

# **Behavioral Health: Balancing Procedural Expectations with Positive Educational Practice**

**NYSED Hearing Officer Training**

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## **Part 1: Overview**

### **Behavioral Emotional Social Needs: A Review**

#### **Emergent Forms of Challenging Behavior**

There is a continuing and growing concern about the number of young children identified<sup>1</sup> with emergent forms of challenging behaviors including psychiatric disorders.<sup>2</sup> It has been estimated that as many as 10% to 15% of young children have mild to moderate behavioral concerns<sup>3</sup> with up to 30% among children from low-income families.<sup>4</sup> Clinically significant, challenging behaviors exhibited by these young children reflect “repeated patterns of behavior that interferes with or is at the risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults.”<sup>5</sup>

Children typically experience a “Matthew Effect” when they enter school with poor social skills.<sup>6</sup> They start with lower initial skills which often leads to slower rates of growth resulting in secondary concerns including “behavior problems, academic deficiencies and motivation problems.” At least half of the preschool children who display challenging behavior before kindergarten maintain these behavior patterns into elementary school<sup>7</sup> and although, the behavioral, emotional and social development of children is commonly regarded as a cooperative mandate to academics, many educators have questioned this goal as a legitimate priority for schools.<sup>8</sup>

#### **Risk or Protective Factors**

All children demonstrate transitory fluctuations and fundamental changes in behavioral, emotional and social trajectories. There is no single factor, whether considered at risk or protective, that can account for a child’s behavioral, emotional or social adjustment.<sup>9</sup> Behavior is dimensional and gender specific,<sup>10</sup> and disruptive behavior<sup>11</sup> and attention problems<sup>12</sup> are much more common in males than in females.<sup>13</sup> The incidence, prevalence and severity of early forms of challenging behavior coupled with negative trajectories that may be gender specific<sup>14</sup> have heightened the importance of prevention and early intervention as a means to promote positive, long-term outcomes that are conducive to behavioral, emotional and social success.<sup>15</sup>

### **Event Horizons: Factors of Risk**

Most problems of childhood and adolescence are associated with multiple risk factors and, in turn, risk factors are associated with more than one problem. Risk may occur sequentially while considering proximal (precipitating) and distal (predisposing) factors.<sup>16</sup> Precipitating factors often occur in close temporal proximity to a specific problem or disorder while predisposing factors typically reflect the child's history and experiences. Children exposed to risk factors manifest the effect in a variety of ways,<sup>17</sup> some children are on a trajectory to later difficulties<sup>18</sup> and others may present moderate to severe behavioral challenges because of exposure to trauma or risk behaviors in the first five years of life.<sup>19</sup>

### **Prevention and The Promotion of Early Intervention**

The concepts of prevention and early interventions are very simple,<sup>20</sup> do something to keep something bad from happening.<sup>21</sup> Despite the compelling logic, we seem to have little commitment to prevention by allowing a variety of forces to contaminate any meaningful effort to prevent behavioral, emotional and social problems in children. There are continued forces that serve as impediments to our acceptance of true prevention and early intervention. We continue to allow others to maintain marginalized environments for some children,<sup>22</sup> discipline concerns, violence and aggression in our schools have become a problem of national significance.<sup>23,24</sup> We have apparently not met the “threshold” and have yet to commit to the concept of stopping problems before they occur. Avoiding the stigma of a categorization may well have “prevented the prevention” of serious behavioral and emotional disorders among at-risk children.<sup>25</sup>

### **Behavioral, Emotional and Social Adaptation: The Academic Effect**

Disruptive behaviors and achievement difficulties may develop through a series of reciprocal processes. Lack of time “on task” may interfere with the development of appropriate skills, which can lead to greater rejection of the child by peers, teachers and even parents.<sup>26</sup> Ongoing behavior concerns limit the opportunity for teachers to teach and children to learn.<sup>27</sup>

Failure to assess and quantify behavioral, emotional and social development introduces the risk of failing to attend to those needs in instructional settings. It is logical that early and appropriate,

socio-emotional behaviors support provide the foundation for positive classroom adaptation and academic achievement.<sup>28,29</sup>

Caplan<sup>30</sup> suggested that a crisis often creates a time at which children are uniquely predisposed to change. These crises often follow a predictable aim line...either in timing (e.g., transition from home to begin school) or in content (e.g., an event in the child's life). The unsuccessful resolution of a crisis increases the likelihood of behavioral, emotional and social concerns while a successful resolution of a crisis may decrease the likelihood of problems. Careful attention is required when inferences are made about children in situations when they are assessed on behaviors that they have not had the opportunity to learn.<sup>31</sup> Many children recommended for delayed entry are precisely the ones who would benefit the most from school-based opportunities to learn necessary skills for later success.<sup>32</sup>

School based professionals can have a dramatic and powerful influence on a child's behavioral, emotional and social development,<sup>33</sup> particularly when the timing, the content and level of the support matches the child's needs.<sup>34</sup> Comprehensive prevention and intervention services, can decrease the likelihood of academic failure<sup>35</sup> and future life difficulties.<sup>36</sup> Attending to the timing and context of a crisis and inoculating children to future trauma can increase the likelihood of positive behavioral, emotional and social health and consequently greater academic adaptation.

