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Behavior Intervention Plans Five Essential Themes that Add up to Adequacy

Researcher Susan Etscheidt of the University of Northern Iowa reviewed 800 due process, district court and appellate court decisions that were decided between 1997 and 2005 and contained the term BIP (Behavior Intervention Plan – see box on page 4). That case review yielded 52 published decisions in which the adequacy of the Positive Behavior Intervention Plan was a central feature.

Etscheidt reports that five themes emerged from her research. Each provides important information that advocates and parents need to take into consideration as they work together to plan effective behavioral interventions on behalf of students with disabilities.

FINDINGS

1. A Positive Behavior Intervention Plan must be developed when a student's behavior interferes with learning. Seventeen of the reviewed cases concerned the failure of IEP teams to develop positive BIPs for students with a variety of significant behavior problems. In the majority of the cases, the school districts were aware of the needs but still did not take steps to address serious behaviors that could be dangerous or long standing issues with school attendance that interfered with educational success. Parents prevailed in sixteen of the seventeen cases.

School districts ran into difficulty trying to **substitute** informal BIPs, social skills programs or student contracts for a fully developed positive BIP. Districts were also confused about **when** to develop a BIP, one maintaining that a student who had not been suspended or removed from his program for more than ten days did not require a BIP, despite a very high frequency of disciplinary actions over a seven month period.

Another serious issue raised in several cases was the attempt to move students to a **more restrictive placements** rather than developing a positive BIP that would be sufficient to meet the students' needs in a less restrictive school setting. In these cases, outcomes for parents were mixed – one hearing denied placement in a private school, but in several cases, districts were ordered to either engage a certified behavior analyst to evaluate and develop a BIP and IEP or private school placement and tuition was ordered.

2. A Positive Behavior Intervention Plan must be based on recent and meaningful assessment data. Decisions in these cases established that school districts must base student behavior plans on data that is gathered from evaluations that are properly conducted and interpreted. When districts were able to demonstrate that they used recent and professionally developed data, they prevailed in several decisions even though the students in question were not necessarily responding positively to the BIP.

On the other hand, districts were not successful in defending observations, or the development of a positive BIP without the use of a Functional Behavior Assessment (FBA).

3. A Positive Behavior Intervention Plan must be individualized to meet the student's unique needs. School districts were not successful in arguing cases where they had substituted a behavior management system used to manage the entire classroom, group counseling sessions, or a restrictive program addressing students with behavior problems for the development of an individualized BIP.

4. A Positive Behavior Intervention Plan must Include positive behavior Strategies and supports The kinds of intervention strategies developed for students was also a focus of another sixteen of the cases reviewed. Districts were successful in responding to parent complaints when the positive BIPs contained a variety of individualized, positive and student focused strategies. Strategies that were specifically mentioned in decisions included environmental alterations, alternative skill instruction, cooling off periods, curricular modifications and frequent contact with parents and professionals working with the student outside of school. Plans that included punishment and discipline, shorter school days, excessive use of time-out and isolation as primary interventions were seen as contributing to students' lack of academic progress and negative self-image.

Further, districts that attempted to substitute punishments, manipulation of the student's school day by requiring parents to take student home, adult escorts in the school building, or use of restraints for properly developed BIPs did not prevail in hearings. In these cases, parents were successful in receiving compensatory education or districts were ordered to provide meaningful assessments and detailed positive BIPs based on extensive data collection through the implementation of a proper FBA. School district use of a basket hold or restraints in crisis situations was supported in the decisions reviewed, even though it was not a positive intervention.

It is also interesting to note that school districts were not successful in substituting IEP goals and objectives for positive behavior intervention strategies!

5. A Positive Behavior Intervention Plan must be implemented as planned and effects must be monitored. In the nine cases addressing implementation and monitoring, school districts were successful when they could demonstrate that they made a good faith effort to implement complicated plans, and that suspending a student from school was not necessarily a deviation from a BIP and was consistent with the provisions of IDEA. In those cases, parents were not successful in arguing that any punishment of their child was not allowed because of their disability and the fact that suspension deviated from the BIP.

In two more extreme cases, school districts were successful in arguing that contacting the police was permitted to restore order or to escort a student to a safe place.

Parents were successful in those cases where a BIP was simply not implemented at all, when the BIP was clearly inadequate and behavior of the student was bringing about more serious consequences, when staff was not trained to implement the plan, and the plan was not updated by the IEP team as needed.

THE BOTTOM LINE

In general, parents do not frequently prevail in due process proceedings. These research findings suggest that parents have prevailed in a remarkable number of the cases reviewed because:

- School districts failed to act despite clear evidence that a student's behavior was a significant barrier to their learning;
- School districts recognized a student's need for intervention, but substituted group counseling, classroom-wide behavior modification programs, IEP goals, suspension, and more restrictive school days or programs for a Functional Behavior Assessment and the development of an individualized BIP.
- School districts could not demonstrate that their actions were based on current and adequate data, individualized to the student in need of intervention and utilized good professional practices.

This information is particularly useful and important given the new IDEA requirement that whether a student has received FAPE is to be decided based on substantive grounds and that procedural violations must meet a new high standard to be included in hearing decisions: 34 CFR 300.513 (a) Decision of Hearing Officer on the provision of FAPE, (1)(2) and (3).

DISCUSSION

It is the responsibility of the school district and each child's IEP Team to ensure that when behaviors are impeding that child's ability to learn and to be successful in their academic, social and communication development, a proactive course of action is taken on behalf of that child. Unfortunately, The Individuals with Disabilities Education Act (IDEA) has given little guidance as to what the standards should be for the collection of data and the development and implementation of a Positive Behavior Intervention Plan.

Susan Etscheidt's research offers five sets of information about how hearing officers and courts have evaluated the efforts of school districts to address student behavior through the positive Behavior Intervention Plan. It is useful, of course, to know and understand where school districts have failed in meeting procedural requirements under IDEA. More important, are the discussions that are closely related to the best practices advocates and parents should require of the school staff when considering interventions for a particular student. We can be hopeful in concluding that hearing officers and courts have taken seriously the quality of the positive BIPs developed for students, as well as issues of when they are needed and how they are to be developed, implemented and monitored.

The Research: **Behavioral Intervention Plans: Pedagogical and Legal Analysis of Issues.** Susan Etscheidt, Department of Special Education, University of Northern Iowa. Published in *Behavioral Disorders*, 31(2), 223-243

The **Behavioral Intervention Plan (BIP)** contains the positive behavioral interventions, supports and strategies that the IEP Team, parents and other knowledgeable professionals develop to address the behavior of a student when that behavior "impedes the child's learning and that of others" 34 CFR 300.324 development, review and revision of IEP (a)(2)(i).

The important characteristics of positive behavioral supports and interventions reflect the integration of behavioral science, practical interventions and social values. Behavioral science has contributed a scientific view of human behavior that tries to identify the environmental, physical, developmental and cognitive factors that influence how a person behaves. From behavioral science studies practical interventions and strategies have been introduced that are effective for preventing and reducing problem behavior. Perhaps the most important of these is the use of the Functional Behavior Assessment (FBA) to ensure that the plans developed are individualized, comprehensive, relevant and durable. Social values are also important in defining acceptable types of intervention procedures. No intervention should cause pain, tissue damage or humiliation to children and their families. The goal of positive behavioral supports and interventions is more than control of problem behavior; it also includes the enhancement of each student's living and learning choices.

Information adapted from *Applying Positive Behavioral Support and Functional Behavioral Assessment in Schools*. A publication of the OSEP Center on Positive Behavior Interventions and Supports. University of Oregon, Eugene Oregon, 1999.



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