



ADDRESSING STUDENT BEHAVIOR IN SCHOOL SETTINGS

Making Sense of the PBIS/
FBA/BIP/BCBA Alphabet Soup

Jeffrey J. Butler
LaPointe & Butler, P.C.
517-349-4121

MDE RESOURCES ON STUDENT BEHAVIOR

- MDE Policy since 2006 requires each school district to implement a system of school-wide positive behavioral interventions and supports;
- MDE School-Wide Positive Behavioral Interventions & Supports Implementation Guide 2010.
- Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint (2006).
- www.michigan.gov/mde search "PBIS"

PBIS GENERALLY

- **Not** a Special Education Initiative;
- Schoolwide prevention-oriented framework or approach;
- Allows / requires school personnel to:
 - Adopt and organize evidence-based practices;
 - Improve implementation of those practices;
 - Use data to guide decision-making;
 - Maximize academic and social behavioral outcomes for all students.
- [See generally, pbis.org; PBIS FAQ; and Conference Materials, (Sugai, 2016) available at www.pbis.org].

CONTINUUM OF PBIS

- Approach designed to benefit **all** Students:
- Generally-recognized three-tier approach:
 - Tier 1 – Primary or Universal Supports for **all** designed to prevent problem behavior through teaching and encouragement of prosocial and healthy behavior;
 - Tier 2 – Secondary or Targeted Supports for **some** to address risk factors and promote protective factors;
 - Tier 3 – Tertiary or Intensive Interventions for a **few** to minimize impact, intensity and complexity of behaviors often emanating from chronic conditions (flexible, focused and personalized).
- Aligned with the priority and intensity of student need.
- [pbis.org; PBIS FAQ; PBIS Conference Materials, (Sugai 2016) available at www.pbis.org].

IDEA AND BEHAVIOR

- If behavior interferes with the learning of student or others;
- IDEA requires behavioral interventions and supports and other strategies to be addressed;
- Is a special factor in IEP development;
- Is inherently tied to academic achievement and functional performance.
- [34 CFR 300.324(a)(2)(i); USDOE Q&A on Discipline (2009), Q E.3 – www.ed.gov].

IDEA AND BEHAVIOR

- Definitional Sections and IEP development regulations suggest who may be involved in dealing with behavior:
 - Required to be addressed as part of evaluation procedures (34 CFR 300.304-300.310);
 - Defined as part of school psychological services (34 CFR 300.34(c)(10)(vi));
 - Defined as part of school social work services (34 CFR 300.34(c)(14));
 - Role of regular education teacher as IEP participant (34 CFR 300.324(a)(3)(i).
- [USDOE Q&A on Discipline, Q E.2].

IDEA AND BEHAVIOR

- As part of the discipline process;
 - Focus of Manifestation Determination Process – facts are key (34 CFR 300.530(e));
 - Must address as prong of IAES when disciplinary change in placement is made (34 CFR 300.530(c),(d));
 - Must address when you find the behavior a manifestation of the student's disability (34 CFR 300.530(f)(1)(i));
 - Must address when special circumstances occur (weapons, drugs, serious bodily injury) (34 CFR 300.530(c),(g));
 - Must address as a timing and historical issue as part of the "not yet eligible" regulation (34 CFR 300.534);
 - Must address as part of the pattern of exclusion (34 CFR 300.536(a)(2)(ii)).

IDEA AND BEHAVIOR

- A child who is removed to a change in placement or because of special factors must receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.
- [34 CFR 300.530(d)(1)(ii)].

WHEN CONDUCT IS A MANIFESTATION

When the IEP concludes a student's conduct is a manifestation, the IEP Team **must**—

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior. [34 CFR 300.530(f)].

FUNCTIONAL BEHAVIORAL ASSESSMENTS

- No definition in IDEA, Regulations or state law;
- Definitions come from field of experts and agencies;
- For students with IEPs is considered an "evaluation", which means:
 - Informed consent must be obtained*;
 - Can be the source of an IEE*;
- Complex or severe the behaviors may call for more expertise;
- Don't call it an FBA if it is not an FBA.
- [*See USDOE Q&A on Discipline, Q E.4 and 5].

BOARD CERTIFIED BEHAVIOR ANALYSTS

- Private certification established in 1998 - non-profit corporation;
- Behavior Analyst Certification Board;
- Requires specific credentials, degrees and experience;
- Has various degrees of certification:
 - RBT (registered behavioral technician);
 - BCaBA (Board Certified Assistant Behavior Analyst);
 - BCBA (Board Certified Behavior Analyst);
 - BCBA-D (Board Certified Behavior Analyst – Doctoral);
- May, but are not required, to participate in FBA / BIP development;
- A geographical search mechanism online.
- <http://bacb.com/>.

