



Guidance for
**West Virginia Senate Bill 199:
Elementary Discipline**

August 2025





West Virginia Board of Education
2025-2026

L. Paul Hardesty, President
Victor L. Gabriel, Vice President
F. Scott Rotruck, Secretary
Nancy J. White, Financial Officer

Robert W. Dunlevy, Member
Cathy L. Justice, Member
Christopher A. Stansbury, O.D., Member
Debra K. Sullivan, Member
Gregory F. Wooten, Member

Sarah Armstrong Tucker, Ph.D., Ex Officio
Chancellor

West Virginia Higher Education Policy Commission
West Virginia Council for Community and Technical College Education

Michele L. Blatt, Ex Officio
State Superintendent of Schools
West Virginia Department of Education

Table of Contents

Introduction5

Key Components of Senate Bill 199.....5

Frequently Asked Questions10

Scenarios12

Glossary.....17

Appendix A: Behavior Support Plan Template19

Appendix B: A Guide to the Discipline Process for Students with Disabilities.....21

Appendix C: Example Behavior Support Plan (BSP).....23

Appendix D: WVTSS Academic and Behavior Look fors.....26

Introduction

West Virginia Senate Bill 199 (SB199) is an act to amend section §18A-5-1 of West Virginia Code, as it relates to addressing and correcting student behavior that is unsafe or obstructive to the educational process.

Students in Grades K-6 enrolled in an elementary school are subject to the procedures outlined in SB199. In schools serving both elementary and secondary students — pre-k through 8th grade or K-8 schools — 6th grade is treated under §18A-5-1(m) and considered part of the “secondary” population for federal accountability purposes. Therefore, the behavior protocols applicable to secondary students in House Bill 2890 apply to 6th graders in these settings.

W. Va. Code §18A-5-1 states: *Each county board is responsible for establishing and enforcing school discipline policies that ensure a safe learning environment. Policies must include a clear tiered system for behavior and consequences, teacher protections, and an appeals process, while also requiring training for staff in discipline alternatives and conflict resolution. Preventive discipline programs must be implemented, with flexibility for counties to adapt them to local needs.*

The West Virginia Department of Education (WVDE) advocates for proactive, effective, and evidence-based approaches to behavioral intervention. This document is designed to help all educators understand the expectations of SB199 while providing clear, practical strategies that align with the West Virginia Tiered System of Support (WVTSS). By focusing on early intervention and strong, schoolwide discipline practices, students receive the right behavioral support at the right time, improving outcomes for all learners.

To read SB199 in its entirety, go to: [Senate Bill 199](#).

Key Components of Senate Bill 199

Tiered Behavioral Plans

After a student is excluded from the classroom due to disorderly conduct that obstructs the teaching or learning process, threatening or abusing a fellow student or school employee, willfully disobeying a school employee, or using profane language directed at a school employee, a behavioral plan must be developed by a staff member with behavioral expertise before the student can re-enter the classroom. Exclusions also apply to the school bus.

Licensed Behavioral Health Agencies

When all reasonable methods of classroom discipline have been exhausted, a behavioral plan has been created and followed with fidelity for a period of at least four weeks, with a review of the plan’s effectiveness at the end of week two, and the student’s disruptive behavior persists, it may be recommended that the student be placed with a licensed behavioral health agency.

Training of School Personnel

Each county board is responsible for the administration of proper discipline in public schools. School personnel shall be trained in alternatives to discipline by an individual with behavioral expertise, such as a board-certified behavior analyst, school social worker, school psychologist, or behavior specialist.

Appeal Procedure

The county board shall include a procedure where a teacher may appeal to the county superintendent if a school principal refuses to allow the exclusion of a student from a classroom or if the teacher believes that the exclusion has been prematurely ended.

Transition Plans

Transition plans shall be developed with input from the associated individual with behavioral expertise (counselor, psychologist, specialist, etc.) when a student is being considered for placement with an alternative learning center (ALC) or licensed behavioral health center.

West Virginia Board of Education (WVBE) Policy Context

SB199 is especially applicable to three state policies: WVBE Policy 4373, Expected Behavior in Safe and Supportive Schools; WVBE Policy 2525, West Virginia's Universal Access to a Quality Early Education System; and WVBE Policy 2419, Regulations for the Education of Students with Exceptionalities. These are outlined below.

[*Policy 4373 \(Chapter 2\)*](#): All public schools must design and implement procedures to create and support positive school climate and culture. This includes proactive, preventative, evidence-based practices, utilization of a Multi-Tiered System of Support framework, and meaningful interventions and consequences. Schools are required to provide explicit instruction on expected behaviors, model and reteach expectations when needed, and provide feedback to maximize the probability of student success in all settings.

[*Policy 2525 \(Section 14\)*](#): Child guidance requires staff in WV Universal Pre-K programs to use constructive, age-appropriate discipline focused on education and positive behavior support. When behavior issues arise, staff should redirect children, encourage self-control and problem-solving, communicate clearly about feelings versus behavior, and respond appropriately for the child's age and development.

Prohibited practices include any form of physical punishment, psychological punishment (such as shaming or humiliation), yelling, threats, isolating a child unsupervised, punishing groups for individual actions, and using food, rest, or toileting as punishment.

Program provisions must be in place that limits the use of suspension in pre-k. A temporary suspension may be used only as a last resort in circumstances where there is a safety threat that cannot be eliminated without reasonable modifications. Program provisions must include



a written plan to guide actions, support needed, and efforts to engage parents and appropriate community resources. This ensures that discipline in West Virginia Pre-K settings remains positive, developmentally appropriate, and focuses on supporting children’s learning and well-being regardless of the publicly funded pre-k facility where the child is enrolled.