## **Behavioral, Emotional and Social Needs**

### **The Classroom Teacher's Role: Standard of Comparability**

Behavioral emotional and social characteristics are the best clue to a child's personality with typical behavior observed most readily in ordinary daily school-based activities. The standard of proper classroom performance reflects multiple and interactive forces representing the child's status in the social field of the classroom. Problem behaviors manifested by normal children do not generally differ in kind from those shown by children with behavioral, emotional and social problems, but are different in frequency, occurrence, degree of severity, duration and clustering.<sup>37</sup>

Classroom teachers play a central role in the identification of childhood problems. Their observations and judgments can be the single most effective index of the child's growth and

development; sharpened by professional training and by day-to-day experience with normal developmental behavior of other children. Teachers observe and interact with children on a daily basis, in a variety of circumstances, over a period of time and as a result can analyze typical performance of what a child can and cannot do in comparison to other children of the same age.<sup>38</sup>

The classroom teacher represents the primary agent for carrying out the social function of the schools and also serves as the primary referral agent for psychological assessment and special intervention.<sup>39</sup> A teacher's observation of a child's behavior is an important source of information when decisions are made about eligibility and placement for special services.<sup>40</sup> Although one must acknowledge that a rating of a child is a blend of actual behavior and the rater's perception, the teacher rating has face validity derived from the central strategic importance they occupy in the classroom.<sup>41</sup>

### **Organizing and Quantifying Behavioral, Emotional and Social Needs**

There are two major contrasting conceptualizations of behavioral, emotional and social needs. The traditional qualitative or clinical model holds that a disorder is either present or absent, i.e., all or nearly all the symptoms must be present in order to classify a concern. In contrast, the quantitative or empirical model views disorders as a group of symptoms with a number of symptoms present and ranked on a scale being a measure of the severity of the disorder. All children have a place on the dimension<sup>42</sup> and most, of course, fall at the low end of the scale.<sup>43</sup> Empirical systems are often the method of choice for classification systems, since behavior can be measured comparatively and individuals are thought to occupy some place on the defined dimension.

### **Determining Levels of Intervention**

The analysis of behavior as a manifestation of personality is complex. The notion of behavioral, emotional and social difficulties serves to obscure the fact that most children continually struggle to obtain a level of independence and self-worth. All children experience and demonstrate normal problems of everyday living while some children have fixed and occurring symptoms of behavioral, emotional and social difficulties. We need to approach prevention and intervention as a means of educational habilitation or psychological aid, customizing interventions to address individual differences, regardless of the degree of those differences.

Multi-tiered models of support are linked to the initial identification of children who may profit from more intense services.<sup>44</sup> Interventions that are individually suitable to a child should reflect positive changes in the representation of the problem concern.<sup>45</sup> The goal is to design and implement an intervention plan with integrity and to evaluate the effectiveness of the intervention.<sup>46</sup> **Unfortunately, there is often very little direct relationship between the concerns identified,<sup>47</sup> and the interventions that are recommended to solve the problem(s).<sup>48</sup>**

Treatment validity refers to the extent to which the assessment procedure<sup>49</sup> contributes to beneficial outcomes.<sup>50</sup> There must be a clear and unambiguous relationship between the data collected and the intervention that is recommended.<sup>51</sup> Some type of problem-solving model must be implemented to make the connection to data collected and interventions developed. Bergan's<sup>52</sup> behavioral consultation model provides an excellent problem-solving approach that focus on four distinct steps: (1) problem identification, (2) problem analysis, (3) plan implementation, and (4) plan evaluation. Linking data with real time problem solving logically facilitates better outcomes.

#### **A Note: Sensitivity and Specificity**

The gold standard in educational diagnosis operationalizes a true existing state of a construct that is generally agreed upon. When scores from assessments are validated, they are typically designed to maximize a particular outcome;<sup>53</sup> (e.g., correct classification of need, reducing the number of under-identified students). Sensitivity and specificity are appropriate for diagnostic decisions to determine with reasonable certainty whether a child has a certain disorder.

A sensitivity value represents the proportion of "truly" at-risk children who are correctly identified as being at risk. Sensitivity can be an important index because it expresses the proportion or percentage of children correctly identified as needing further assessments and/or intervention. Sensitivity indicates the degree to which the assessment captures an existing condition (i.e., a true positive). Specificity is the counterpart to sensitivity. Specificity is also expressed as a proportion, and represents the proportion of "truly healthy" children who are accurately not identified as at risk.

In behavior analysis, end of year outcomes in education are not true or existing at the beginning of the year. The labels of “True Positive” and “False Negative” on which sensitivity is based are not meaningful when there is an intervention between the beginning of year and the end of year. The end of year outcomes given the beginning of the year skills tell us about the effectiveness of the additional support(s), intervention(s) or replacement behaviors that were taught and learned. If you explicitly manage contextual variables, address trauma, teach replacement behaviors, provide interventions and additional support between the beginning of year and the end of year, the concept of sensitivity based on “True Positives” and “False Negatives” is not meaningful.

