



Trends and Issues Regarding the FBA/BIP Process

Georgia Department of Education
Divisions for Special Education Services and Supports
1870 Twin Towers East
Atlanta, Georgia 30334

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Your Presenters Today

Dr. Mike Blake

Program Specialist

Emotional/Behavioral Disorders

Georgia Department of Education

Dr. Jeff Waller

Valdosta State University

School Consultant

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Four Questions To Consider

- Can a parent request an Independent Educational Evaluation if they disagree with the school district's FBA?
- When is the FBA/BIP process required by IDEA?
- What are the major components of the FBA/BIP process?
- What action steps, if any, are you going to take to enhance your district's FBA/BIP process?

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For Legal Advice You Should Consult Your Organization's Legal Department

- This session is designed to provide information about a Federal Office of Special Education Programs opinion and a recent Federal District Court ruling regarding the FBA/BIP process. The presenters are not engaged in rendering legal advice.
- For legal advice please consult your organization's attorney or legal department.

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Can a parent request an Independent Educational Evaluation if they disagree with the school district's FBA?

- United States District Court for the District of Columbia ruling (June 23, 2008):
 - Parent believed district's FBA was inadequate and requested funding for an independent FBA
 - 34 C.F.R. 300.502(b)

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either (i) file a due process complaint to request a hearing to show that its evaluation is appropriate, or (ii) ensure that an independent educational evaluation is provided at public expense.

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United States District Court for the District of Columbia ruling.....

- District failed to act on the request and parent filed an administrative due process hearing complaint
- Administrative Hearing Officer ruled that an FBA was not an “educational evaluation” under IDEA
- Federal District Court disagreed and indicated that the breadth of the IEP extends beyond purely academic concerns, including under its compass “the use of positive behavioral interventions and supports.”

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United States District Court for the District of Columbia ruling.....

- Language from the Ruling:
 - Of particular relevance to this case is the regulatory provision affording parents “the right to an independent [IEP] at public expense if the parent disagrees with an evaluation obtained by the public agency.”
 - In view of the IDEA’s statutory framework and the centrality of the FBA to development of a successful IEP, this Court agrees with plaintiff’s contention that the FBA is an “educational evaluation” as stated in Section 300.

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United States District Court for the District of Columbia ruling.....

- Language from the Ruling:
 - The IDEA further recognizes that the quality of a child’s education is inextricably linked to that child’s behavior, and hence an effective educational evaluation must identify behavioral problems: “the IEP team must, 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.”
 - The FBA is essential to addressing a child’s behavioral difficulties, and, as such, it plays an integral role in the development of an IEP.

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United States District Court for the District of Columbia ruling.....

- Language from the Ruling:
 - The FBA’s fundamental connection to the quality of a disabled child’s education compels this Court’s determination that an FBA is an “educational evaluation” for purposes of Section 300.
 - Read the entire case using this link:

https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2007cv1422-18

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United States Department of Education Office of Special Education Programs

- Based upon scenario of IEP team recommending FBA which was not an initial evaluation nor a triennial evaluation OSEP rendered opinion that a FBA is a reevaluation.
- <http://www2.ed.gov/policy/speced/guid/idea/letters/2007-1/christiansen020907discipline1q2007.pdf>

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Can a parent request an Independent Educational Evaluation if they disagree with the school district's FBA?

- OSEP's non-binding opinion is YES, it should be treated as a reevaluation.
- Federal District Court ruling in D.C. supported the parent's request for an IEE when the parent disagreed with the district's FBA.

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When is the FBA/BIP process required by IDEA?

- In sum, the functional behavioral assessment is a service administrators must ensure a child with a disability receives when that child is removed long-term from his or her current placement for disciplinary reasons.

Source: Positive Behavioral Interventions and Supports

http://www.pbis.org/school/pbis_and_the_law/reauthorized_fba.aspx

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Definition of FBA

“Functional assessment is a broad process for gathering information to understand problem behavior situations and develop effective support plans.”

Source: O’Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). *Functional Assessment and Program Development for Problem Behavior: A Practical Handbook*. Boston: Brooks/Cole Publishing.

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Definition of FBA

...a set of processes for defining the events in an environment that reliably predict and maintain problem behaviors. FBA can include:

- Interviews
- Rating Scales
- Direct Observation
- Systematic experimental analysis of problem situations

Source: O'Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). *Functional Assessment and Program Development for Problem Behavior: A Practical Handbook*. Boston: Brooks/Cole Publishing.

