

BURKE COUNTY

MEMORANDUM OF UNDERSTANDING

PREAMBLE

WHEREAS, we recognize that all Burke County law enforcement agencies, The Burke County Board of Education, the Office of the District Attorney, Juvenile Justice and the 25th Judicial District share responsibility for school safety and must work together with complementary policies and procedures to ensure a safe learning environment for Burke County students. Collaboration between these major institutions and the professionals who represent them is essential; and

WHEREAS, the parties acknowledge and agree that this Agreement is a cooperative effort to establish guidelines for the handling of school-related minor criminal acts which are defined herein as the Focused Acts; and

WHEREAS, students should be held accountable for their actions through a graduated response to Focused Acts that provides a continuum of services and increasingly more severe sanctions for continued Focused Act violations; and

WHEREAS, the parties further acknowledge and agree that the guidelines contained herein are intended to establish consistency in the handling of students who have committed a Focused Act as defined herein with simultaneously ensuring that each case is addressed on a case by case basis to promote a response proportional to the various and differing factors affecting each student's case; and

WHEREAS, Students under 18 years of age or older, actively enrolled in a Burke County school, who commit a Focus Act should be diverted under special circumstances after the review of the appropriate officer; and

The parties agree to the following principles underpinning this MOU:

I. The parties agree to the following principles upon which this agreement is founded.

- A. The vast majority of student misconduct can be best addressed through classroom, in-school, family and community strategies and maintaining a positive climate within schools rather than by involvement of the justice community.
- B. The response to school disruptions should be reasonable, consistent and fair with appropriate consideration of relevant factors such as the age of the student, the nature and severity of the incident and the impact of the conduct on the learning environment.
- C. Students should be held accountable for their actions. When appropriate, a graduated response to minor misconduct that provides a continuum of services and increasingly more severe sanctions for continued misbehavior should be used.
- D. Disruptive students, who do not commit more serious offenses, should receive appropriate redirection and support from in-school and community resources prior to the consideration of the involvement of law enforcement, or referral to court. This does not excuse compliance with mandatory reporting laws and policies.
- E. Clarifying the responsibilities of school and law enforcement personnel with regard to non-emergency disruptive behavior at school and school-related events promotes the best interests of the student, the school system, law enforcement and the community at large.
- F. Implementation of this plan will require regular meetings, multi-disciplinary trainings, annual evaluation of the plan, and an ongoing commitment to fostering the relationships that are the foundation of this agreement. The parties acknowledge that this agreement shall not inhibit, discourage or prevent individual victims of student misconduct from initiating criminal or juvenile charges against students, when they believe it is appropriate to do so, nor shall it affect the prosecution of such charges.
- G. This agreement is primarily focused on criminal or juvenile charges against students and shall not prevent or inhibit the disciplinary reassignment, suspension or expulsion of students, when appropriate, by Principals, the Superintendent of the Burke County Schools or the Burke County Board of Education, when they deem it to be appropriate and in accordance with State law and the Policies of the Burke County Board of Education. It shall not be necessary to implement a graduated response before students may receive a disciplinary reassignment, suspension or expulsion, when appropriate, at the discretion of school officials.

- H. The parties agree that SROs are employees of the County of Burke and are not agents of the Burke County Board of Education. Nothing in this agreement shall be construed to make the Burke County Board of Education, its Board Members, employees or agents liable for the acts or omissions of any SRO or other law enforcement officer.
- I. To the extent that this agreement conflicts with any applicable law or regulation, the applicable law or regulation shall control.
- J. Violations of this agreement shall not give rise to or be construed as creating a cause of action by any person against any party to this agreement or their employees or agents, nor shall such violations be considered negligence per se.
- K. Nothing in this agreement shall be construed as increasing the common law standard of care owed by the parties, or any of them, to any person. This agreement shall not be construed as to confer any additional benefit or right on students above what is owed to them by the Burke County Board of Education under the Individuals with Disabilities Education Act (as amended), Section 504 of the Rehabilitation Act or other law or regulation.
- L. No person is a third party beneficiary of this agreement.
- M. All parties to this agreement shall comply with the requirements of the Jessica Lunsford Act, as enacted in North Carolina.