[Policy 2419 \(Chapter 7\)](#): Students with disabilities who are subject to disciplinary actions by a local educational agency (LEA) are entitled to all the due process rights afforded to students without disabilities under W. Va. Code §18A-5-1a. In addition to these rights, the Individuals with Disabilities Act (IDEA) provides added procedures and safeguards for a student with a disability whom the LEA is considering removing for disciplinary reasons.

Behavior Documentation, Plans, and Considerations

Effective intervention is critical in the context of SB199. To ensure student safety, success, and belonging, schools are encouraged to use tracking measures that are data-driven and federally endorsed.

As outlined in section (j) of the bill, once a student has been determined to have repeatedly exhibited violent, threatening, intimidating, or unsafe behavior (behavior that seriously and materially interferes with a teacher’s ability to communicate effectively with the students in a class, with the ability of the student’s classmates to learn, or causing or intending to cause physical harm), the available staff member with behavioral expertise shall establish a behavior plan (See [Appendix A: Behavior Support Plan Template](#)), as well as conduct a Functional Behavior Assessment should the behavior not improve

with consistent universal supports. [Using Functional Behavioral Assessments to Create Supportive Learning Environments](#)

If there is not a board-certified behavior analyst (BCBA) or other trained individual in the district, it is additionally recommended that schools solicit training for appropriate conducting of a functional behavior assessment through the West Virginia Department of Education. Contact the Office of Special Education at (304) 558-2696.

West Virginia Education Information System (WVEIS)

In accordance with WVBE Policy 4373 and Policy 2419, all student disciplinary actions that result in removal from the classroom setting must be accurately documented in WVEIS.

School staff and administrators are responsible for ensuring that all applicable disciplinary incidents are entered into WVEIS in a timely manner. Accurate and consistent reporting in WVEIS is essential for monitoring school climate and student behavior trends, ensuring compliance with state and federal regulations, and supporting effective practices.

When a student is identified as exhibiting violent, threatening, or intimidating behavior requiring the second exclusion in one semester, the behavior should be marked as code 99 in WVEIS. This specific tag will assist in the operationalization of SB199's discipline protocols — from initial removal through intervention planning and eventual return or alternative placement.



School has and utilizes a preventative discipline plan (ex: PBIS) with clear guidelines for classroom management expectations

Behavior occurs that disrupts learning/safety

Student excluded from classroom, placed under control of principal or designee

At the same time, counselor/individual with behavioral expertise develops plan for re-entry

Principal decides what disciplinary action is necessary and documents in WVEIS

Principal notifies teachers and parents (if applicable) what disciplinary action occurred; student readmitted to classroom

Behavior occurs for a second time in one semester that disrupts learning/safety

Conference is held to ensure all reasonable methods of discipline have been utilized, problem solve, and create a more thorough behavior plan, which is then implemented for two weeks.

If plan is effective at demonstrating behavioral progress, plan continues. If not, edits are made and a new two-week monitoring window occurs.

If behavior persists, the teacher may request the transition of the student to an alternative learning center, a behavioral health agency, or virtual school.

If feasible, legal, and appropriate, the principal shall decide to move the student. If not, functional behavior assessment is required and more formal, school-based supports are established.

Frequently Asked Questions

Q: What is a behavioral plan?

A: In its most basic form, a behavioral plan should have a clear (objective, measurable, and observable) description of the behavior to increase or decrease, proactive supports to reduce the likelihood of the unwanted behavior, and specific responses to both appropriate and inappropriate behavior. With additional information, this plan can be evolved to a Behavior Support Plan (BSP) or a Behavior Intervention Plan (BIP).

A Behavior Support Plan focuses on teaching and reinforcing positive behaviors. It does not require an evaluation and is based on teacher feedback, supports available within the school, and observational data.

A Behavior Intervention Plan is typically for students with Individualized Education Plans (IEPs) or 504s. It must be based on data from a Functional Behavior Assessment (FBA) and is highly detailed and individualized.

Q: How does West Virginia SB199 impact pre-k collaborative partners?

A: All children enrolled in West Virginia Universal Pre-K attend publicly funded classrooms, which may be located in public schools or collaborative partner sites such as Head Start or childcare centers. Regardless of the setting, these children are entitled to the same rights and access to services as other public-school students. This includes participation in the Student Assistance Team (SAT) process, support and oversight from the principal of their designated home school, and the provisions provided under state policies.

Q: How does West Virginia SB199 interact with the Individuals with Disabilities Education Act (IDEA)?

A: The Individuals with Disabilities Education Act (IDEA) provides legal processes for students that have a disability-based IEP and those in the Child Find evaluation process for a suspected disability in a special education exceptionality. This protection is described in WVBE Policy 2419, which serves as West Virginia's required implementation of IDEA. Chapter 7 of this policy thoroughly covers the required steps that must be followed when a student with a disability is disciplined by removal from the classroom.

Section (d) of SB199 additionally states "nothing herein may be construed to conflict with or be applied to conflict with the provisions of the Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act of 1973," meaning no components of the bill may usurp what has already been outlined by federal law.

Q: What determines if a behavior is violent, threatening, intimidating, disorderly, or obstructive?

A: SB199 defines the above behaviors as seriously and materially interfering with a teacher's ability

to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity. Violent, threatening, or intimidating behaviors are further defined as those actions causing or intending to cause physical harm to the teacher, principal, school service personnel, or the students in the classroom setting. When initiating the exclusion process, it is recommended that school administrators implement a referral form to verify that students' behavior meet the provided definitions.