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State DOE Rule Definition

- Functional Behavioral Assessment (FBA) – a systematic process for defining a child’s specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a Behavioral Intervention Plan should be developed.

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Why FBA?

FBA should lead directly to the design of effective behavior support strategies.

The purpose of FBA is to gain information to improve the effectiveness and efficiency of behavioral interventions.

Source: O'Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). *Functional Assessment and Program Development for Problem Behavior: A Practical Handbook*. Boston: Brooks/Cole Publishing.

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What are the major components of the FBA/BIP process?

FBA Components

Indirect Assessment

- Review of existing records

- Interviews

- May include rating scales

Direct Observation of the Student

- Data Collection: Frequency, Intensity, Duration, Rate, and/or Latency

Source: O'Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). *Functional Assessment and Program Development for Problem Behavior: A Practical Handbook*. Boston: Brooks/Cole Publishing.

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What are the major components of the FBA/BIP process?

FBA Components

- Functional Analysis Manipulations (if needed)
- Develop Hypothesis and Summary Statement for Each Problem Behavior
- Use Competing Behavior Model

Source: O'Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). Functional Assessment and Program Development for Problem Behavior: A Practical Handbook. Boston: Brooks/Cole Publishing.

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What are the major components of the FBA/BIP process?

BIP Components

Operational Description of Behavior(s)

Summary Statements from the FBA

Setting Event Strategies

Immediate Predictor Strategies

Instructional Strategies

Consequence Strategies -For Desirable Behavior(s) and Problem Behavior(s)

Source: O'Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). Functional Assessment and Program Development for Problem Behavior: A Practical Handbook. Boston: Brooks/Cole Publishing.

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What are the major components of the FBA/BIP process?

BIP Components

Specific Descriptions of:

Typical Routines

Most Difficult Problem Situations

Data Collection System and Monitoring

Team Member Responsibilities Defined

Fidelity of Implementation

Source: O'Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). *Functional Assessment and Program Development for Problem Behavior: A Practical Handbook*. Boston: Brooks/Cole Publishing.

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When Gathering Initial Information (Interviews, etc.) Describe the Behavior(s)

Describe the Behavior

Behavior	Topography	Frequency	Duration	Intensity
Calling Out	Repeatedly says the teacher's name	5-6 x /55 min	5-10 Sec.	Audible to all in the room

Source: O'Neill, R., Horner, R., Albin, R., Sprague, J., Storey, K., & Newton, J. (1997). *Functional Assessment and Program Development for Problem Behavior: A Practical Handbook*. Boston: Brooks/Cole Publishing.

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Identify Potential Distant Setting Events

Define the Setting Events That May Predict the Behavior

Seven Important Events

- Medications
- Medical or physical problems
- Sleep cycles
- Eating routines and diet
- Daily schedule
- Numbers of people
- Staffing patterns and interactions

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Define Possible Antecedents

Define Antecedent Events That Predict When the Behaviors Are Likely and Not Likely To Occur

- Time of day
- Physical setting
- People
- Activity

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Identify Consequences

Identify the Consequences That May Be Maintaining the Undesirable Behavior

Attention

Escape

Tangible Item(s)

Sensory Stimulation

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From Interviews, etc. Develop Summary Statements

Develop **Summary Statements** for Each Major Predictor and/or Consequence

Distant Setting Event	Immediate Antecedent (Predictor)	Problem Behavior	Maintaining Consequence
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None identified Math class work Calling Out Attention from teacher

Model for Summary Statement

Immediate Situation

When John is presented with instructional level math assignments in class

Problem Behavior

Maintaining Consequence

he repeatedly calls the teacher's name to gain her attention.