The end of the year outcome(s) with continuing development and a positive behavioral, emotional and social trajectory are the direct result of what is implemented between the beginning of the year and the end of the year. End of the year outcomes and on-going development are not pre-existing or true at the time of the initial assessment, something has happened, something has changed for the child between the two dates.

## **Identifying Externalizing and Internalizing Behaviors**

### **Differentiating Behavioral, Emotional and Social Behaviors**

Children who exhibit behavioral and emotional difficulties often pose formidable challenges,<sup>54</sup> encompassing both major externalizing and internalizing behaviors of childhood.<sup>55</sup> Historically, most children referred for psychological services have been classified representing externalizing and internalizing behavior.<sup>56</sup> Behavioral, social-emotional, and mental health disorders afflicting school-aged children, including internalizing behavior problems (e.g., anxiety, depression and social withdrawal) or externalizing disorders (e.g., conduct, attention, hyperactive, aggressive, and other behavioral disorders), affect approximately 20% of school-aged children,<sup>57</sup> with only 30% of these children receiving mental health services.<sup>58</sup> Children who are referred in the school settings may exhibit either externalizing or internalizing behaviors,<sup>59</sup> or a combination of both.<sup>60</sup>

### **Externalizing Behaviors**

Externalizing behaviors have been conceptualized as representing “excessive behavior that deviates from the social norm and effects the child’s environmental status.”<sup>61</sup> Quay further defines

these problems to include restlessness, attention seeking and disruptiveness with rowdiness.<sup>62</sup> Children with externalizing behaviors (often referred to as under controlled behaviors) are most easily recognized by teachers,<sup>63</sup> these children present and manifest outward directed behaviors such as verbal and physical aggression as well as coercive tactics which tend to disrupt instruction by quickly capturing a teacher's attention.<sup>64</sup> These externalizing behaviors are characterized by dimensions of observable behavior which deviate excessively from the social norms established for a particular referent group.<sup>65</sup>

### **Internalizing Behaviors**

Internalizing behaviors are conditions representing behaviors which result in the development of pathological patterns and structure of personality involving the manifestation of anxiety and stress. These internalizing personality concerns can be characterized by behaviors that while less observable, are inherently manifested in emotional, social impairment.<sup>66</sup> Children with internalizing behaviors (referred to as over controlled behaviors) are not as easily recognized since their behaviors tend to be directed inward. These children present and manifest such behaviors as anxiety, depression, social withdrawal and self-inflicted pain.<sup>67</sup>

Internalizing behaviors are more common than one might expect and most often persist into adulthood.<sup>68</sup> Approximately 5.8% to 17.5% of school-age children have anxiety disorders.<sup>69</sup> Childhood depression rates indicate that 2.8% of children younger than 13 years and 5.6% of children 13 to 18 years of age experience this disorder<sup>70</sup> with 15.9% of school-age children demonstrating comorbidity with other defined concerns.<sup>71</sup> Over twenty eight percent (28.4) of middle school children have been noted as manifesting self-injurious behavior.<sup>72</sup>

Unfortunately, children with internalizing behaviors are less apt to receive appropriate support and services and are often underserved relative to children with externalizing behaviors.<sup>73</sup> It is well known that teachers substantially under refer children with behavior problems<sup>74</sup>- particularly those with internalizing type problems and disorders.<sup>75</sup>

### **Individualizing by Needs**

Although few children are clearly one type or another, externalizing and internalizing disorders



manifest themselves in two quite different sets of behavioral indicators which benefit from different types of intervention. In the case of a child who manifests an externalizing disorder, the goal would be to contain the child's antisocial behavior, reduce the attention or escape derived from the misbehavior while teaching replacement behaviors that are socially acceptable. A different approach is needed with a child who manifests an internalizing disorder. Most often these children benefit from interactive and personal relationship-based interventions that addresses underlying and unresolved emotions and social conditions. Replacement behaviors of a different nature must be addressed and taught recognizing internalizing behaviors are also represented by purpose and function.

### **WHY DO CHILDREN ACT THE WAY THEY DO?**

**In the Beginning, most children start from the same place.** The effects of biology, environmental conditions, learned experiences and specific context variables make the differences we see. Approximately half of preschool children who display challenging behavior prior to kindergarten maintain inappropriate behavior patterns well into elementary school years.<sup>76</sup>

**A negative relationship between challenging behaviors and achievement difficulties** may develop through a series of reciprocal process that involves parents, children and teachers within the context of the home, school and peer group.<sup>77</sup> **Children who have not learned** the critical social, environmental and behavioral competencies required for school success, or exhibit these critical competencies at such a low rate, do not access positive consequences that encourage social emotional and behavioral growth.