Q: What are elements of an effective schoolwide discipline plan?

A: Clearly outlined and defined expectations, consistent routines and procedures, explicit teaching and reteaching of behavior skills, roles, and strategies for handling serious behavior incidents, ongoing professional development, and data-driven decision making aligned to the WVTSS.

For implementation support with schoolwide discipline, such as PBIS, contact the West Virginia Behavior/Mental Health Technical Assistance Center at (304) 696-2332.

Q: What does adequate progress look like when referring to a student's behavior?

A: Data pieces such as a reduction in office referrals and more frequent use of positive skills (asking for help, staying on task, etc.) can demonstrate that an intervention is working. It is important to set measurable behavioral goals and to understand that adequate progress is not necessarily perfect behavior, but steady, observable, and meaningful change.



Scenarios

Scenario: Best Practice for Supporting a Pre-K Student with Repeated Violent Behaviors

Jackson is a 4-year-old enrolled in a West Virginia Universal Pre-K classroom located in a collaborative childcare center. Since the beginning of the school year, Jackson has exhibited frequent aggressive behaviors, including hitting peers, throwing objects, and screaming when frustrated. These behaviors occur during transitions and unstructured activities such as center time and cleanup. The classroom teacher and Early Childhood Classroom Assistant Teacher (ECCAT) implement the MTSS process, including Early Childhood Positive Behavior Interventions and Supports (ECPBIS) with fidelity. This plan includes environmental supports (visual schedule, predictable routines, quiet transition cues), positive behavior supports (token reward system, “safe space” in the classroom), skill-building (daily practice of identifying feelings and calming techniques), and adult support (check-ins before high-risk times).

Step 1: Observation and Documentation

The classroom teacher and ECCAT begin documenting Jackson’s behaviors daily, noting frequency, duration, and context of incidents, triggers, and environmental factors (e.g., noise, transitions), and strategies attempted (e.g., redirection, sensory breaks) for a period of two weeks.

Step 2: Initiating the Student Assistance Team (SAT) Process

The teacher refers Jackson to the school’s SAT. The SAT includes pre-k teacher, parent/guardian, principal from the child’s home school, school counselor or psychologist, special education representative (as needed), and collaborating partner site administrator.

During the meeting: concerns are reviewed, family input is gathered (e.g., home routines, early experiences, trauma history), and the team agrees to develop a behavioral plan.

Step 3: Developing a Behavioral Plan

A plan is created with strategies tailored to Jackson’s needs. This plan includes environmental changes (personalized picture schedule that Jackson utilizes, pre-teaching of daily structure and reminders of what is coming, use of a visual timer before transitions), positive behavior supports (additional token reward system that occurs more frequently than the one used classwide and is specific to coping strategies and following routines), skill-building (use of individual feelings thermometer, practicing 1-2 calming strategies upon arrival), and adult support (individual check-ins before identified high-risk times and a staff member is assigned to model calm responses and coach Jackson through feelings identification and calming toolkit). All support is calm, brief, and non-punitive.

Step 4: Family Engagement and Consistency

The team ensures: daily communication with the family (e.g., notes, brief calls), strategies are modeled for parents and supported at home, and that the family is connected with early childhood mental health consultation services, with consent.

Step 5: Monitoring Progress and Adjusting the Plan

The SAT reconvenes every two weeks to: review behavior data, adjust strategies as needed, and celebrate progress (e.g., reduced incidents, successful participation in circle time). If behaviors persist or escalate, a referral for a comprehensive evaluation (e.g., for special education or mental health services) is considered.

Outcome: Within two months, Jackson's aggressive incidents decrease significantly. He begins using coping strategies like asking for help or taking breaks. The team continues monitoring and supporting him, reinforcing a sense of safety, consistency, and connection. West Virginia Universal Pre-K classrooms and their school-based teams can respond constructively and collaboratively to persistent challenging behavior using developmentally appropriate, trauma-sensitive, and policy-aligned approaches.

Scenario: Exhausting All Reasonable Methods of Classroom Discipline

As part of her building's PBIS plan, Mrs. Austen has specific routines and procedures for independent math time and uses clear and concise directives when giving instructions. Thomas is a 3rd-grade student in her class who often struggles to express his frustration appropriately, despite Mrs. Austen's support.

Mrs. Austen hands Thomas a math worksheet and a piece of scrap paper to write out his answers. Thomas crumples both papers into a ball and throws them across the room. Mrs. Austen calmly asks Thomas to retrieve his papers, and Thomas pushes his desk over and screams "This is f-ing stupid!" Mrs. Austen calls the office and asks that Thomas be removed from the classroom.

Exclusion #1: Disruptive/Disrespectful Conduct

Thomas is held in the principal's office and spoken to by the school counselor who helps him understand why his behavior occurred. Thomas states he has trouble controlling himself when he gets angry, and the counselor provides several alternatives for Thomas to use next time he feels this way (deep breathing, counting to 10, asking his teacher for a short break). The principal and counselor document this as *Behavioral Plan #1*.

