Guiding Philosophy

- Behavior is communicative and goal directed.
- Settings and environments should be able to meet a student’s needs before behavioral interventions are used.
  - Behavioral interventions should not be used to force conformity within inappropriate settings.
- The primary goal of any classroom is to educate and teach effective interpersonal skills, not to manage or suppress behavior.

Guiding Philosophy

Activity
- In your own words, describe with each element of this guiding philosophy means to you.
- AND/OR
- Note implications of the element for school psychologists.

Ethical Issues in Behavior Intervention

1. Interventions should be constructive and proactive rather than suppressive and reactive.
2. The primary positive gain should be for the student with the serious behavior problem.
3. Interventions should provide both immediate and long-term benefits for the student.
4. As a result of implementing the behavioral intervention plan, the student should have the potential for increased independence and access to more activities of interest.
5. Emergency procedures should protect the safety and personal dignity of all parties.

6. Behavioral goals that are developed as a result of the functional assessment should be reasonable and attainable for the student, and the IEP team should be able to implement them within the context of meaningful instructional activities.
7. Any changes required to provide a meaningful, accessible, and appropriate curriculum and environment should be made before an attempt is made to directly modify the student’s behavior.
8. Emergency procedures should be applied only when safety requires them, and they must not be used as either consequence of punishment or in lieu of a systematic positive behavioral intervention plan.

Ethical Issues in Behavior Intervention

Activity

- In your own words, describe with each element of this guiding philosophy means to you.
- Note implications of the element for school psychologists.

Legal and Legislative History of Behavior Intervention in California Schools

1972-73 California laws left the decision on the use of aversive up to professionals. However, institutional and care facilities began to address client's rights.

1977 Legislation introduced by Assembly Member Gary Hart initiated efforts to address the use of aversive procedures in education.

1978 Draft guidelines were developed.

1979 CDE did not back the guidelines and the State Board of Education elected not to adopt the guidelines. It did, however, release a policy statement alerting school districts of their potential tort liability if they did not treat their students with disabilities carefully.

1987 A child dies in a private facility during a behavioral intervention. As a result, new anti-aversive legislation was drafted. The bill died when issues of expense and local control could not be overcome.

1990 Advisory Commission on Special Education sponsored an effort that ultimately led to development of the Hughes Bill (Assembly Bill 2586). This bill was signed by Gov. Wilson on September 12, 1990.

1992 The final version of the regulations were adopted by the State Board of Education in September 1992.

1993 Implementation of the regulations for how to respond to the special education student who displays a "serious behavior problem" became effective on May 20, 1993.

1996 Legislation amended to specify that a "serious behavior problem" includes "pervasive and maladaptive" behaviors "for which instructional/behavioral approaches specified in the student's IEP are found to be ineffective."
Functional Assessment of Behavior

Ethical, Legal Issues

Functional Behavioral Assessment (FBA) Under Federal Law
34 CFR Part 300 § 300.530

- Designed to address behavior violations so that they do not recur [§300.530 (d)(1)(ii)].
  - “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.”
- Appropriate for any student who . . .
  - Is removed from current placement for 10 days in the same school year [§300.530(b)(2)] [10 cumulative days]. – OR –
  - Experiences disciplinary changes in placement that exceed 10 consecutive days [§300.530(c)].

Functional Behavioral Assessment (FBA) Under Federal Law
34 CFR Part 300 § 300.530

- Special Circumstances
  - School personnel may remove from current placement to an interim alternative educational setting (for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability), if the child
    - Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function;
    - Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
    - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function [§300.530(g)].

Functional Behavioral Assessment (FBA) Under Federal Law
34 CFR Part 300 § 300.324

- IDEA 2004 requires
  - consideration of “special factors” including the use of positive behavioral interventions and supports for the student whose behavior impedes his or her learning or the learning of others [§300.324 (2)(i)].
  - participation of a regular education teacher as a member of the IEP team to help develop appropriate positive behavioral interventions and supports [§300.324 (3)(i)].
Functional Assessment of Behavior

Ethical, Legal Issues

5

Functional Behavioral Assessment (FBA) Under Federal Law
34 CFR Part 300 § 300.704

Under IDEIA 2004 states may set aside some of their federal funds to assist LEAs in providing positive behavioral interventions and supports and mental health services for children with disabilities [§300.704 (b) (4)(iii)].

Functional Behavioral Assessment (FBA) Under Federal Law
34 CFR Part 300 § 300.530

Assessment procedures not prescribed.
- Data Sources: Not identified.
- Behavioral Observation Frequency: Not specified.
- Assessment Roles: Not prescribed.
- Although not highly regulated, IDEA '04 had suggested that...
  - data sources could be determined by the IEP team based on student and may include record review, interview, and observation.
  - behaviors may be observed only once or infrequently.
- Assessment roles were never prescribed.

Functional Assessment Under State Law

Functional Analysis Assessment (F.A.A.)
California Code of Regulations, Title 5, Article 5, Sec. 3052
September 12, 1990 (Amended in 1996)

Addresses
- Special education students with “serious behavior problems.”
- Appropriate for only a few student.
  - Self injurious
  - Assaultive
  - Causing serious property damage
  - Existing IEP instructional/behavioral approaches ineffective (added in 1996)
Functional Assessment Under State Law
Functional Analysis Assessment (F.A.A.)
California Code of Regulations, Title 5, Article 5, Sec. 3052
September 12, 1990 (Amended in 1996)

Prescriptions
◆ Assessment procedures specifically prescribed.
  - Data Sources: Must include record review, interview, and observation.
  - Behavioral Observation: Behaviors must be observed over time and across settings.
  - Assessment Roles: Identifies a “Behavior Intervention Case Manager” (BICM).

