If your school wants to place your child in a more restrictive environment you should request an IEP meeting and ask the school to follow the steps outlined in this packet.

What if I cannot get this issue resolved using this packet?

If these suggestions do not work to resolve your concerns, you can do a number of additional things that may work. Information about these options is included in this packet in the resource section. Your options include:

- **Seek the assistance of an advocate to help you resolve the issue. See the resources section for a referral.**
- **Contact the Ohio Department of Education for assistance or to file a complaint. See resources section for contact information.**
- **Ask for an administrative review with your school's superintendent.**
- **Pursue formal mediation and/or a due process hearing.**
- **Seek the assistance of an attorney to help you resolve the issue. See the resources section for a referral.**

If your school has suspended your child for more than 10 school days without providing services, or is planning to change your child's placement in school to a more restrictive setting and you disagree with the proposed change, you can request an impartial due process hearing which should maintain services for your child in the current educational placement until the hearing is resolved.

Sample letter to request behavioral support through the IEP

Date (include month, day, and year)

Name of Your Child's Special Education Coordinator

Name of School District

Street Address

City, State, Zip Code

Dear (name of Special Education Coordinator),

I am writing to request an IEP meeting for my child (child's name). I am requesting this meeting because my child is having behaviors in school (describe the behaviors). At this meeting I would like to discuss how to address my child's behavior and development of a behavior plan for (child's name).

In addition to the regular IEP team, I am requesting that a person able to assist the IEP team in developing a plan to address (child's name)'s behavior be present at the meeting.

I can arrange to meet with you and the other members of the IEP team on (list days you are available) between (give a range of time, such as between 2:00 and 4:00). Please let me know what time would be best for you.

I look forward to hearing from you within five school days of the date you receive this letter. My daytime telephone number is (give your phone number). Thank you for your help.

Sincerely,

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

cc: specialists or other staff

Additional OLRS Resources

OLRS web site: **www.olrs.ohio.gov**

The OLRS web site can be accessed to view or download OLRS publications on special education and to get additional information.

- **For specific information on FBA, discipline, and LRE**

For information on functional behavioral assessment see the Technical Assistance Center on Positive Behavior Support article “Tips for Parents: Incorporating Positive Behavior Support (PBS) into the IEP at **www.pbis.org**.

- **Other OLRS Information and Referral Packets available are:**

#1 What can I do to get my school to follow my child’s Individualized Education Program (IEP)?

#2 What can I do if my child is being harassed in school?

#4 How do I get an extended school year (ESY) for my child?

#5 How do I get my school-aged child evaluated for special education?

#6 How do I get related services for my child?

#7 FAQs About Special Education, Private Insurance and Medicaid

#8 Early Intervention Services, Payment for Services

#9 Surrogate Parents for Children with Disabilities

#10 Transition Planning for Students with Disabilities

Contact OLRS intake for your free copy of any of these packets, or download a copy from the OLRS web site.

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