Thomas is given in-school suspension (ISS) for the rest of the day and relegated to the principal's office. The principal notifies Thomas' mother via phone. *Notice of Action*

The principal informs Mrs. Austen via email that a behavioral plan has been created, Thomas has met with the counselor, been assigned ISS, and will be returning to class the following day. *Written Certification*

Mrs. Austen has a conversation with Thomas upon his return to class. They review both the strategies that he was taught by the counselor, and the school expectations for appropriate communication. Mrs. Austen additionally engages the entire class in an activity where the students practice verbalizing asking for a break if they are feeling overwhelmed. *Incorporation of Preventative Discipline*

Three weeks later, Thomas has another incident during which he calls another student an “idiot” and throws a book across the classroom. Mrs. Austen sends Thomas to the office. *Exclusion #2*

Thomas is given ISS for the rest of the day and relegated to the principal’s office. The principal notifies Thomas’ mother via phone. *Notice of Action*

As Mrs. Austen has exhausted reasonable methods of classroom discipline to assist Thomas, a conference is held where the principal, teacher, school social worker and/or school counselor meet to create a more substantial behavioral plan. Thomas is permitted to return to class after this conference is held, and the plan is established. The plan is then carried out for two weeks, after which its effectiveness is evaluated. *Behavioral Plan #2*

Scenario: When to Request a Functional Behavior Assessment

A student is having trouble in class. They tear up materials, refuse to do assignments, put their head down, say things like, “I am not going to do that,” and make animal noises when others are working.

Current Plan: The student already has a behavior support plan (BSP) to help them complete assignments and participate in learning activities and the recommended supports are being implemented with fidelity.

Recent Changes: Over the past three weeks, the student’s behavior has gotten worse. Now, they are leaving the classroom without permission, screaming at the teacher and other students, and throwing things.

Why an FBA is Needed: Since the current plan isn’t working and the student’s behavior is getting more severe, the team decides they need a more detailed plan. An FBA helps understand why the student is behaving this way and what can be done to help them improve.

Next Steps:

- 1. Conduct an FBA:** The team will observe the student, collect data, review existing information (plans/ data), and talk to teachers and parents to understand the reasons behind the behavior.
- 2. Develop a New Plan:** Based on the FBA, the team will create a new, more detailed behavior plan tailored to the student’s needs (Behavior Intervention Plan).

Scenario: Manifestation

An elementary student has an IEP based on a primary exceptionality of Intellectual Disability and is non-verbal being served within a self-contained classroom. The student's IEP includes a Behavior Intervention Plan (BIP). The student's IEP calls for one-to-one adult supervision in addition to the teacher. An aide is assigned to work with the student.

The student's BIP includes targeted behaviors including throwing objects, acting out, grabbing adults, and hitting. Present levels of performance and the Functional Behavior Assessment (FBA) indicate these behaviors typically occur when the student is not able to communicate or when ignored by adults. The BIP includes required intervention steps staff are to implement when the student is becoming agitated or when frustrated with attempts to communicate needs.

The student has already been assigned out-of-school suspension (OSS) for six days this school year based on several incidents of acting out and grabbing adults.

The principal receives a referral for the student with the code "Battery Against a School Employee" which is a Level 4 offense requiring a 10-day OSS and a recommendation of expulsion according to WVBE Policy 4373. The referral indicated the student grabbed the aide's arm and pulled on the aide scratching her forearm.

The principal determines an OSS consequence is appropriate. In accordance with state code and policy for this Level 4 offense, the student is assigned 10 days of OSS and recommended for expulsion to the superintendent. When suspending past the 10th cumulative day or recommending expulsion, IDEA and WVBE Policy 2419 Chapter 7 protections must be followed. These are outlined in the flow chart included in [Appendix B](#).

The principal completes the Discipline Action Review Form (DARF), provides same-day notifications, and documents services to be provided starting with the 11th cumulative day of suspension. This would require a Manifestation Determination Review (MDR), within a targeted IEP team within 10 school days. The MDR would be tasked with answering the two following questions:

- 1: Was the conduct in question caused by or had a direct and substantial relationship to the student's disability(ies)?**
- 2: Was the conduct in question a direct result of the LEA's failure to implement the student's IEP, including the BIP (if applicable)?**

If the answer to either question is yes, this is a manifestation of the student's disability(ies), the student must be immediately returned to their previous least restrictive (LRE) placement. In this incident the student was trying to get the aide's attention by pulling on her arm. The MDR team documented yes to the first question, because this incident involved behaviors documented within the IEP and BIP. The student is to be returned to the previous placement, and the LEA cannot move forward with an expulsion hearing. Once the MDR team determines a specific behavior is a manifestation for question one, the student should not be suspended for that behavior in the future.

The IEP team is to consider any changes necessary to ensure the behavior does not re-occur. The team must review and update the BIP, and consider any additional support, and/or services that are appropriate.

Scenario: Manifestation

Jordan, a 5th grader with a diagnosis of ADHD, has an IEP and BIP targeting defiant, argumentative, and impulsive behaviors. In class, Jordan is taunted by another student using vulgar insults about his family. Jordan immediately responds by punching the other student.

Jordan has already been suspended for nine days out of school this year for incidents of disruptive/defiant conduct.

The principal assigns a three-day out-of-school suspension (OSS), triggering the DARF process and leading to Jordan's 12th cumulative OSS day—requiring the school to begin providing educational services on day 11 and to convene a Manifestation Determination Review (MDR) within 10 school days per IDEA and WVBE Policy 2419.

During the MDR, the team must determine whether Jordan's impulsive response was "caused by or had a direct and substantial relationship to" his ADHD or resulted from the school's failure to implement his IEP/BIP; if so, his behavior is deemed a manifestation, he must return to school, and his BIP must be revised, possibly following an FBA. Concurrently, the other student's taunting is addressed as a bullying incident under school policy, with an investigation and appropriate disciplinary actions taken.

