

RISK ASSESSMENT AND INTERVENTION FOR CHILDREN WITH
BEHAVIOR DISABILITIES*

William B. Reichhardt, Esq.
Fairfax, Virginia

I. Risk Assessment for Children with Disabilities

A. Overview of the Functional Behavioral Assessment (FBA)

1. The Functional Behavioral Assessment is a process that helps define the causes behind aggressive and problem behavior. It is a valuable tool for the assessment of aggressive behavior by children with special needs.
2. The FBA and the Behavioral Intervention Plan is not required as a part of the IEP. 34 CFR 300.320. Congress specifically removed from the IDEA a requirement to conduct a functional behavioral assessment for all children within 10 days of a disciplinary removal, regardless of whether the behavior was a manifestation or not. However, the IDEA emphasizes a "proactive approach" to behavioral interventions.
3. A child who is removed from his current placement for disciplinary reasons is required to "receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur." 34 CFR 300.101(a)
4. Congress has not defined the term "functional behavioral assessment" but in the regulations it was noted that, "IEP teams need to be able to address the various

situational, environmental and behavioral circumstances raised in individual cases." 64 Fed. Reg. 12620 (1999).

5. The General Purposes of the FBA

- a. Provide the IEP team information, analysis and specific mechanisms to handle problem behavior.
- b. Observing the student in the current or different environment
- c. Identification of the "target" behavior
- d. Collection of data regarding the target behavior.
- e. Identification of the antecedents of the problem behavior
- f. Develop a theory of the causes of the problem behavior
- g. Develop and test interventions
- h. Collect data regarding the application of the interventions.

B. When the Functional Behavioral Assessment is Required

1. When a child is removed from an educational placement as a result of discipline for more than 10 days and the manifestation determination was causal. The child must "receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur." 34 CFR 300.530(d)(2).

- a. The IEP team must conduct the FBA unless the FBA had been done prior to the conduct at issue.
- b. If the FBA has been developed, it should be reviewed and modified to address the problem behavior.

C. Practice Considerations for the Development of the FBA for Aggressive Children

1. In the determining the underlying causes for aggressive behavior, educators must look to the situational, environmental and behavioral factors in each case.

2. The analysis of aggressive behavior must be proactive and cannot just be the reactive response to the latest problem behavior presented by the child.
3. A previous and valid FBA should be considered by the LEA when making a manifestation determination.
4. In disciplinary actions, the IEP team has the obligation to order that the FBA be conducted. However, the IEP team does not need to conduct the assessment and can employ other professionals for this task. The IEP team must then consider the completed FBA.
5. The question of whether a parent must consent to the FBA is determined by the scope of the FBA. In *Letter to Christiansen*, 107 LRP 45740 (OSEP 2007), OSEP held “that a district that intends to conduct a functional behavioral assessment should ask itself one question: will the FBA focus on the educational and behavioral needs of a specific child? If so, the FBA qualifies as an evaluation or reevaluation under Part B and triggers all of the accompanying procedural safeguards, including the need to seek parental consent. If, however, the district uses an FBA as a widespread intervention tool to improve the behavior of all students in its schools, the FBA is not an evaluation and parental consent is not necessary.”
6. The IDEA does not require that the FBA be in writing, but best practice would be to have a clear written FBA with supporting documentation.
7. The IDEA does not specify who is qualified to conduct the FBA. State law or the local LEA may dictate the qualifications of persons designated to conduct the FBA. In all cases such persons should have extensive experience in the identification of the factors that contribute to aggressive behavior in children.

II. Crisis Planning for Children Who Exhibit Aggressive Behavior

A. Overview of the Behavior Intervention Plan (BIP).

1. The IDEA does not define the “behavioral intervention plan” (BIP), so the scope and format of the (BIP) is left to the LEA.

2. The BIP does not need to be incorporated into the IEP and the BIP does not need to be in writing, although best practice would dictate that the BIP should be written and reference all supporting documentation. *School Bd. of Indep. Sch. Dist. No. 11 v. Renollett by Renollett*, 45 IDELR 117 (8th Cir. 2006).

3. A definition of the Behavioral Intervention Plan (BIP) suggested by the National Association of Social Workers is: “A behavioral intervention plan can be generally defined as a written, specific, purposeful and organized plan, which describes positive behavioral interventions, and other strategies that will be implemented to address goals for a student's social, emotional and behavioral development within the context of the IEP process. In addition, for students whose behavior prompts disciplinary action by the school, the behavioral intervention plan addresses the behavior(s) of concern that led to conducting a functional behavioral assessment.”

B. The Requirement to Develop the BIP in Discipline Cases when child removed from placement for over 10 days.

1. The child must Continue to receive educational services, as provided in 34 CFR 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting and to progress toward meeting the goals set out in the child's IEP. The school must conduct, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur. 34 CFR 300.530(d) (1).

C. Planning for the Child Who Shows Aggressive Behavior.

1. In addition to the Behavior Intervention Plan, some students who show aggressive behavior may benefit from the development of a specific individual discipline plan to help stop aggressive behavior and to enforce compliance with school discipline regulations.

a. Where the BIP is proactive, the Discipline Plan is reactive and may be used in conjunction with or an alternative to the school discipline Code for all students.

2. The Discipline Plan can be incorporated into a settlement agreement with the student and the parents regarding control of behavior or discipline.
 - a. Although the discipline plan is not defined in the IDEA, and there is no requirement for writing, best practice dictates that these plans are in writing.
 - b. When incorporated in a settlement agreement, the discipline plan and the settlement agreement should be signed by the parent.
3. General Factors for Crisis Intervention with the aggressive Student.
 - a. Be proactive and confront the child with the inappropriate behavior
 - b. Set limits and provide clear and realistic expectations for conduct
 - c. Provide some mechanism for the child to have a time out or self-regulate anger and aggressive impulses.
 - d. Include the parent early to learn more about the antecedents to the behavior, history, home environment and other circumstances that contribute to the behavior.
 - e. Include the parent in the problem solving and the identification of interventions that work at home. Try to develop a cooperative and unified approach.
 - f. Use written BIP and Individual discipline plans to clarify the approach and to memorialize student and parent understanding.
 - g. For children of proper age, give them a way to recover, apologize and reintegrate into the curriculum with a sense of dignity and self worth.
 - h. For children of proper age, have them identify how the aggressive behavior is self defeating as a problem solving mechanism.
 - i. Try to have the child identify his or her current role models and have the child describe how that person would solve problems.
 - j. Ask the child who at school or at home knows him/her the best. If that person is available, see if they can be involved in a plan to curb aggressive behavior.

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