### **WHY DO CHILDREN ACT THE WAY THEY DO AT SCHOOL?**

**School life for many children is inherently difficult.** There is a continuous struggle, not just for biological survival, but for some personal recognition, a sense of self and personal identity. **Clinically significant, challenging behaviors** exhibited reflect "repeated patterns of behavior that interfere with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults."<sup>78</sup>

**Behavioral difficulties often follow a predictable aim line...**either in timing or in content related to a specific event. If children do not find rewarding experiences and positive relationships in school they often will seek them elsewhere, potentially in behaviors and relationships that place them at risk.<sup>79</sup>

**Although there are many factors that could explain a child's behavioral difficulties in school,** most are related in some fashion to the fact that schools are intensely rule-governed, culturally determined settings that require specific behaviors and a particular type of engagement that may not have been learned by all children.<sup>80</sup>

## **WHY DON'T BEHAVIOR MANAGEMENT SYSTEMS WORK?**

**Most behavior management plans** rely primarily on the use of consequences to achieve improvement. These plans are often used without regard to the circumstances that maintain the problem behavior and arrange punishment contingencies in a linear fashion to suppress behavior under narrowly circumscribed conditions. There is a continual and identifiable series of escalating events with the majority of intervention occurring at the highest levels of resistance. **This may continue as a pattern of negative and reciprocal interaction** between the child and others and in many instances cause children to become even more resistant and uncooperative.<sup>81</sup>

**Children learn to behave or misbehave in ways that satisfy a need or results in a desired outcome.** Inappropriate problem behaviors can become more *reliable* because they result in the same consequence most of the time and are often more *efficient* because it is easier for the child to engage in inappropriate behavior.<sup>82</sup>

Redirecting and managing challenging behaviors is most effective at the lowest level of resistance. **However, in actual practice there is a continual and identifiable series of escalating events** with the majority of intervention occurring at the highest level of resistance.

## **IDENTIFYING AND SPECIFYING BEHAVIORS**

**Most practitioners use a typological approach in analyzing behavior,** based on observable behaviors and emotions with constructs used to describe the behavior.

**Constructs are broad descriptive terms** such as “good” or “bad” “disruptive” or “attention seeking.” Constructs are easy to use but are open to interpretation. It is easier to describe behavior with a single word than to state precisely what occurred that lead you to think of “good” or “bad” “disruptive” or “attention seeking” in the first place. Constructs give expression to your feelings about and make communication less, not more, economical.

We use constructs to express the meaning of an event instead of using behavioral terms to simply and precisely describe what happened. Constructs add an expression of feelings about the child and their behavior. If we describe the child’s behavior using a construct such as “lazy” “inappropriate” or “stupid”, we aren’t really stating what the behavior is; we are stating our opinions and expressing a feeling of what the behavior means. Even though a child may be described as lazy not everyone knows what is meant by the use of that term. Operationally, what is: Lazy? Attention seeking? Angry? Disruptive?

It turns out that constructs tell us more about how we interpret a factual event than about the event itself. Instead of describing an event, we interpret it. Instead of “Bente read an email out loud during the lecture” (a precise description of the event), we write “her behavior was disgraceful” (our interpretation of the event.)

**Constructs are emotionally charged and operationally meaningless.** Behavior must be described in objective terms that are precise so that anyone can recognize and observe the behavior with function or purpose identified. Classification systems provide a schema for organizing traits or behavior based on observed emotions and behaviors but ignore the function or purpose of behavior.

### **WHY CHILDREN RESIST OUR EFFORTS TO CHANGE THEIR BEHAVIOR**

**Acceptable behavior is the result of appropriate exposure to necessary learning conditions.** Children cannot violate or create order out of disorder without a compensating process. Although, there are many factors that could explain a child's behavioral difficulties in school, many are related to the fact that schools are intensely rule-governed, culturally determined settings that require specific behaviors and a particular type of engagement that may not have been learned by all children (Harry et al, 2009<sup>83</sup>).

There are a number of factors that condition inappropriate behavior including misbehavior, casual or capricious actions based on relationships, chronic emotional or adjustment problems, negative attitudes toward the teacher and volatile intragroup conditions or inter-personal relations.

### **TRANSLATING PRINCIPLE INTO PRACTICE**

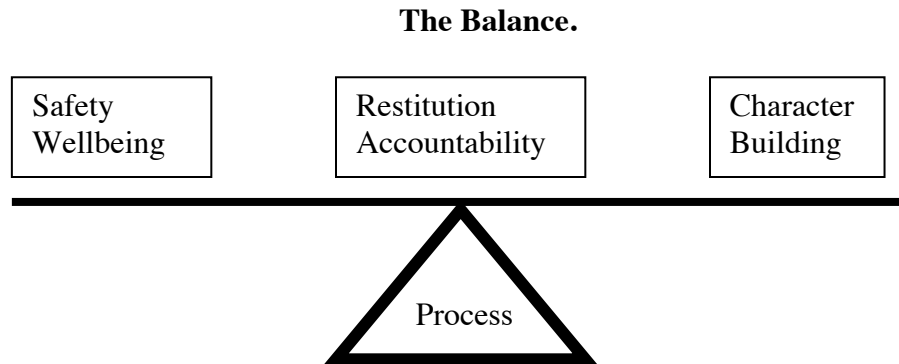
**Although, most want immediate solutions to discipline problems, effective techniques seem to only exist at the level of principles, not practices.** Interventions that practitioners typically use tend to be unsystematic, negative or both. Practitioners often assume adversarial relationships; emphasizing power while assigning low priority to respect, dignity, or concern for developing management skills. There is often a subtle but pervasive feeling that children won't learn unless they are coerced and won't behave unless they are controlled. Ultimately, an autocratic approach to discipline tends to induce feelings of repression and impotence rather than self-regulation.