Glossary

Abusive or profane language – Directing profane language, obscene gestures, or indecent acts towards a school employee. This includes but is not limited to, verbal, written, electronic, and/or illustrative communications intended to offend and/or humiliate. [WVBE Policy 4373](#)

Behavioral plan – A behavioral plan can include any planned, written strategies focusing on increasing expected behavior in the school environment. Behavior contracting, check in/check out, a behavior support plan (BSP), or a behavior intervention plan (BIP).

- **Behavior Support Plan (BSP)** – An individualized support plan that focuses on function-based thinking in order to develop evidenced-based strategies to address interfering behavior. This plan will not require completion of a Functional Behavior Assessment (FBA); however, it should focus on function-based problem solving in order to more quickly and efficiently implement strategies at a tier 2 support level.
- **Behavior Intervention Plan (BIP)** – A written, purposeful, and individualized plan based upon a student's individualized needs, ideally assessed through a functional behavior assessment (FBA). The BIP describes the positive behavioral interventions, strategies and supports required to successfully implement, in specific settings, the student's IEP goals and objectives in the areas of social, emotional, and/or behavioral development to remediate or replace target behaviors. The BIP may include, but is not limited to:
 - » *Environmental modifications that may reduce the occurrence of the target behavior(s)*
 - » *Guidance, structured opportunities, and/or instruction in the use of new skills as a replacement for problem behaviors*
 - » *Consequences to promote positive change and diminish problem behavior;*
 - » *A crisis management plan, if appropriate*
 - » *Procedures for monitoring, evaluating, and reassessing the plan as necessary* [WVBE Policy 2419](#)

Note: A BIP can be utilized for a student with or without disabilities.

Behavior Support Strategies – Instructional, proactive behavioral support techniques that encourage positive behavior and address challenging behavior in the classroom. These support strategies can be included in the Multi-Tiered System of Support.

Creating an unsafe learning environment in the classroom or on the school bus – Willful behavior that is severely disruptive, imminently dangerous, illegal, and/or aggressive that is harmful to people and/or property. [WVBE Policy 4373](#)

Developmentally Appropriate Practices (DAP) to Support Behaviors in Early and Elementary School – Teaching strategies and environmental supports that are grounded in research on how young children grow, learn, and behave. These practices align with a child's age, individual needs, and cultural context, and are used to foster positive behavior, emotional regulation, and social skills.

Disorderly conduct /Willful disobedience – Exhibiting escalating behavior that violates classroom/ school rules, resulting in distraction and obstruction of the overall educational process. Conduct becomes defiant when the student refuses to comply with any redirection and will not obey the directives they have been provided, responding in an aggressive or insubordinate manner. [WVBE Policy 4373](#)

Employee with behavioral expertise – Those who have specific and formal training in behavior principles through degree, licensure, etc. This may include but is not limited to board certified behavior analyst (BCBA), board certified assistant behavior analyst (BCaBA), school psychologist, licensed social worker (LSW, LGSW, LICSW), teacher with specialization in behavior, or other behavior specialist/interventionist (this individual may be receiving current coursework, training and supervision in behavior principles).

Exclusion – Removing a student from their regular classroom, bus, or school as a consequence of behavior. This can refer to both in-school and out-of-school suspensions, expulsions, and temporary placement.

Functional Behavior Assessment (FBA) – A sequential, multi-step, team evaluation process that helps to determine the purpose and the effect of the problem behavior(s) so that interventions and modifications can be developed and implemented, specifically through a student's Behavior Intervention Plan. An FBA requires that both school personnel and the parents evaluate the behaviors of concern within the broader perspective of the student's home and school environments. [WVBE Policy 2419](#)

Note: An FBA can be utilized for a student with or without disabilities.

Impeding on other students' ability to learn in a safe environment – Willful behavior that is severely disruptive, imminently dangerous, illegal, and/or aggressive that results in the distraction and obstruction of the overall educational process. [WVBE Policy 4373](#)

Violent, threatening, or intimidating behavior – Actions causing or intending to cause physical harm to the teacher, principal, school service personnel, or the students in the classroom setting. [SB199](#)

Appendix A: Behavior Support Plan Template



BEHAVIOR SUPPORT PLAN (BSP)

Student:	WVEIS#	Start Date:
School:	Grade:	Teacher/Case Manager:

BACKGROUND INFORMATION/RATIONALE Provide a detailed account of the specific behaviors that are of concern, describe responses to tier 1 behavior supports (can include summary of data). Explain information about the situations or events that tend to trigger these behaviors.

STUDENT STRENGTHS Describe positive aspects about the student, get staff, student and parent input on student strengths.

TARGETED CHALLENGING BEHAVIOR(S) Include an operational definition of what the targeted behavior(s) looks like.

GOALS/EXPECTED OUTCOMES Include an operational definition of what the targeted behavior(s) looks like.

PROACTIVE STRATEGIES List and describe general proactive strategies that facilitate a safe and appropriate learning environment.

REINFORCEMENT STRATEGIES Describe reinforcement strategies that will be used here to increase desired behavior, in particular their goals and expected outcomes. (What will the student earn, and how will they engage in behavior outlined in their goals/expected outcomes).

REACTIVE STRATEGIES When the targeted challenging behavior occurs, what should staff do/how should they respond?

