# Purpose

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The WIEP is the process by which a school, identified as Persistently Dangerous (PD) or Potentially Persistently Dangerous (PPD) may request weighted SSEC incidents, attributable to a student’s classified disability, be removed from their School Violence Index (SVI) calculation. The WIEP is used by schools designated as **PPD and PD schools only.**

**When is the WIEP used?**

Each year, district leaders are notified by the New York State Education Department (NYSED) that a school within the district has been identified as PPD or PD. District leaders are given an opportunity to present evidence that conditions in the identified school do not threaten the safety of students.

The WIEP process allows for evidence that:

a) incidents that led to the PPD or PD designation are attributable to the student’s disability; and

b) appropriate actions have been taken following the reported incident(s).

**What kinds of supporting evidence are required and when is the evidence due?**

When a student classified with a disability caused any of the weighted SSEC incidents that resulted in a PPD or PD designation, NYSED will consider evidence presented **by the deadline** indicated in the PPD/PD notification to the district.

The WIEP process requires that the school submit ***4 required types*** of documents supporting the request for the exemption of each incident \*

1. **Weighted Incident Reports -** A copy of each incident report, reported in a weighted category, that is to be considered for exemption
2. **Form 1** **-** The *Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP)* *Checklist*for each student involved in a reported incident
3. **Form 2 -** *Administrator’s Notes*
4. **IEP, FBA and BIP and Progress Monitoring -** Provide the*Individualized Education Plan (IEP*)*FBA, BIP* developed by a behavioral intervention team including all related progress monitoring documentation and data*[[1]](#footnote-1)*

\*Other evidence may be submitted, as appropriate, to support incomplete sections of the WIEP forms, such as documentation indicating that a student has transferred from the school, etc.

**Detailed Instructions on what to include in the documentation**

**Weighted Incident Reports**

* Provide a copy of the detailed report created for each incident for which exemption is being sought.

**Form 1:** **Individualized Education Plan (IEP),** **Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP) Checklist**

* Indicate whether the attached FBA and BIP (for each student) were already in place OR developed specifically in response to the incident submitted for exemption.

**Form 2: Administrator Notes**

* It’s **very important** for the School Administrator to indicate in the box any special circumstances pertinent to the request for exemption, such as: the student having been transferred to a different setting, the FBA and/or BIP being amended to include additional behaviors and/or intervention plans, or some other intervention implemented to address the behaviors that led to the incident.
* If there are compelling reasons that prevent the timely implementation of the student’s evaluation or BIP, the school administrator should submit pertinent observations/comments in the box provided.

**IEP, FBA and BIP and Progress Monitoring**

Provide copies of the student(s) IEP, FBA, and BIP\* and progress monitoring documentation and/or data

* **IEP –** must include the most recent version and any prior relevant versions that show changes pertinent to the behavior that led to the incident
* **FBA & BIP –** submit all FBA and BIPs that were in place at the time of the incident or created in response to the incident, including any modified BIP’s that may have originally addressed the behavior that led to the incident. The BIP identifies a schedule to measure the effectiveness of the interventions, including the frequency, duration and intensity.
* **Progress Monitoring –** include progress monitoring notes for the BIP, or other interventions laid out in Form 2, showing that positive change to the behaviors that led to the incident have or have not occurred based on the interventions. *If no progress was made, a description and next steps for strategies to address this must be included or attached.*

\*Do not submit assessment tool forms such as, Functional Assessment Interview Tool; Parent/Guardian Form/ Staff Form; or Motivation Assessment Scale, etc.

**Form 1**

**Individualized Behavior Plan (IEP), Functional Behavioral Assessment (FBA)** and

**Behavioral Intervention Plan (BIP) Checklist**

|  |  |
| --- | --- |
| **Student Name** |  |
| **School Name / BEDS Code** |  |
| **Name/Title of Person Completing Form** |  |
| **Date Submitted** |  |
| **Identify disability behaviors that contributed to the weighted incident** |  |

|  |  |
| --- | --- |
| **IEP** | |
| Does the attached IEP identify a disability and behaviors attributable to this incident? | Yes  No |
| **IEP Date** (mm/dd/yyyy)**:** | / / |
| **FBA** | |
| Was the attached FBA done as a result of this incident? | Yes  No |
| Was the attached FBA done prior to this incident? | Yes  No |
| Does the attached FBA include the identification of the problem behavior(s) associated with the incident seeking WIEP removal? | Yes  No |
| **FBA Date** (mm/dd/yyyy)**:** | / / |
| Does the FBA provide a baseline of the student’s behavior(s) including frequency, duration, and intensity? | Yes  No |
| **BIP** | |
| Was the attached BIP created as a result of this incident? | Yes  No |
| Was the attached BIP in place prior to the incident? | Yes  No |
| Was the attached BIP a modification to a prior BIP? | Yes  No |
| **BIP Date** (mm/dd/yyyy)**:** | / / |
| **BIP Modification Date** (mm/dd/yyyy)**:** | **/ /** |

**FORM 2**

**Administrator’s Notes**

Enter School Administrator’s observations and comments supporting this exemption (if any). Please include details of actions taken to address the behavior that were in addition to or outside of an IEP, FBA or BIP; such as referral for additional evaluations, transfer to an alternative setting or counseling outside a BIP or IEP.

**Checklist for Submission:**

Before submitting the WIEP documents to NYSED please ensure that all the required forms and supplemental documents are completed as instructed. Exemptions will not be granted if paperwork is incomplete or incorrect.

The ***four*** documents **required** for an exemption request to be considered include the following:

|  |  |
| --- | --- |
|  | **Weighted Incident Reports -** A copy of each incident report, reported in a weighted category, that is be considered for exemption |
|  | **Form 1** **-** *Individualized Education Plan (IEP), Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP) Checklist*for each student involved in a reported incident |
|  | **Form 2 -** *Administrator’s Notes* |
|  | **IEP, FBA and BIP and Progress Monitoring documentation** |

Please mail all documents by the ***date*** ***prescribed*** in the letter of notification from NYSED.

Questions regarding the submission of required documents for consideration of exemption approval may be directed to:

New York State Education Department

Office of Student Support Services 318M EB

89 Washington Ave. Albany, NY 12234

(518) 486-6090

[SSEC@nysed.gov](mailto:SSEC@nysed.gov)

1. This refers to a team of school professionals responsible for reviewing individual student data and progress on a regular basis to develop appropriate supports and interventions. [↑](#footnote-ref-1)