**It is not always possible to teach an infallible process for translating principles to practice.** In varying degrees, classrooms seem almost purposely established to prevent children from achieving basic needs; socializing is discouraged, anxiety often runs high and individual attention is minimal. Schools set up unrealistic expectations, then punish children for not meeting them. Eventually and inevitably, they develop negative attitudes and behaviors. Often times these children think their current coping behaviors serve them better than the alternatives we are urging. Sometimes they think their situation is so hopeless that their only choices are to fight or give up. In either case, they view much of what we are trying to do to them as irrelevant.<sup>84</sup> The additive effect preclude much evidence of opportunities to reinforce a child's self-worth.

**Behavior change is a process.** Ideally, the classroom is a place where there is a partnership in achieving worthwhile personal, social, and academic outcomes. Establishing a climate of mutual respect, being firm and consistent, and maintaining a dignified, friendly, calm posture even in trying circumstances are important attributes in order to create a mutual partnership of respect. A discipline problem is a personal problem that requires a personal solution. **“What do you believe about behavior?”** and **“What procedures are you going to follow to teach the behavior you want and modify the behavior you do not want?”** The change process directed by the IEP team must be

balanced to ensure that safety and wellbeing, restitution with accountability and character building is equally emphasized.

Note: The committee on [preschool or] special education or (CSE, CPSE) carries the function of the IEP team. 8 NYCRR §§ 200.3(a)(1) and (2).



See Appendix D – Functional Behavior Assessment (FBA): A Quick Look at Process

See Appendix E – Behavior Intervention Plans (BIP): A Quick Look at Procedures

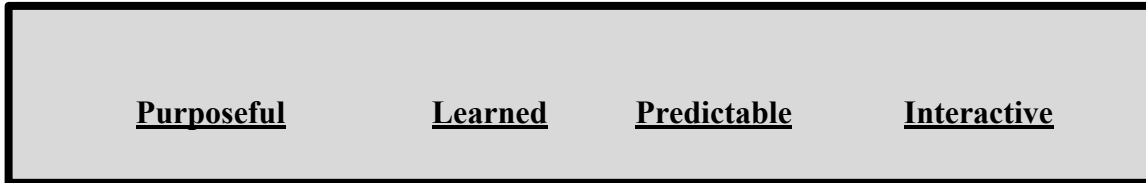
See Attachment: IEP Building Blocks: Special Education Solutions, LLC

The CSE or CPSE shall consider the development of a Behavioral Intervention Plan as defined in 8 NYCRR § 200.1(mmm) for a student with a disability, despite consistently implemented general school-wide or classroom-wide interventions. 8 NYCRR § 200.22(b)(1)(i).

## PART 2

### THE BEHAVIOR CHANGE PROCESS

#### I) FOUR ASSUMPTIONS OF ALL BEHAVIOR



#### A) A REVIEW

- 1) **Behavior is the way in which a child responds to a certain set of**
  - a) Conditions, events or circumstances.
- 2) **When restating and defining a child's behavior,**
  - a) Consider how the behavior presents itself,
  - b) Rather than the diagnoses, construct or the etiology.
- 3) **Decide what you expect children to do**
  - a) Create the opportunities for that to happen.

#### B) ALTHOUGH THE FORM AND THE ABSOLUTE LEVEL OF CHALLENGING BEHAVIORS VARY CONSIDERABLY,

- 1) **Behaviors show remarkable continuity and predictability**
  - a) With both physical and verbal components.
- 2) **Behaviors become**
  - a) **Habitual, conditioned, socialized** and
  - b) Readily observable.
- 3) **Children are not so private**

- a) That their patterns of behavior are undetectable.

See Appendix A - Consideration for FBA

C) **ACHIEVING IMPROVEMENT**

1) **Most behavior management plans**

- a) Rely principally on the use of consequences to achieve improvement.

2) **Practitioners often arrange punishment contingencies**

- a) To suppress the behavior under narrowly circumscribed conditions.

3) **Resistance follows a pattern of negative and reciprocal interaction between the child and others.**

- a) Redirecting and regulating challenging behaviors is most effective at the lowest levels of resistance.

4) **Children with challenging behaviors experience difficulty**


- Choosing socially acceptable behaviors in social situations,
- Predicting the consequences for their social behavior.
- Understanding rejection or isolation by their peers
- More often the object of negative statements from teachers.

Children who have not learned the critical social, environmental and behavioral competencies required for school success, or exhibit these critical competencies at such a low rate, do not access positive consequences that encourage behavioral growth.