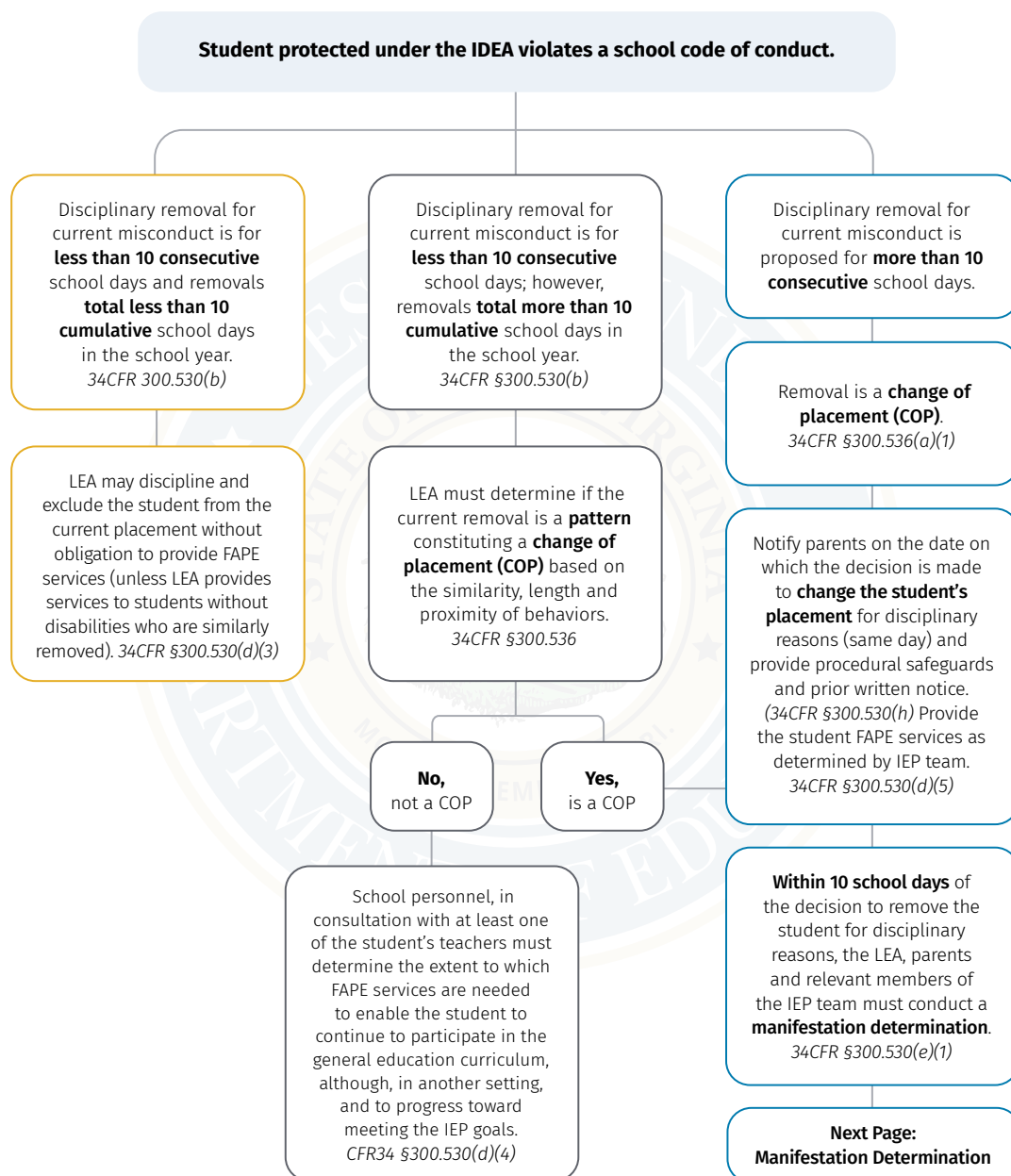
HOME/SCHOOL COLLABORATION STRATEGIES How will home/school communication occur, and what can the family do at home to assist with encouraging behavioral change?

MONITORING AND DATA COLLECTION Explain how data will be collected, who will monitor this data, and when the data will be reviewed next