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Competing Behavior Model

Distant
Setting
Event

Immediate
Antecedent
(Predictor)

Problem
Behavior

Maintaining
Consequence

None Identified

Difficult Math
Assignments
Teacher
Direct Instruction
To Large Group

Complete Work

Desirable Behavior

Teacher Praise

Calling Out

Problem Behavior

Attention/Teacher
Help

Raise Hand to
Request Help

Replacement Behavior

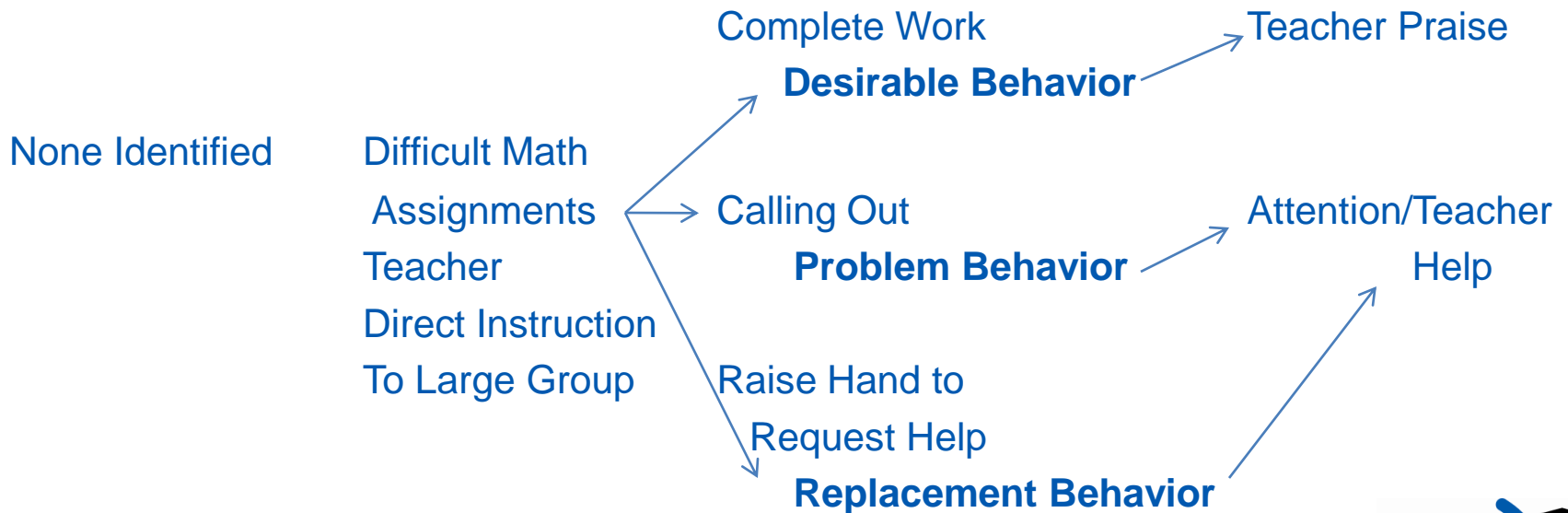
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Behavior Intervention Plan