Goals
◆ Identify underlying causes of behavior.
◆ Develop positive alternative behaviors.
◆ Identify environmental modifications and behavioral supports needed.

Behavioral Intervention Under State Law
California Code of Regulations, Title 5, Article 5, Sec. 3052
September 12, 1990 (Amended in 1996)

Behavior Emergency
◆ A serious behavior not previously observed and for which a behavior intervention plan has not been developed.
◆ The behavior poses a clear and present danger of serious physical harm to the student or others.
◆ Requires an emergency physical intervention to control the behavior and prevent further damage.

Emergency Interventions
◆ Implemented only by qualified/trained personnel.
◆ Used no longer than is necessary to obtain control and ensure safety.
◆ Not used as a punishment nor a substitute for treatment.
◆ Interventions must not include . . .
  - Locked seclusion.
  - Device, materials or objects that simultaneously immobilizes all four extremities (prone containment allowed).
  - An amount of force that exceeds what is reasonable and necessary.
Behavioral Intervention Under State Law
California Code of Regulations, Title 5, Article 5, Sec. 3052
September 12, 1990 (Amended in 1996)

**Emergency Interventions**
- Interventions may include . . .
  - Management of Assaultive Behavior (MAB).
  - Crisis Prevention Intervention (CPI).
- Interventions require . . .
  - Caregivers be notified of the intervention within one school day.
  - A “Behavioral Emergency Report” is written and IEP meeting scheduled within two days.
  - Need for FAA determined (by the IEP team).

**Prohibited Techniques**
- Any intervention that causes, or may cause, physical pain.
- Releasing noxious, toxic, or otherwise unpleasant sprays, mists, or substances in the student’s face.
- An intervention that causes, or may cause, the student to be subject to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.
- Physical intimidation or threats given verbally, physically, or through body language.

- Restrictive interventions that employ a device, or material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment (prone containment may be used by trained personnel as a limited emergency intervention).
- Locked seclusion (unless the facility is licensed or permitted by the state to use a locked room).
- Any intervention that precludes adequate supervision of the student.
- Any intervention that deprives the student of one or more of his or her senses.
Acceptable Responses to Problem Behavior

- The behavior is ignored, but not the individual.
- Verbal, or verbal and physical, redirection to another activity.
- Providing feedback (e.g., “You are talking too loudly”).
- Acknowledging the message of the behavior (e.g., “You are having a hard time with your work”).
- Brief physical prompts to interrupt or prevent aggression, self-abuse, or property destruction.

Required Elements of the FAA

- **Behavior**: Systematic observation of the problem behavior for an accurate definition and description of the frequency, duration, and intensity.
- **Behavioral History**: Identify the effectiveness of prior interventions.
- **Review of Records to Identify Establishing Operations**: Health and medical factors that may influence behaviors (e.g., medication levels, sleep cycles, health, diet).

Immediate Antecedents (or Discriminative Stimuli): Systematic observation of the immediate antecedent events associated with the problem behavior.
**Behavioral Intervention Under State Law**
California Code of Regulations, Title 5, Article 5, Sec. 3052
September 12, 1990 (Amended in 1996)

### Required Elements of the FAA Report

- **Consequences**: Systematic observation and analysis of the consequences that follow the problem behavior to determine its function (i.e., environmental or physiological results of the behavior). Communicative intent of the problem behavior is identified in terms of what the student is either requesting or protesting through the behavior.

- **Description of the nature and severity** of the problem behavior(s) in objective and measurable terms.
- **Description of the problem behavior(s)** that includes baseline data and analysis of the antecedents and consequences that maintain the behavior(s).
- A functional analysis of the behavior **across all appropriate settings** in which it occurs.
- A description of the **rate of alternative behaviors**, their antecedents and consequences.
- **Recommendations** for the IEP team that will develop the Behavior Intervention Plan (may include a proposed plan).

### Recommended Elements of the BIP

- Procedures that alter the identified antecedents (e.g., providing choice, changing the setting, offering variety and a meaningful curriculum, removing environmental pollutants such as excessive noise or crowding, establishing a predictable routine).
- Teaching alternative behaviors that produce the same consequence as the problem behavior (e.g., teaching the individual to make requests or protests using socially acceptable behaviors; teaching the student to participate with alternative communication modes as a substitute for socially unacceptable attention-getting behaviors; providing the individual with activities that are physically stimulating as alternatives for stereotypical, self-stimulatory behaviors).
**Recommended Elements of the BIP**

- Teaching the individual adaptive behaviors (e.g., choice-making, self-management, relaxation techniques, and general skill development) which ameliorate negative conditions that promote the display of inappropriate behavior.
- Manipulating the consequences that occur when the problem and more acceptable replacement behaviors are displayed so that it is the more adaptive replacement behavior that is viewed as the most efficient means to obtain desired outcomes (e.g., positively reinforcing alternative and other acceptable behaviors and ignoring or redirecting unacceptable behaviors).

**Next Week**

- Manifestation Determination.
- BIP evaluation due in two weeks.
- FBA and/or BIP revisions accepted (for individuals who obtained grades less than an “A”) no later than two weeks from today.

**Quiz**

- Take ten minutes to complete the quiz to be passed out by the instructor.
- Use the quiz as an opportunity to assess your understanding of the material.
- Quiz results will be reviewed at the start of our next class meeting.