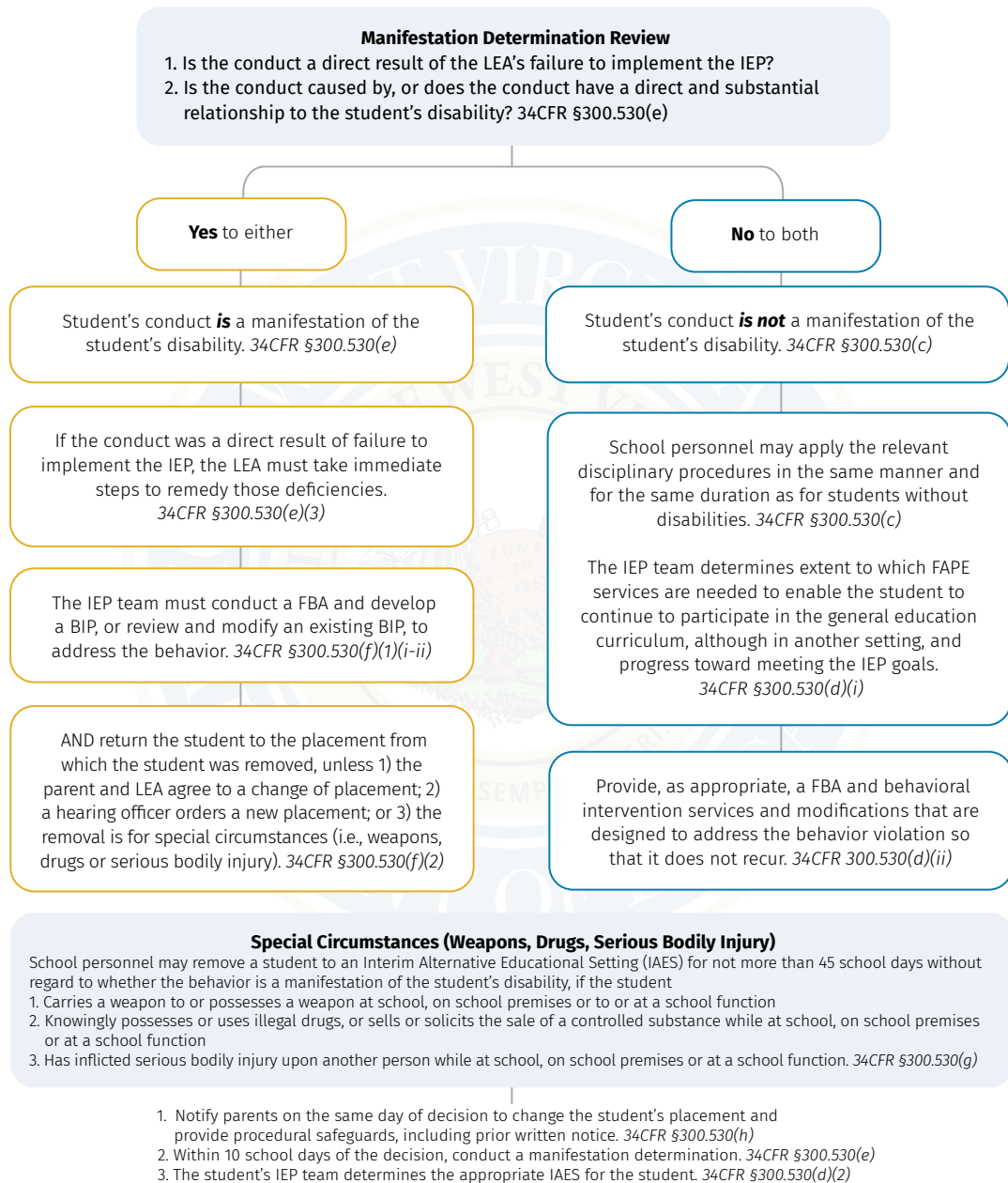
TEAM SIGNATURES		
<i>Signature</i>	<i>Printed Name</i>	<i>Role</i>

Appendix B: A Guide to the Discipline Process for Students with Disabilities

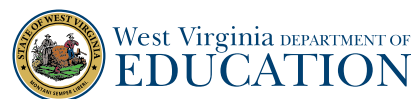
Step-by-Step Guide: Discipline Process for Students with Disabilities under the IDEA



Step-by-Step Guide: Discipline Process for Students with Disabilities under the IDEA



Appendix C: Example Behavior Support Plan



BEHAVIOR SUPPORT PLAN (BSP)

Student: <i>Joey Smith</i>	WVEIS# <i>123456789</i>	Start date: <i>5-24-25</i>
School: <i>Hill Elementary</i>	Grade: <i>2nd</i>	Teacher/Case Manager: <i>Emmett Brown</i>

BACKGROUND INFORMATION/RATIONALE Provide a detailed account of the specific behaviors that are of concern, describe responses to tier 1 behavior supports (can include summary of data). Explain information about the situations or events that tend to trigger these behaviors.

Joey is an 8-year-old male student in Mr. Brown's 2nd-grade classroom. Approximately three weeks ago, Joey began displaying minor behaviors such as putting his head down, often making statements such as "I am not going to do that," "you can't make me," and engaging in behaviors resulting in making the students in the classroom laugh, such as making funny faces, animal noises and scribbling on math worksheets.

Joey showed an increase in frequency and intensity of disruptive behavior over the past two weeks. He began ripping up materials, breaking pencils, getting out of his seat and taking materials from other students during lessons and throwing items in the classroom, but not directly at students. Once, he accidentally hit a student with his pencil when he threw it across the room. Joey often engages in this type of behavior when it is time for math (which is the first thing in the morning).

Summary of Data: Joey currently has an average of 20% on Class Dojo for points earned for behavior, and he needs at least 80% to earn the end of the month's reward. He was able to obtain the reward last month, but this month he has shown a decrease in points. Joey also has shown a decrease in his math grade from a B to a C but continues to get A's in his other subjects.

STUDENT STRENGTHS Describe positive aspects about the student, get staff, student and parent input on student strengths.

Joey is social and likes to make friends. He is good at reading and enjoys helping other students when they are struggling in this area. Joey likes to help in the office. He also is good at music and is learning to play the guitar. Joey is great at transitioning throughout the building quietly and will follow hallway rules.

TARGETED CHALLENGING BEHAVIOR(S) Include an operational definition of what the targeted behavior(s) looks like.

Disruptive behavior – defined as tearing up materials (such as papers, pencils, crayons, notebooks), getting out of a seat without permission, taking other student's materials from them, throwing materials and items across the room and making animal noises.

Note: Sometimes, Joey will begin by sighing loudly and putting his head down before he engages in disruptive behavior.

GOALS/EXPECTED OUTCOMES Include an operational definition of what the targeted behavior(s) looks like.

1. *Joey will raise his hand when he needs help with a concept or problem and will wait quietly until the teacher comes to assist him.*
2. *Joey will stay in his seat and engage in work activities during Math to increase learning.*
3. *Joey will ask for a break when needed.*

Note: Joey will need to be taught the above skills, asking for help, engaging in tasks, and asking for a break.

PROACTIVE STRATEGIES List and describe general proactive strategies that facilitate a safe and appropriate learning environment.