II. Terms of the Agreement

A. Summary of Key Points

The parties agree to:

1. Convene a Progress Monitoring Team for the purpose of monitoring and oversight of the Inter-Agency Governance Agreement on the Handling of School Offenses when it is implemented.
2. Share this agreement with a copy to all school and law enforcement personnel;
3. Provide necessary and regular staff training on implementation of the agreement;
4. Thoroughly investigate student misbehavior and, when appropriate, put into practice a graduated response prior to referral to court;
5. Clarify the role of the School Resource Officer (SRO) and law enforcement in schools;
6. Monitor implementation of the agreement;
7. Collect data and assess the effectiveness of the agreement;
8. Modify the agreement as appropriate and review at least annually;
9. Assemble a threat assessment team in the event warning signs of serious behavior appear

B. Key Factors in Making Disciplinary Decisions

The parties agree that when determining consequences for students' disruptive behavior all relevant factors, including but not limited to the following factors shall be considered, if information on the factors is available.

1. Age, health, risks, needs and disability or special education status of the student.
2. Intent, context, prior conduct and record of behavior of the student.
3. Previous interventions with the student.
4. Student's willingness to repair the harm.
5. Parents' willingness to address any identified issues.
6. Seriousness of the incident and degree of harm caused.
7. The effect on the educational environment by the student's continued presence in school.

The parties agree that when determining consequences for students' disruptive behavior that race/ethnicity, gender, gender identity, sexual orientation, religion and national origin of the student and family will NOT be considered.

C. Graduated Response Model to Minor Infractions

Classroom Intervention - The classroom teacher has always played a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in implementing the school discipline code and shaping school climate in the classroom. As such, this model begins with a range of classroom management techniques that should be implemented for minor classroom infractions prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations and violations of minor classroom rules. School Resource Officers (SROs) should not be involved at this level. Classroom intervention options might include redirection, re-teaching, school climate initiatives, moving seats and the teacher should initiate parental contact.

School Administration Intervention - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threats, and minor behaviors in hallways, bathrooms, courtyards and school buses. Administration intervention options might include, but is not necessarily limited to, time in the office, in-school suspension, redirection, after school detention, loss of privilege, reparation, and/or parent conference. Referral to appropriate school or district social services may be justified. SRO should be notified for possible counseling/verbal warning as needed.

School Based Team - When the behavior and needs of the student warrant, an assessment process and intervention with the use of school and community services may be appropriate. This intervention is managed by the school administrator with a school based team. The team should consist of individuals knowledgeable about the student including one or more teachers, administrators, support personnel, and when appropriate, family, the student and community members. Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any Classroom or School Administration interventions and might include referral to community service or community based program, in-school suspension, out-of-school suspension, expulsion or referral to court. Truant behavior should not lead to an out-of-school option. School Resource Officers can be involved in their role on the school based team.

Law Enforcement Intervention - When classroom, school, family and community options have been found ineffective or repetitive misconduct is determined by the administration or in some cases the SRO, the school should involve the SRO. Involvement of law enforcement does not necessarily mean arrest and referral to court. This intervention is managed by law enforcement. Behaviors at this level must be violations of criminal law. Law enforcement options may include verbal warning; conference with the student, parents, teachers and/or others; community agencies; community service, criminal charges, juvenile charges and referral to court.

School Based Graduated Response Model to Minor Infractions

Each school should adhere to the established school based graduated response model provided in this document. The goal is to make sure all appropriate interventions, including positive interventions, have been pursued for every student before any involvement of law enforcement will be considered for minor student conduct violations. This chart is to help professionals at each level of intervention understand the type of options available to them. It is understood that when there is serious misconduct, including but not limited to conduct involving weapons, violence, sexual misconduct or drugs involved, there may be immediate law enforcement responses that are appropriate. Each school shall follow the school based response model. Schools that utilize programs such as Positive Behavioral Interventions and Supports (PBIS) may already have a graduated response model in place. This graduated response model is a refined multi-tiered system of supports (MTSS).

At each level of intervention it should be assessed whether the Focused Acts (as defined below) are due to academic, mental health, or social issues. Note that many student behaviors could be a result of overlapping issues. For example, a student who is behind academically for not completing homework may be frustrated and acting out in class. But there also may be issues at home where the student is responsible for caring for younger siblings that could be addressed to help allow for homework time. A graduated response model encourages professionals to find student support solutions when possible. Repeated punishments may not be effective if there are significant underlying causes to student misbehavior and the student's presence in school is not interfering with the learning environment. When discipline is warranted there should be efforts to make it logical and natural. For example, if a student defaces property they could be required to make repairs and reparations. If a student skips class, suspension is not logical since the student will miss even more class time. Instead, lunch detention to make up missing work, for example, may make more sense.