See Appendix B – General Discussion on Deciding When to Conduct an FBA

## II) UNDERSTANDING BEHAVIORAL CHANGE

### A) RESISTANCE LEVELS



<b>Presence</b>	Resistance in the form of presence or occurrence in an unauthorized place.	A child in the hall without a pass.
<b>Verbal</b>	Resistance that is spoken.	Verbal defiance or spoken refusal to obey.
<b>Passive Physical</b>	Resistance that is passive and static in nature.	Refusal to follow an order.
<b>Active Physical</b>	Resistance that is active and energetic in nature.	Pulling away or running away.
<b>Aggressive Physical</b>	Resistance directed against a lawful authority.	A push or a strike that does not cause injury.
<b>Aggravated Physical</b>	Resistance intended to or likely to cause injury.	An attack with a weapon.

### B) REFERRALS FOR INTERVENTION

- 1) **Most referrals for intervention are**
  - a) Due to inappropriately arranged antecedents
  - b) Rather than inappropriately arranged consequences.<sup>85</sup>
- 2) **Interventions typically used by teachers for challenging behaviors**
  - a) Tend to be unsystematic, negative, or both.
- 3) **Although, positive educational practices that can improve outcomes for children seem to be embraced by practitioners,<sup>86</sup>**
  - a) Actual school practice does not appear to mirror methodological advances.<sup>87</sup>
- 4) **Consultation directed to challenging behaviors**
  - a) Without recognizing environmental antecedents

- b) Including practitioners' reaction to those behavior(s)
- c) May not lead to a decrease in challenging behavior or teacher complaints.

C) **A CRISIS CREATES A TIME AT WHICH CHILDREN ARE UNIQUELY PREDISPOSED TO CHANGE**

1) **Emotional and behavioral difficulties often follow a predictable aim line...**

- a) Either in timing or in content related to a specific event.

2) **If children do not find rewarding experiences and positive relationships in school**

- a) They often will **seek them elsewhere,**
- b) **Potentially in behaviors and relationships that place them at risk.**<sup>88</sup>

3) **Children learn to behave or misbehave in ways that satisfy a need or results in a desired outcome.**

- a) Inappropriate problem behaviors are more *reliable* because they result in the same consequence most of the time and
- b) Are more *efficient* because it is easier for the child to perform.<sup>89</sup>

D) **CAUSE AND CURE ARE NOT THE SAME THING**

1) **The basic learning process**

- a) Creates a pattern of behavior from personal experiences and physiological needs.
- b) A child cannot violate or create order out of disorder without a compensating process in A Regulated Learning Environment

2) **Although, the cause of challenging behaviors might lie in childhood experiences,**

- a) You can't cure the challenging behavior by eliminating the cause.
- b) The intervention has to come from some other place.



3) **Behavior changes only when it is clear that a different response**

- a) Will more *effectively* and *efficiently* result in the same outcome.<sup>90</sup>

E) **THE BALANCE**

1) **Discipline, like instruction,**

- a) Is an opportunity to help children learn new skills and  
b) Replacement behaviors.

2) **Encouraging a sense of responsibility and acquiring problem-solving skills**

- a) Are more important than compliance and obedience.

3) **Appropriate social and positive behavior skills represent a set of competencies that**

- Facilitate the development and maintenance of positive social relationships,
- Contribute to peer acceptance and friendship and
- Allow children to adapt to the demands of the school and social environment.

4) **What do you believe about behavior?**

- a) What is the expected behavior of children you work with?  
b) What procedures are you going to follow to change behavior if it doesn't meet those expectations?

A Method of Measuring Progress. 34 C.F.R. § 300.320(a)(3); 8 NYCRR § 200.4(d)(2)(iii)(b).

**All children and staff must feel and be safe when they are in school.** There must be a balance between safety and well-being; restitution and accountability; and an obligation to teach competencies that encourage positive prosocial behavior and personal regulation with regard to individual rights.

*Note: Behavioral intervention plan* means a plan that is based on the results of a functional behavioral assessment and at a minimum includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that

include positive behavioral supports and services to address the behavior. 8 NYCRR § 200.1(mmm).

FBA and BIPs are not required components of the IEP under 34 C.F.R. § 300.320. *Analysis and Comments to the Regulations*, Federal Register, Vol. 71, No. 156, Page 46629 (August 14, 2006). New York State does require an FBA when including behavioral interventions and support in the IEP or developing a BIP. 8 NYCRR § 200.4(b)(1)(v).

The IDEA generally gives IEP teams discretion to determine when a BIP is necessary in order to a student to receive FAPE. The failure to develop a BIP when a child needs one can result in a denial of FAPE. *R.K. v. New York City Dep't of Educ.*, 56 IDELR 212 (E.D.N.Y. 2011), *aff'd*, 694 F.3d 167, 59 IDELR 241 (2d Cir. 2012).

In the disciplinary context, the student must receive, as appropriate, a functional behavioral assessment (FBA), and behavioral intervention services and modifications, to address the behavior violation so that it does not recur. 34 C.F.R. § 300.520(d)(1); 8 NYCRR § 201.10(c). *See also R.K. v. New York City Dep't of Educ.*, 56 IDELR 212 (E.D.N.Y. 2011), *aff'd*, 694 F.3d 167, 59 IDELR 241 (2d Cir. 2012).

*See also* IEP Building Blocks, p.13, n.68.

