



Illinois State Board of Education



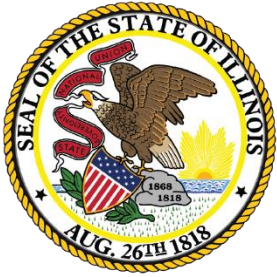
*Behavior
Assessment
Training*

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Legal and ethical requirements
of FBAs and BIPs:
Viewing student behavior
through a professional lens

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Agenda

- Welcome
- Overview of BAT project and topic
- Legal and ethical requirements of FBAs and BIPs
- Special guest: Brandon Wright, J.D.
- Self-reflection
- Preview January webinar
- Q&A (time permitting)
- Exit survey



Behavior Assessment Training (BAT) project



The Special Education Behavior Assessment Training Project will provide comprehensive, professional learning for special education personnel on culturally responsive Functional Behavior Assessment (FBA) practices and Behavior Intervention Plans (BIPs) for students across all grade levels identified as having a disability in one or more of the 13 categories specified in IDEA...Additionally, the successful Offeror will coordinate with ISBE on mandate 105 ILCS5/14-8.05, which requires ISBE to develop and implement State-level guidelines on culturally responsive, evidence-based behavior interventions for students across all grade levels identified as having a disability in one or more of the 13 disability categories specified in IDEA.



Overview of topic

- Examine student behavior through a personal, contextual, and **professional** lens
- Awareness of personal lens as a process; much is long-standing and not examined
- Explore potential for mismatch in what we bring and what our students bring to the classroom



Holly's story



Legal requirements



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Under the Individuals with Disabilities Education Act (IDEA), FBAs are necessary when a student's IEP team needs information to better understand a student's needs as related to their behavior, which *occurs within a particular context and serves a specific purpose*.

An FBA must be conducted when a student with an IEP is *suspended* for more than 10 consecutive school days or is *otherwise subjected to a disciplinary change in placement*.

If a student's behavior impedes his/her learning or the learning of others, the IEP Team is required to consider the use of positive behavioral supports and other strategies to address the behavior.

The BIP should include *positive behavioral strategies*, supplementary aids and services and other supports to *address the student's inappropriate behavior*.

The interventions and supports in a student's BIP must be tailored to address the function of the student's behavior and to replace it with more appropriate behaviors.

Adapted from <https://www.caledattorney.com/post/ten-important-facts-about-fbas-and-bips-for-children-with-maladaptive-behavior>



Legal requirements continued

Circumstances that require an IEP team to include behavioral interventions in a student's IEP.

First, the student's IEP team must consider positive behavior interventions for any special education student whose *behaviors are interfering with learning (self and/or others)*, whether or not the behaviors are related to or caused by the disability that qualifies the student for special education.

Second, if a school *suspends a student with a disability* for more than 10 school days in a school year, or recommends expulsion, then the IEP team must meet within 10 school days of the first day of the suspension to plan an FBA and a BIP.

Under IDEA 2004, *a student suspended for more than 10 school days or recommended for expulsion* may also be entitled to behavioral services and modifications that are designed to *address the behavior so that behavior improves*. If the student already has a BIP, then the IEP team reviews and changes it, as needed.



Functional Behavioral Assessment

- FBAs help the IEP team understand the cause of problematic behaviors, such as hitting, disrupting class, refusing to do work, etc. The FBA should guide the IEP in the development of positive behavior interventions that will help the student *replace his/her problematic behaviors with more appropriate ones*.
- *Direct assessments*, such as observing the student in different settings should be used. *Indirect assessments* are also informative and should be used including a review of records, interviews with teachers, parents, resource/special education teachers, and the student.
- *When the team has gathered as much information about the problem behavior as possible, the team should develop a written description of the behavior and the function it serves.*



Poll #1: Does implicit bias and stereotypes impact conducting an FBA?

1. Yes
2. No
3. Not sure



Behavior Intervention Plans

- The BIP should be written so that it focuses on *positive interventions, strategies, and reinforcement*. Punishment has negative consequences without teaching the student how to modify his/her behavior.
- A BIP includes one or more strategies which identify ways to *teach the student how to get what he/she wants or needs through acceptable behavior*.
- Providing *positive reinforcement* (e.g., praise, preferred activity) for the desired behavior is critical for maintaining positive behavior. Specific techniques and strategies should be based on information from the FBA.



