

# Free & Appropriate Education for Students with Social/Emotional/Behavioral Challenges

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# CRITICAL IDEA BEHAVIOR PROVISION

## 34 CFR 300.324: Development, Review and Revision of IEP

- (a) Development of IEP—(1) General. In developing each child’s IEP, the IEP Team must consider—
  - (i) The strengths of the child;
  - (ii) The concerns of the parents for enhancing the education of their child;
  - (iii) The results of the initial or most recent evaluation of the child; and
  - (iv) The academic, developmental, and functional needs of the child.
- (2) Consideration of special factors. The IEP Team must—
- (i) **In the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;**

# What kinds of “behaviors” should be considered?

- Ask for examples and generate a list of typical challenges to discuss

# Behavior-Defined

- In psychology, it is broadly defined as “the activity of an organism interacting with its environment.”
- Always keep in mind that all behavior communicates something—it is critical that it is accurately interpreted.
- It can be volitional or involuntary, or some combination of the two.
- Behavior gets people what they want or need, and allows for things like an “escape” from stressful situations.

# Other Considerations-

- **Voluntary-Involuntary**
  - Can a student control the behavior or have the developmental capacity to learn different, more appropriate ways of behaving (replacement behaviors)?
- **Conscious or Unconscious**
  - i.e. breathing and reflexes
  - Some involuntary behaviors, such as tics, or other reflexes, may still be conscious and benefit from positive behavior supports to lessen their occurrence.

# POSITIVE BEHAVIORAL INTERVENTIONS

- Best Practice is to begin with a Functional Behavior Assessment (FBA)
  - Team determines “Target Behaviors” for immediate attention. Don’t include ALL problem behaviors.
  - Target behaviors:
    - clear objective description of behavior – (no subjective interpretations)
    - known or suspected triggers
    - Known or suspected reinforcers

# Example:

- In *Paris School District v. A.H.*, 69 IDELR 243 (W.D. Ark. 2017), a district focused on the student's "noncompliance" rather than the reasons for elopement. That misclassification of the student's behavioral issues, coupled with the district's failure to identify the reasons for her "noncompliant" behaviors, made the BIP deficient.

# What a Good Functional Behavior Assessment (FBA) Looks Like:

- Clear objective description of the target behaviors;
- The settings where they've been observed;
- The data that has been gathered and analyzed;
- Whether the analysis has enough information to reasonably hypothesize about the “Function of the Behavior”;
- The triggers and reinforcements identified in the data; and
- Recommendations for positive supports to be implemented to “prevent and lessen the behaviors” and to teach/encourage “replacement behaviors.”



# Problems with Poor Data Collection

- The importance of ABCs – taking the time to objectively capture:
  - Antecedents – what was happening before the behavior occurred, what led up to it.
  - Behavior – what exactly did it look like and what did all who were near say and do, including tone of voice and body positioning.
  - Consequences – what were the steps that were taken after the behavior happened.
- If it's not worth the time to properly document, then it is not appropriate to expect behavior changes.

# DISCUSSION ABOUT THE LIST OF BEHAVIORS GENERATED

- How do you prioritize the behaviors that are most important to address first, and what do you do with behaviors that are not a priority yet?
- You can and should still develop an agreed upon approach for other behaviors (for example: ignore the less problematic behavior).

## Other Considerations-

- Developmental Differences
- Trauma History
- Education Levels/ Basis of Knowledge
- Cultural Differences

# The Importance of Expertise:

- Behavior analysis & changes in advancements
- Finding the right training and help
  - [Wind Echo Trainings in Positive Behavior Supports](#)
  - [PBIS.com \(Positive Behavior Interventions a& Supports\)](#)
  - [APBS.com \(Association for Positive Behavior Supports\)](#)

# Developing the Behavior Intervention Plan (BIP)

- Should be developed by properly trained professional.
- Does not need to be done or approved by the IEP Team, but it should be provided and discussed informally.
- Should be consistent with plans used by the Student in other settings to avoid confusion and improve success.
- Individualized, not a check box form.
- Should include a clear plan for training staff and monitoring implementation.

# Monitoring Fidelity of BIP Implementation

Questions to ask:

- Were staff trained on the BIP?
- Is the BIP monitored? – who conducts the monitoring, how often and what objective data was gathered to measure implementation?
- Who and how is behavior change measured:
  - how are behaviors counted/documented, and
  - is the documentation consistent.

# Common Areas for Due Process Complaints

## Denial of a Free and Appropriate Education:

- Failure to develop the behavior plan even though the student showed a pattern of behavior that led to a series of short-term removals
- Inadequate Functional Behavior Assessments
- Inadequate Behavior Support Plans – (not working to change behavior)
- Failure to implement the BIP with fidelity