Problem Behavior: Calling Out

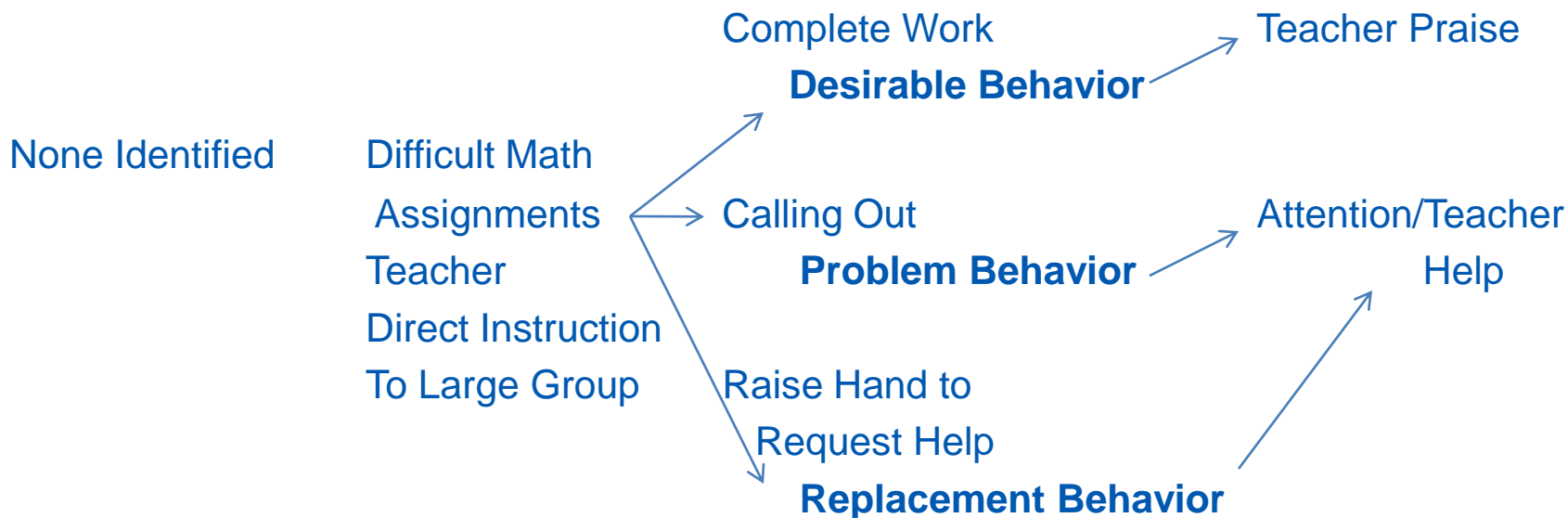
Functional Assessment Summary Statement

When John is presented with instructional level math assignments in class he repeatedly calls the teacher's name to gain her attention.



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Behavior Intervention Plan



<u>Setting Event</u>	<u>Predictor Strategies</u>	<u>Teaching Strategies</u>	<u>Consequence Strategies</u>
None Identified	<i>Pre-teach new concepts to selected students in class including John</i>	<i>Teach and consistently enforce/reinforce for all the need to raise hand for teacher assistance</i>	<i>Praise for completing work Point system for raising hand when needing help Ignore calling out behavior</i>

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Behavior Intervention Plan

I. Target Behaviors and Definitions	II. Functional Behavioral Assessment and Identified Function of the Target Behavior	III. Intervention Strategies (Positive Behavioral Interventions and Supports)		IV. Reinforcers and Consequences		V. Action Plan for Data Collection and Monitoring of BIP
		A. Modifications to the Identified Antecedents	B. Alternative Behaviors (Meet the same function as the target behavior)	A. Individualized Reinforcers for Student to Learn Alternative Behavior	B. Consequences for Target Behavior	
1. Calling Out – repeatedly calling the teacher’s name	When John is presented with instructional level math assignments in class he repeatedly calls the teacher’s name to gain her attention.	Pre-teach new math concepts to students including John Teach and enforce/reinforce for all the need for raising hand when seeking the teacher’s attention.	Raise hand to gain teacher’s attention	Point system – student selected reinforcers from student menu – see student interview for menu	Ignore the calling out behavior	Daily frequency count per math class period – 55 minutes Ms. Smith case manager and co-teacher will collect data and chart for weekly review Plan review in 6 weeks (May 4, 2010)

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Writing An Objective

4 Components of an Effectively Written Objective

Learner: John

Conditions: When presented with instructional level math work in a general education classroom setting

Behavior: Will raise his hand to seek teacher attention

Criterion: To master this goal he will need to perform this behavior at least 4 out of 5 days of school during math class for 6 weeks.

Final Objective

When presented with instructional level math work in a general education classroom setting John will raise his hand to seek teacher attention. To master this goal he will need to perform this behavior at least 4 out of 5 days of school during math class for 6 weeks.

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What action steps, if any, are you going to take to enhance your district's FBA/BIP process?

Current State

Desired State

Action Steps

Current State	Desired State	Action Steps

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What action steps, if any, are you going to take to enhance your district's FBA/BIP process?

Current State

Desired State

Action Steps

FBA Components

Indirect Assessment

Review Existing Records

Interviews

May Include Rating Scales

Direct Observation of the Student

Frequency

Intensity

Duration

Rate

Latency

Functional Analysis Manipulations

(If Needed)

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What action steps, if any, are you going to take to enhance your district's FBA/BIP process?

Current State

Desired State

Action Steps

Develop Hypothesis and
Summary Statement
Use Competing Behavior Model

BIP Components

Operational Description of
Behavior(s)
Summary Statements from FBA
Setting Event Strategies
Immediate Predictor
Strategies
Instructional Strategies
Consequence Strategies
For Desirable Behaviors
For Problem Behaviors

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What action steps, if any, are you going to take to enhance your district's FBA/BIP process?

Current State

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Action Steps

Specific Descriptions of
Typical Routines
Most Difficult Problem
Situations
Data Collection System
Monitoring the Plan
Team Member Responsibilities
Defined
Fidelity of Implementation

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THANK YOU!

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Program Specialist

Emotional/Behavioral Disorders

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mblake@doe.k12.ga.us

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