



## CASP Board of Directors Statement on

### Behavioral Assessment and Behavior Intervention Plan Development

Over fifteen years of political and professional activity went into the development and final approval of what we now refer to as the Hughes Bill (A.B. 2586). The resulting legislation is remarkably detailed in its requirements and clear in its intent. However, with the reauthorization of IDEA, and the requirements to address behavior in the I.E.P. mandated at the Federal level, some confusion appears to have arisen regarding the appropriate application of these requirements. The following paper attempts to address the question of whether functional analysis assessments should be required for all types of behaviors that are judged to be inappropriate in a school setting. It identifies potential disadvantages to students in universally requiring a “functional analysis assessment” approach to address behaviors, as well as the negative impact on school programs throughout California. While behavior plans are clearly required as part of the educational program for all students whose behavior interferes with learning, the type of assessment and intervention should be individualized and appropriate, both to the student, and to the nature of the behavior.

The Hughes Bill (A.B. 2586), signed into law by Governor Wilson in 1990, was the culmination of years of effort to address the use of behavioral interventions in the education and treatment of children and adults with significant disabilities. Throughout the 1980’s, attempts were made to clarify and regulate the use of aversive behavioral techniques. While legislation was enacted to protect individuals in institutional and care facilities, it wasn’t until the death of a child in a private educational facility in 1987 that educational entities came together to develop comprehensive legislation clarifying the requirements for behavioral assessment and positive behavior intervention planning in schools. The philosophy driving the development of the legislation focused on the communicative function of behavior, the need for systematic interventions that are developmentally appropriate, and the need to teach appropriate behaviors to replace maladaptive behavior. In addition, it was noted that behavioral interventions should be efficient and minimally intrusive in terms of time, labor and complexity. The intent of this legislation was clearly to provide positive educational alternatives and to ensure the safety and appropriate treatment of students with severe disabilities in educational settings.

The Hughes Bill, and its implementing regulations, requires that special education students who demonstrate a “serious behavior problem” receive a functional analysis assessment, and when appropriate, that the assessment be used to develop a positive behavior intervention plan. A “serious behavior problem” is defined as a behavior that is self-injurious or assaultive, causes serious property damage or is severe, pervasive and maladaptive and for which instructional/behavioral approaches, specified in the IEP are found to be ineffective (5 C.C.R. Sec. 3001). The regulations provide clear guidelines and decision points regarding the various options for addressing behaviors that do not fall in this category, including adaptations to the current program, the development of behavioral goals within the I.E.P. and other less intrusive approaches to managing behavior. Even when an emergency intervention has been used, an I.E.P. team is required to meet and determine whether a functional analysis assessment is necessary, and document the reasons for their decision. (5 C.C.R. Sec. 3052). The role of the I.E.P. team in determining the need for a functional analysis assessment is emphasized throughout the decision making process.

By Title 5 definition, a functional analysis assessment requires that the target behaviors be systematically observed over time, in a variety of settings and that the data collected be analyzed to determine the communicative function of the behavior. The Positive Behavior Intervention Plan that is developed as a result of this analysis acknowledges the communicative function of the behavior and focuses on teaching “functionally equivalent” alternative behaviors. This approach is appropriate for students with severe disabilities and students with less severe disabilities who exhibit a pattern of maladaptive behavior that has been resistant to other behavioral interventions. This type of assessment is particularly useful when a student is unable to communicate, due to cognitive limitations or other significant disability, the purpose of their behavior. Typically, students who exhibit serious behaviors have a limited repertoire of

appropriate behaviors and functional skills. Parents have the right to request a Functional Analysis Assessment as provided in the California Code of Regulations, and LEAs have the responsibility to provide the requested assessment or to provide the parent with a prior written notice when assessment is refused.

Functional analysis assessment is clearly inappropriate for students who exhibit isolated behaviors. The Title 5 requirements cannot be satisfied if the behavior occurs only once or with extreme infrequency. Furthermore, in many of these cases, the issue of communicative intent can be addressed only in the abstract. Counseling, behavioral supports and program or curriculum modifications may be more appropriate interventions in addressing these types of behavioral concerns, and are more likely to result in positive outcomes for the student. In many instances, the student is able to discuss the purpose and evaluate the outcome of their behavior, however maladaptive. Antecedents and consequences to the behavior can be explored in a counseling format or identified through a review of the educational records. In these cases, extensive observation, data collection and analysis are likely to be perceived as an unnecessary intrusion, and are unlikely to result in a meaningful outcome for the student.

Federal law requires that an IEP team consider strategies and supports, including positive behavioral interventions and strategies for all behaviors that impede learning. An LEA is also required to conduct a functional behavioral assessment following disciplinary actions, and use this information to revise an existing behavior plan or develop a new plan *if necessary*. However, unlike the Title V legislation, there are no specific requirements for conducting behavioral assessment delineated in the federal legislation. Under Federal law, behavioral assessment could appropriately consist of a record review, interview or direct observation. This is consistent with the current educational model that requires assessment in all areas of suspected disability, including behavior, relying on the judgment of the professionals involved to determine the appropriate means of assessing the suspected deficit. In addition, it satisfies the requirement to have needs addressed in goals and objectives, and have instructional strategies and supports individualized to meet student needs.

Since the passage of the Hughes Bill, and more recently the re-authorization of IDEA, there has been a statewide emphasis on staff development and teacher training in the area of behavior. These efforts have resulted in an increased focus on prevention and intervention programs, interagency collaboration and alternatives to punitive discipline structures. Functional analysis assessment and the development of positive behavior intervention plans are valuable strategies in addressing severe behaviors. However, the over application of this requirement could have disastrous results, both for the students involved and the educational system as a whole. I.E.P. teams, including parents, school psychologists and other professionals, must be able to select the appropriate behavioral assessment strategy and identify behavioral options based on the unique needs of each student if behavioral assessments and behavior plans are to be both effective and individualized.

*Adopted: 10/20/01*

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