## PART 3

### SHAPING EMOTIONAL AND BEHAVIORAL COMPETENCE

#### I) CHANGING THE THINKING

##### A) THE PRESENT THINKING

- 1) **Most practitioners use a typological approach in analyzing behavior,**
  - a) Based on observable behaviors and emotions
  - b) Using constructs to describe the behavior.
- 2) **They define challenging behaviors by appearances or topography using constructs such as:**
  - Reluctance or refusal.
  - Defiance or verbal aggression.
  - Physical aggression to others or property.
  - Striking out when confronted, threatened.
  - Attention seeking.
  - Boisterous, irresponsible.
  - Withdrawal, depressed.
- 3) **Although empirically derived classification systems**
  - a) Provide a schema for organizing traits or behavior based on observed emotions and behaviors;
  - b) The model also ignores the function or purpose of behavior.
- 4) **The “construct” under consideration in a functional behavioral**
  - a) Assessment (FBA) is the functional relation.<sup>91</sup>
- 5) **Functional assessment is systematic process used to identify**
  - The conditions that drive children to engage in challenging behavior,
  - Events that trigger the occurrence of the behavior, and
  - The events that result from occurrences of the behavior that reinforce it.

**Why does the behavior occur? What purpose does the behavior serve?**

**B) REFRAMING: FROM CONSTRUCT TO FUNCTION**

**1) Function of problem behavior**

- a) First proposed by Carr,<sup>92</sup> with initial demonstrations provided by Carr, Newsom, and Binkoff<sup>93</sup>; Goldiamond.<sup>94</sup>

**2) Functionalism rejects the understanding of behavior based on topography (form or structure)**

- a) Behavioral topographies are merely descriptive and as such,  
b) Explain nothing about the controlling functions of behavior.<sup>95,96</sup>

“True behavior analysts have, paradoxically, very little interest in behavior. Knowing that a young boy diagnosed as autistic exhibits self-injury is, by itself, not very interesting. What is interesting is why self-injury occurs (i.e., of what variables is it a function) . . . Topography (behavior) does not matter much; function (purpose) does Behavior is not the thing of interest to behavior analysis.”<sup>97</sup>

**C) DIFFERENT TOPOGRAPHY OF BEHAVIORS COULD HAVE THE SAME CONTROLLING VARIABLES.**

**1) Manipulation, cheating, teasing, bullying, and aggression as well as altruism, cooperation, sharing, and empathy**

- a) Appear to be learned largely by means of
- i) **Observational, vicarious experiences** (e.g., seeing others perform the behavior and receiving reward for doing so) or
  - ii) **Direct experiences** (e.g., enacting the behavior and receiving a reward for doing so).

**2) Self-injury, stereotypy or repetitive behaviors, aggression, negative peer interaction, disruptive behavior, tantrums, and noncompliance<sup>98</sup>**

- a) Occur within the context of a child's interaction with the environment and
- b) Can appropriately be evaluated in terms of function.

It is assumed that challenging behavior will continue to occur as long as it is successful in accomplishing its purpose.<sup>99</sup>

## II) BEHAVIORAL ASSESSMENT

### A) SOME DISTINCTIONS IN PRACTICE

#### 1) **A distinction is often made between behaviorism, experimental analysis of behavior, and applied behavior analysis.<sup>100</sup>**

a) Traditional *behavior modification* is distinguished from *behavior analysis*.

- The former is not based on behavioral function, but rather relies on strong reinforcers and/or punishers that override the conditions maintaining behavior.<sup>101</sup>

i) *Behaviorism* is the science of applied behavior analysis based on a scientific approach to the examination of behavior.

- Behaviorism maintains that all behavior is a function of the interaction between environmental events and behavior rather than being controlled by the “mind,” “will,” and “self”.

ii) *Experimental analysis of behavior*

- Is a method based on behaviorism for studying behavior and environmental variables of which behavior is a function, but focuses mainly on the study of behavior in controlled environments?

iii) *Applied behavior analysis*

- Follows a similar line but involves studying behavior in naturalistic settings such as the school, playground and community.

**In applied behavior analysis you do not typically attend to many of the psychometric issues common to traditional psychological measurement such as internal reliability, content validity and construct validity.<sup>102</sup>**

**B) TRADITIONAL PSYCHOEDUCATIONAL ASSESSMENT (TPA)**

**1) Traditional psychoeducational assessment (TPA)**

- a) Involves a process of gathering information to determine patterns of behavior
- b) These patterns are inferred to represent a particular construct *within the child*.
- c) Constructs are frequently viewed as explanations for the occurrence of behaviors.

**1) Data is hypothesized to represent a construct**

- a) Inferred to have a particular effect on an individual's behavior or
- b) Inferred to have a relationship with a separate construct (e.g., aggression is related to impulsivity).<sup>103</sup>

**2) The construct or label for a group of behaviors**

- a) Is often viewed as the cause of the behavior(s).

**Demonstrating evidence of reliability and validity is important** so there is confidence that the results of the assessment have some degree of consistency or reproducibility while accurately representing the construct assumed to exist within the child.