Graduated Response Model for by Burke County Public Schools

	Types of Behavior	Intervention Options
Teacher/ Classroom or School Interventions	<ul style="list-style-type: none"> ● All MINOR incidents ● Insubordination ● Refusal to do work ● Tardiness ● Classroom Disruptions ● Disrespect ● Inappropriate Language/Profanity ● Sleeping in Class 	<p>TIER I AND TIER II INTERVENTIONS</p> <ul style="list-style-type: none"> ● Redirection ● Reteaching Expectations (classroom management planning, problem-solving, skill practice) ● Supplemental Activities through Second Step or other social/emotional learning activities ● <u>PBIS World Tier I and Tier II Interventions</u> ● Mediation ● Differentiation ● Journaling, Reflection Sheet, Problem-Solving Activity ● Parent communication ● Referral to appropriate support staff: school counselor, social worker, behavior coach, school administrator ● Behavior Contract
Administrator/ School or District Interventions	<ul style="list-style-type: none"> ● Aggressive Behaviors ● Harassment/Bullying ● Repeated Disorderly Conduct ● Fighting ● Threats ● Theft ● Repeated Absenteeism ● Repeated Minor Incidents that have not responded to lesser interventions 	<p>TIER II AND TIER III INTERVENTIONS</p> <ul style="list-style-type: none"> ● Behavior Contract ● Attendance Contract ● Mediation ● Coping Skills/Anger Management Training/Problem-Solving Session with student ● Individualized Behavior Plan ● Attendance Contract ● In-School Suspension (assigned intervention to accompany any ISS assignment) ● Out-of-School Suspension as a last resort (assigned intervention to accompany any OSS assignment) ● Restitution ● Parent/Student/School Team Meeting (MTSS, 504, IEP) ● Verbal warning/counseling with the SRO <p>● Targeted Interventions such as counseling, Referral to School-based Mental Health, small group social skills sessions, Check-In/Check-Out, Reteaching and supplemental Second Step</p>

		<p>Activities</p> <ul style="list-style-type: none"> ● Burke Alternative To Suspension (BATS)
<p>District-Based Team/District or Community Interventions</p>	<ul style="list-style-type: none"> ● Repeated BCPS School Code of Conduct Violations that have not responded to lesser interventions <p>*****</p> <ul style="list-style-type: none"> ● Truancy greater than 10% of total school days that has not responded to prior intervention 	<p>TIER III INTERVENTIONS</p> <ul style="list-style-type: none"> ● Functional Behavior Assessment (FBA) with Behavior Intervention Plan (BIP) ● MTSS Tier III plan ● Out-of-School Suspensions as a last resort (with assigned intervention) ● Parent/Student/School Team Meeting (MTSS, 504, IEP) ***** ● Referral to Attendance Counselor with accompanying team and parent meeting. Attendance Contract established
<p>Law Enforcement/ Court Interventions</p>	<ul style="list-style-type: none"> ● Weapons ● Drugs/Alcohol ● All Reportable Offenses (RO and PD) ● Communicating Threats against school, school personnel ● All felonies ● Class A1 Misdemeanors ● Excessive Truancy that does not respond to district level intervention 	<p>TIER III INTERVENTIONS</p> <ul style="list-style-type: none"> ● Teen Court / Diversionary Program ● Referral to Community Agency ● Community Service ● Referral to Court System

If there are any conflicts between the Graduated Response Model and the BCPS Student Code of Conduct, the BCPS Student Code of Conduct will control.

D. Focused Acts

There are many acts that may subject students to discipline. Non criminal conduct may subject a student to discipline and, in appropriate cases, trigger the implementation of the graduated response model.

The following is a list of minor criminal offenses that may occur in schools that would trigger implementation of the graduated response model. Each situation must still be evaluated as set out herein to address safety concerns, the learning environment for other students and whether the conduct suggests that more serious problems exist.