- *Provide Joey with the opportunity to have more time on math assignments.*
- *Continue to provide Class Dojo points for expected behaviors. Provide these points more often for Joey when he is engaging in the behaviors outlined in the schoolwide plan.*
- *Teacher should check in with Joey while he is working on assignments more often to see how he is doing.*
- *Easy, Easy, Hard Strategy: Make sure the easier tasks are related in a way to the hard task, such as presenting an easier math problem or task that you know Joey can do and is successful with completing.*
 - » *Start with the simple task that Joey can easily complete.*
 - » *Continue by giving another easy task to complete.*
 - » *Present the more difficult task to Joey immediately following success with the easier tasks.*
 - » *After he completes the difficult task, provide praise and feedback (support effort).*

REINFORCEMENT STRATEGIES Describe reinforcement strategies that will be used here to increase desired behavior, in particular their goals and expected outcomes (what will the student earn, and how will they engage in behavior outlined in their goals/expected outcomes).

- *Use this in addition to the school's Class Dojo program. (Tier 1)*
- *Since Joey has the most difficulty with behavior during Math, provide extra points for him when he engages in the activity as well as when he asks for help with a task and when he asks for a break.*
- *Joey will also earn a reward at the end of the day if he earns at least 50% of his points for that day. Joey will get to choose his reward during free time from a choice menu for that day which will be completed by Joey. The teacher will include what options are available (based on Joey's preference) and Joey may choose what that will be.*
 - » *Examples include – 10 minutes of game time on tablet, 10 minutes of time to help Mrs. Pauley in the office, and choice of a prize from the classroom prize box.*
- *A behavior contract between Joey and the teacher can be created outlining this information. Make sure Joey has a part in the development of the contract.*

REACTIVE STRATEGIES When the targeted challenging behavior occurs, what should staff do/how should they respond?

- When Joey engages in disruptive behavior:
 - » Sometimes Joey will begin by sighing loudly and putting his head down- if this can be 'caught' it is best to intervene and remind Joey that he can ask for a break or help if needed. Ask him which one he needs first and prompt him to do it.
 - » If we cannot 'catch' the less intense behavior, let Joey know privately what he needs to do instead of the behavior, and remind him what he is 'working for,' ask him if he is still interested in what he chose or if he would like to choose something different. Accept the request if he chooses something different.
 - » Provide immediate praise feedback and Dojo point when Joey engages in the task expected instead of engaging in disruptive behavior.
- If the behavior is not able to be redirected, the administrator will be contacted.

HOME/SCHOOL COLLABORATION STRATEGIES How will home/school communication occur, and what can the family do at home to assist with encouraging behavioral change?

- Joey's mother has access to Class Dojo and can see the points he is awarded each day.
- There will be a pre-made communication page where the teacher can write what percentage Joey earned for that day.
- If Joey earns 70% for that day, Joey's mother has agreed to provide praise, feedback, and extra tablet time after dinner. Joey's mother will not reward him with this extra time if he does not achieve 70% for the day.
- If Joey does not earn his reward, he should be reminded that he can try again the next day.

MONITORING AND DATA COLLECTION Explain how data will be collected, who will monitor this data, and when the data will be reviewed next

- The classroom teacher will monitor the data via Class Dojo.
- This data will be reviewed in two weeks to determine Joey's progress towards his goals.
- As Joey improves, it will also be important to increase the percentage he earns to get to the 80% goal outlined in the school plan.

TEAM SIGNATURES		
Signature	Printed Name	Role

Appendix D: WVTSS Academic and Behavior Look fors

Many challenging behaviors can be prevented by quality instruction that is engaging, well-structured, and responsive to student needs. The following practices encourage active participation, frustration reduction, and the creation of a positive, predictable learning environment.

By conducting regular classroom visits, administrators gain pertinent insights into disciplinary and classroom management routines. Effective follow-up should focus on support, and may consist of a reflective debrief, an opportunity for the teacher to share their perspective, collaborative goal setting, and review of specific data/evidence. Meaningful coaching from administration will translate into measurable teacher growth and better outcomes for students.

Look For: Strong Instruction

- ✓ The teacher uses research-based instructional strategies.
- ✓ The teacher differentiates learning based on individual student needs.
- ✓ The teacher empowers students to have a growth mindset and fosters curiosity and risk-taking in the classroom.
- ✓ The teacher leverages tools (e.g., manipulatives, technology, etc.) to support the learning of grade-level standards.
- ✓ The teacher's language and actions demonstrate belief in all students' capability of mastering grade-level standards.

Look For: Relationships

- ✓ The teacher engages in open, kind, and respectful dialogue.
- ✓ The teacher comments frequently on children's appropriate behavior.
- ✓ The teacher expresses genuine enthusiasm while providing positive feedback and encouragement.
- ✓ The teacher maintains a high frequency of supportive interactions with students.

Look For: Environment

- ✓ The teacher highlights and showcases students' recent accomplishments.
- ✓ The classroom is arranged to facilitate supervision and purposeful proximity.
- ✓ Developmentally appropriate visual aids are strategically placed to guide and support students in making appropriate behavior choices.

Look For: Expectations

- ✓ The teacher has clearly established routines to deal with common classroom activities.
- ✓ The teacher uses transition strategies to ensure that all students are actively engaged.
- ✓ Rules are expressed constructively and reinforced in a consistent manner.
- ✓ The teacher prevents problematic behavior by proactively prompting or reminding the student to show appropriate actions.

Look For: Engagement

- ✓ The teacher modifies activity or materials when students lose interest.
- ✓ The teacher delivers a well-structured lesson, effectively minimizing any 'dead time' that might lead to student misbehavior.
- ✓ The teacher actively creates opportunities for students to respond, incorporating formative assessments to guide learning.



Michele L. Blatt
West Virginia Superintendent of Schools

wvde.us