FUNCTIONAL BEHAVIORAL ASSESSMENTS

- Designed to define the relationship between behavior and the context in which it occurs;
- Antecedents, Behavior and Consequences;
- Indirect / direct data from multiple reporters / sources;
 - Indirect (review of records, completion of instruments, questionnaires, rating scales, structured interviews);
 - Direct (observation and direct data recording);
- Include a hypothesis regarding the conditions / environment contributing to the behavior.
- [See generally, MDE Schoolwide PBIS Implementation Guide; PBIS.ORG FAQ; PBIS Practical FBA].

BEHAVIOR INTERVENTION PLANS

- BIPS; BSPs; PBSPs
- Initial plans should be based upon an FBA and FBA repeated as necessary;
- Include positive behavior supports, interventions and strategies;
- Individualize to the student / situation causing behaviors;
- Goal = reduce or eliminate behaviors and replace with prosocial or less problematic behaviors;
- Implement uniformly in all school settings (bus, playground, recess, cafeteria, field trips, classrooms, school functions);
- Make efforts to get parents to implement at home;
- Conduct continuous data collection, review and analysis;
- Review when target behaviors or effectiveness of interventions change.

WHO MIGHT BE INVOLVED?

- Parents (should always be offered opportunity for input / participation);
- Student, if appropriate;
- General education staff;
 - Teachers, counselors, support staff and/or administrators;
- Transportation staff;
- School psychologists;
- School social workers;
- Special education teachers / support staff;
- Behavior specialists;
- Outside experts.

MDE BIP MEMO

- Response to USDOE complaints over MDE complaint process;
- BIP is within the jurisdiction of the complaint and hearing process;
- BIP is required where student behavior interferes with learning and where behavior is a manifestation;
- BIP is to be “included in the IEP”;
- IEP Team must develop or review BIP in discipline situations;
- Does not require IEP Team to develop BIP directly;
- May require IEP Amendment.

DATA COLLECTION FOR FBAs/BIPs

- Stop the weasel words:
 - aggressive; disruptive; disrespectful; disobedient; offensive; threatening; assaultive; insubordinate; persistent misdemeanors, etc.
- Avoid narrative or editorial data;
- Train and monitor data collectors;
- If it wasn't documented, it didn't happen;
- Staff must be on the same BIP page;
- Plan staff and time for data review;
- How will we get general education staff to assist?

IEEs

- Currently may be most commonly-requested IEE in Michigan;
- School has right to do one, if one has not been done;
- Advocacy organizations and advocates insisting on BCBA;
- Average cost is in the \$2,000 to \$2,500 range;
- Denial / hearing has potential consequences.
- [See *Cobb County S.D.*, 66 IDELR 134 (2015)].

FAILING TO IMPLEMENT BIPs

- Undermines ability to reduce / eliminate behaviors;
- Creates mistrust and undermines parent relationship;
- May result in determination of manifestation where not disability related;
- May limit options for discipline;
- May cause an IEE request;
- May result in a complaint or hearing request.

RESTRAINT / SECLUSION

- Standards for the Emergency Use of Seclusion and Restraint (MDE 2006);
- Should be following MDE policy unless you have a better policy;
- ESSA / ESEA requires State Title I plans to address how they will reduce the use of aversive behavioral interventions (code for restraint and seclusion);
- Special Education Task force recommends legislation to "End Restraint and Seclusion;"
- Draft legislation has circulated and incorporates much of MDE Standards;
- Essentially outlaws seclusion rooms;
- Mandates data collection and training, largely though or with the assistance of ISDs.

ADDITIONAL RESOURCES

- Center for Collaboration and Effective Practices, <http://cecp.air.org/fba/>.
- [Ideapartnership.org](http://www.ideapartnership.org) - http://www.ideapartnership.org/documents/ASD-Collection/asd-dg_Brief_FBA.pdf.
- [PBIS.org](http://www.pbis.org) - http://www.pbis.org/common/cms/files/pbisresources/practicalfba_trainingmanual.pdf.
- USDOE Q&A on Discipline (2009) - idea.ed.gov;
- USDOE Restraint and Seclusion Resource Document (2012); www.ed.gov (search Restraint and Seclusion).