Poll #2: Does implicit bias and stereotypes impact developing and implementing a BIP?

1. Yes
2. No
3. Not sure



Ethical guidance: Council for Exceptional Children

Special Education Professional Ethical Principles include the following:

1. Maintaining challenging expectations for individuals with exceptionalities to develop the highest possible learning outcomes and quality of life potential in ways that *respect their dignity, culture, language, and background*.
2. Maintaining a high level of professional competence and integrity and exercising professional judgment to *benefit individuals with exceptionalities and their families*.
4. Practicing collegially with others who are providing services to individuals with exceptionalities.
5. Developing relationships with families based on *mutual respect and actively involving families and individuals with exceptionalities in educational decision making*.
7. Protecting and supporting the physical and psychological safety of individuals with exceptionalities.

Ethical guidance continued:

National Association of Social Workers

Ethical Principle: *Social workers respect the inherent dignity and worth of the person.*

Social workers treat each person in a caring and respectful fashion, *mindful of individual differences and cultural and ethnic diversity*. Social workers promote clients' socially responsible self-determination. Social workers seek to enhance clients' capacity and opportunity to change and to address their own needs. Social workers are cognizant of their dual responsibility to clients and to the broader society. They seek to *resolve conflicts between clients' interests and the broader society's interests in a socially responsible manner consistent with the values, ethical principles, and ethical standards of the profession.*



Ethical guidance continued:

American School Counselor Association

A.1. Responsibilities to Students

Professional school counselors:

- a. Have a primary obligation to the students, who are to be *treated with dignity and respect as unique individuals*.
- b. Are concerned with the educational, academic, career, personal and social needs and encourage the maximum development of every student.
- c. *Respect students' values, beliefs and cultural background* and do not impose the school counselor's personal values on students or their families.
- d. Are knowledgeable of laws, regulations and policies relating to students and strive to protect and inform students regarding their rights.



Poll #1: How familiar are you with these examples of ethical guidance?

1. Not at all familiar
2. Slightly familiar
3. Somewhat familiar
4. Moderately familiar
5. Very familiar



Discipline disparities

- Racial disparity in special education is often due to a deficit lens; has not changed since initial passage of IDEA
- *Suspension can be viewed as a social justice issue*
 - Racial/ethnic disparity
 - Disability inequities in addition to learning difficulties
- Suspension and/or expulsion can lead to dropping out, fewer prospects for employment, impact housing etc.
- Larger number and lengthier time out of school for Black students can contribute to negative outcomes

Fenning, P. A., & Johnson, M. B. (Eds.). (2022). *Discipline disparities among students with disabilities: Creating equitable environments*. Teachers College Press.

Discipline disparities (Newell & Healey in Fenning & Johnson, 2022) continued

- Influence of racism and ableism
- Identity is multidimensional
- *Interplay of context/environment* such as poorly funded schools and implicit bias of staff
- *Impact of labels*
 - Expectations/marginalization
 - Deficit perspective
 - Self-fulfilling prophecy



Special guest

Brandon Wright

(Partner, Miller, Tracy, Braun, Funk, & Miller , LTD.)

Currently serves as the Chair of the Executive Committee of the Illinois Council of School Attorneys; focuses his practice on school law, having developed a particular interest in the field of special education, due process, and co-operative school districts.

Self-reflection

- What are your thoughts about the following statement:
“teachers and school administrators often cite factors external to schooling (e.g., children's parents, their home lives, their communities, and even their genetics) as cause, or the students themselves (something internally wrong with them), rather than the institution of schooling - the assumptions, beliefs, practices, procedures, and policies of schools.” (Groenke, 2010)
- In your estimation, how many referrals to special education are due to one or more of these factors?
- When a BIP is developed, it is intended to reduce and replace challenging behavior and reinforce appropriate behavior. Who decides what is “challenging” and “appropriate” behavior?

Preview January webinar

- January 18: Summary and general follow up
Viewing student behavior through an action plan



Q & A



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Please complete the Exit survey