1. Affray (not involving serious physical injury or weapons and no heightened level of concern)
2. Simple Assault (not involving school personnel and no heightened level of concern)
3. Disorderly Conduct
4. Misdemeanor Larceny
5. Simple Possession of Marijuana (personal use)

6. Possession or smoking cigarettes or nicotine containing products including e-cigs, under age
7. Damage to property (real property or personal property, damage less than \$1,000, no heightened level of concern)
8. Communicating threats (not involving school personnel and no heightened level of concern)

E. Law Enforcement (not SRO's) Activity at Schools

The parties agree that non-SRO law enforcement officers need to follow certain protocols when on school grounds in non-emergency circumstances as follows.

1. Law enforcement will endeavor to act through school administrators whenever they plan any activity on school grounds, when appropriate.
2. Law enforcement officers entering school grounds will be aware of the potential disruption of the educational process that law enforcement presence may cause.
3. When taking a student into custody:
 - a. Law enforcement officers should make reasonable efforts to avoid making arrests or taking students into custody on the school premises, when appropriate.
 - b. Whenever possible and appropriate, students should be taken into custody out of sight and sound of other students.
 - c. The safety of persons is the paramount concern and law enforcement officers shall not be limited by this agreement if in their professional judgment, students should be taken into custody on school premises or in the sight or sound of other students.

F. Role of the School Resource Officer (SRO)

The mission of the SRO is to improve school safety and the educational climate at the school, not to enforce minor incidents of school discipline or punish students. The SRO's presence on school campus is desirable to reduce the likelihood of weapons, drugs, and persons with the intent to commit harm from entering upon the campus or to attempt to disable persons with intent to harm and confiscate weapons and drugs that enter campus premises. The SRO is the public safety specialist at the school who should take a proactive approach, and react professionally when criminal situations arise. The SRO is charged with proactively addressing the crimes that occur on campus, both through education, special projects or programs and by building rapport with those they are entrusted to protect. While charges are always a possibility, the SRO should always look for ways to defer students if it is at all possible. Every school is different so each SRO must tailor their projects to solve both the problem at hand and benefit the entire school community. By using different approaches, the SRO becomes the liaison between the school, its community and all law enforcement agencies.

G. Prerequisites to Filing a Juvenile Petition/Citation/Arrests

The parties agree that Focused Acts are considered school discipline issues to be handled by school officials and are not deemed criminal law issues warranting the filing of a juvenile petition or criminal

citation unless the student has committed at least two (2) separate prior Focused Acts within the same school calendar year.

1. Verbal Warning

The Verbal Warning is a discretionary tool that is not required unless the SRO deems it just and appropriate. The SRO's discretion shall take into consideration certain factors that include but are not limited to the student's overall discipline record, nature of the offense, display of remorse, attitude toward others, and the disciplinary action taken by the school administrator. The decision to issue a Verbal Warning shall be made on a case by case basis using SRO discretion as described above. School administrators are prohibited from directing the SRO to any type of Warning Notice, cite or arrest a student, or file a juvenile complaint.

2. Intervention

A commission of up to 2 Focused Acts in the same school year will result in a referral to a graduated program made available by the school, juvenile court, or community. SROs are not required to make a referral and may admonish, counsel or defer to the disciplinary action taken by the administrator.

A referral is made using the Warning Notice and forwarded to the School Based Team. If it is serious enough to warrant juvenile justice intervention or warrants criminal charges, the SRO follows appropriate procedures.

The commission of a third Focused Act in the same school year may result in the filing of a juvenile petition, or charge as an adult (16 and older) but is not mandated by this agreement. The SRO has discretion to take other action that includes deferment to the administrator's disciplinary action, admonishment and counsel, or a referral to a graduated response program.

3. Exigent Circumstances

The parties from their experience acknowledge that there may be situations that warrant removal of a student from the campus to maintain safety of other students and school staff or to prevent or stop disruptions to the learning environment.

The SRO and administrator shall always utilize least restrictive measures appropriate to the circumstances to remove a student from campus beginning with parental contact to retrieve their child.

Arrest and detention of a juvenile (student under 18 years of age) shall only take place in accordance with existing North Carolina Law.

4. Probation Exception

Under existing law a juvenile petition cannot be filed on a student who is serving probation under the supervision of the juvenile court without obtaining approval from the Division of Juvenile Justice and

Delinquency Prevention. If an SRO has knowledge that a student 16 years of age or older is on adult probation, the SRO will make every effort to contact probation before charging on offenses within this Inter-agency Agreement.

5. Special Education Prerequisites

A juvenile complaint or adult citation or warrant shall not be filed alleging a Focused Act against a student with an IEP without first considering the student's IEP and determining what actions are required under the IEP to remedy the behavior or if the IEP should be modified to assess the behavior giving rise to the conduct. If the SRO believes that a juvenile petition or adult citation or warrant is appropriate and the student has an IEP, the SRO shall act immediately to bring the matter to the attention of the administrator to take appropriate steps in accordance with the IDEA and for the protection of the student's rights, and the rights of others, under the law.

6. Bullying

Written policies already exist in the Burke County Schools for response to bullying, consistent with the Safe Schools Act.

7. Felony Offenses

The parties acknowledge that some felony offenses may not warrant a juvenile complaint due to the nature of the offense (e.g. no physical injury) coupled with the discretionary factors described above and the needs of the student, especially involving students diagnosed with Learning Disabilities (LD) and Emotional Behavioral Disorder (EBD). The parties agree that SROs are not mandated to refer a student to juvenile court on a petition or charge as an adult because the allegations are felonious. The SRO shall have the discretion to make the determination in consultation with the administrator.

The parties have acknowledged that it is in the best interests of the student to divert from criminal justice system when warranted to avoid the stigmatization of criminality. The parties further acknowledge that it is a best practice for SROS to refrain from unnecessary filings that would otherwise minimize SRO visibility and presence on the school campus and diminish the effectiveness of the Positive Student Engagement Model supported by the parties.

The parties agree that in cases involving felony allegations that may warrant alternatives to filing a juvenile petition, the SRO may consult with the juvenile court intake supervisor for recommendations and/or direction.

8. Arrest and Detention

No student accused of a Focused Act shall be placed in a secure facility unless approved by a juvenile court intake officer and District Court Judge. If a student meets the criteria for filing of a juvenile petition, it is presumed that the student will be released to his parent, guardian, custodian, or relatives to be returned to his legal caretaker.

In accordance with the law, a judge or designee shall not detain a child unless the statutory factors for

secure custody have been evaluated. The juvenile court employs a Detention Assessment Tool to determine the risk of reoffending on acts resulting in serious bodily injury, theft and property destruction.

In the case of criminal charges (age 16 and above), citations should be used unless safety and risk factors necessitate arrest and an initial appearance before the magistrate.

9. Treatment of Elementary Age Students

Generally, juveniles of elementary age do not possess the requisite knowledge of the nature of court proceedings and the role of the various players in the courtroom to assist his or her defense attorney and/or grasp the seriousness of juvenile proceedings, including what may happen to them at the disposition of the case. The parties agree that a juvenile complaint shall not be filed within the school setting on an elementary age student without first consulting with a law enforcement officer. The tender age of elementary students demands that least restrictive measures be utilized to address the chronic disruptions of the student. The parties agree that elementary age students are not subject to these conditions, criteria, and agreements of this agreement and shall be handled in accordance to their age and state of mind.

10. Parents, Guardians and Private Service Providers

Parties to this Inter-agency Agreement encourage parents, guardians and private service providers to involve schools in the treatment plan of students. Wrap-around services are more effective when all of the professionals and service providers that work with a student share relevant information.

H. Data Sharing, Collection and Monitoring

The parties agree that they will provide baseline data for comparison purposes and regularly collect, share, monitor and report data resulting from the implementation of this agreement.

Data Collection - On a quarterly basis, the following information will be collected. No identifying data should be included in the reports to protect student privacy and confidentiality.

School - number and types of disciplinary actions, numbers and demographics of students involved, referrals to law enforcement.

Law Enforcement - number and types of school incidents for which law enforcement incident reports are written, law enforcement actions on incidents.

Support Services - number and types of referrals, interventions/programs, outcomes.

Juvenile Justice - number and types of referrals and current status of referrals.

Data Sharing - On a regular basis that should not exceed a month, any agency (school, law enforcement, social services, mental health, other services) that refers a student to another agency should request follow-up information to determine what actions have occurred. Information sharing agreements (Mutual Exchange of Information Form) should be requested from the parents so private agencies can also share information with the schools. Regular follow-up and data sharing is required for monitoring of individual student progress and determination of service needs.

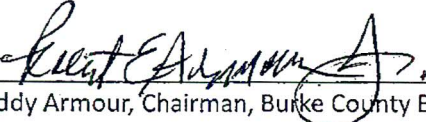
For comparison purposes, the parties agree to retrieve the above data for a year prior to the signing of the agreement and quarterly after the signing of the agreement.

Progress Monitoring - On a regular basis and at least quarterly, the parties acknowledge and agree that the Progress Monitoring Team composed of members from each stakeholder group (schools administration, school support services, school resource officers, law enforcement, mental health, researcher, community justice, community members, youth, service providers) will meet to provide oversight of the agreement and review relevant data and analysis. Each year the Progress Monitoring Team will determine if changes to their memberships would be beneficial. At least annually, the Team will prepare a report of activities and make recommendations for improvements to the agreement and/or its implementation. See Appendix C for team membership.

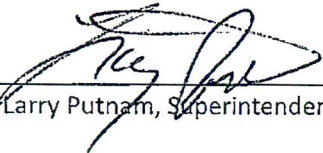
III. Duration and Modification of Agreement

This MOU shall become effective March 1, 2020 and shall remain in full force and effect until modified by agreement of the parties hereto. However, nothing shall preclude a party from withdrawing from the Agreement at that party's discretion.


In witness whereof, the parties hereto, intending to cooperate with one another, have set their signatures to this document on this day.



Buddy Armour, Chairman, Burke County Board of Education
Date 2-9-2020




Dr. Larry Putnam, Superintendent, Burke County Schools
Date 2-13-20


Judge Burford Cherry, Chief District Court Judge - 25th District

Date

2/13/2020


Scott Reilly, Prosecutor, 36th Prosecutorial District


Date

2-19-20


Steve Whisenant, Sheriff, Burke County

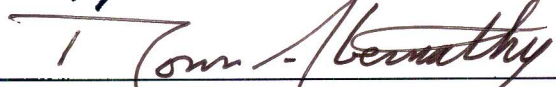
Date

2-13-2020


Tony Lowdermilk Director, Morganton Public Safety

Date

2-13-2020


Ronn Abernathy, Chief Court Counselor, 25th District

Date

02/19/2020

Appendix A: Glossary of Terms - As used in this Agreement, the term:

1. "Student" means a child or adult enrolled in the Burke County Schools.
2. "Juvenile" means a student under the age of 18 years, unless otherwise defined by law.
3. "Adult" means a student 18 years of age or older, unless otherwise defined by law.
4. "Intake" means the division of the Juvenile Court responsible for reviewing petitions to determine which petitions may be handled informally and by diversion, which petitions may be referred to court, and evaluating which juveniles should be detained in a juvenile detention center or placed at another location, or returned home.
5. "Detention Assessment Tool" means a risk assessment instrument used by Intake to determine if the juvenile should be detained or released. The Detention Assessment Tool measures risk according to the juvenile's present offense, prior offenses, Inter-Agency Governance Agreement on the Handling of School Offenses runaways or escapes, and the juvenile's current legal status such as probation, commitment, etc.
6. "Felony" is defined by the North Carolina General Statutes. g. "Misdemeanor" is defined by the North Carolina General Statutes.

7. "Warning Notice" means a document or form used by the SRO to place a student on notice of his or her commission of a Focused Act and to warn the student that subsequent commissions of Focused Acts may result in graduated responses including but not limited to mediation, campus restrictions, mandatory participation in afterschool programs that may require parental participation, referral to support services for a chronically disruptive student for family assessment and treatment, and referral to the juvenile court as a last resort.
8. "Diversion" means an educational program developed by the Court Counselor's Office or other provider approved by the Court Counselor's Office for those juveniles who have been charged with less serious delinquent acts, and Intake believes is not a delinquent child and most likely does not require probation or commitment to a juvenile detention center.
9. "Focused Acts" are defined in section D. k. "IDEA" means Individuals with Disabilities Education Act which is a federal law ensuring services to children with disabilities. This law governs how states and public agencies provide early intervention, special education and related services to students.
10. "IEP" means Individualized Education Program or Plan which is a written statement for each student with a disability that includes goals to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum.
11. "PBIS" means Positive Behavioral Intervention and Supports (PBIS) and is a systemic approach to proactive, school-wide behavior based on a multi-tiered system of support model. PBIS applies evidence-based programs, practices and strategies for all students to increase academic performance, improve safety, decrease problem behavior, and establish a positive school culture.
12. "MTSS" means a comprehensive system of multi-tiered, differentiated supports that includes evidence based instruction, universal screening, progress monitoring, formative assessments, research based interventions matched to student's needs, and educational decision-making using student outcome data.