**C) FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)**

**1) Functional behavior assessment (FBA)**

- a) Incorporates many of the same assessment methods as more traditional psychological assessment.<sup>104</sup>

**2) In the FBA process however,**

- a) The data collected identifies and represents **cause-effect** relationship(s).

- 3) **Although there are similarities, (use of interviews, behavior rating forms, direct observations),**
  - a) There are substantial differences in assessment procedures used in an FBA.<sup>105</sup>

Note: A New York districts decision to forgo an FBA when the student began to act out at school did not rise to the level of a denial of FAPE because the IEP adequately identified the student's behavioral impediments and implemented strategies to address the behavior. *J.C. v. New York City Dep't of Educ.*, 643 F. App'x 31, 67 IDELR 109 (2d Cir. 2016) (unpublished).

### **III) PSYCHOMETRIC CONCERNS**

#### **A) THE FBA PROCESS IS NOT STANDARDIZED**

- 1) **There is no requirement that a board-certified behavior analyst, or any other specific individual, conduct an FBA**
  - a) Unless state law requires it.

“It is the LEA’s responsibility, working with the state department of education, to provide professional development, in-service training, and technical assistance, as needed, for school staff members to be able to conduct an FBA and provide positive behavioral interventions and supports.” *Letter to Janssen*, 51 IDELR 253 (OSERS 2008).

**Functional behavioral assessment is not standardized in the general sense with pre-established estimates of reliability and measurement error obtained under standard conditions of administration.**<sup>106</sup>

#### **B) CLINICAL VERSUS SCHOOL BASED**

- 1) **There is a large body of research**
  - a) On the efficacy of assessing and determining behavioral function under clinical conditions,
- 2) **There is less research about the effectiveness of this methodology**
  - a) In the rather “uncontrolled school settings”
  - b) Particularly with children at risk for emotional and behavioral concerns.<sup>107</sup>

C) **THREE PRIMARY CONCERN: CLINICAL VERSUS SCHOOL BASED MODEL**

1) **Representativeness of participants**

- a) Most studies focus on the low incidence population rather than the general population.

2) **Setting characteristics**

- a) The studies have been carried out in clinical settings, not schools.

3) **Characteristics of Researchers**

- a) Researchers conducted the studies, not educational practitioners.

Note: It is the LEA's responsibility, working with the state department of education, to provide professional development, in-service training, and technical assistance. *Letter to Janssen*, 51 IDELR 253 (OSERS 2008).

New York State requires all persons involved in the collection of data to have prior training. 8 NYCRR § 200.2(a)(3). IDEA requires states to ensure valid and reliable information. 20 U.S.C §§ 1416(b)(2)(B) and 1416(i).

D) **THERE IS LIMITED APPLICABILITY IN APPLIED SETTINGS**

1) **Frequently cited as having limited applicability in applied settings such as the school.<sup>108</sup>**

a) **Measurement error comes from two distinct sources:**

- Lack of agreement among observers recording the same behavior at the same time and
- Lack of correspondence between the observed value and true value of behavior.<sup>109</sup>

2) **It is argued that without controlled manipulation of relevant variables,**

- a) The actual function of the challenging behavior cannot be truly known.<sup>110</sup>

3) **In clinical practice,**

- a) Experimental analysis may be the best method for determining the precise function of behaviors.



In applied settings such as the school, functional behavioral assessment methodology must **establish technical adequacy with each individual case.**<sup>111</sup>

Note: The IDEA does not use the term functional behavioral assessment (FBA) except in the disciplinary section of the law. In NY there are program standards for assessment of student behaviors. *See* 8 NYCRR § 200.22.

**E) INTEROBSERVER ASSESSMENT (IOA) IN THE FBA PROCESS**

- 1) IOA is the degree to which different practitioners viewing the same behavior at the same time**
  - a) Agree on occurrence and nonoccurrence.
  - b) **IOA** is often referred to as homogeneity among observers.<sup>112</sup>
- 2) Johnston and Pennypacker<sup>113</sup> defined reliability**
  - a) As the consistency with which measures of behavior yield the same results.
    - They suggest that IOA tells us little about reliability since you cannot know whether observations are based on the actual, or “true” values of behavior.
- 3) There is no reason to conclude**
  - a) That a given observer’s recorded values of behavior are accurate and
  - b) Should then serve as the standard against which a second observer’s recorded data are compared.<sup>114</sup>

**Functional behavioral assessment makes no provisions for internal consistency** using direct observation because behavior is often measured using some form of interval-based recording such as time sampling or partial interval recording.<sup>115</sup>

**F) ACCURACY IS THE KEY**

**1) Reliable observations**

- a) Must have a consistent relation with the child's challenging behavior

**2) If an observation is reliable,**

- a) The degree of accuracy is consistent.

**3) Accuracy refers to the degree to which a measure of behavior reflects the true or actual state of nature.<sup>116</sup>**

- a) Cone<sup>117,118</sup> suggests accuracy is the degree in which a measure represents the objective, topographic features of behavior.
- b) Interobserver agreement data provide no such information.<sup>119</sup>

**G) NO GOLD STANDARD**

**1) Translating and implementing the FBA process to a typical school environment**

- a) Raises important questions
- Do FBA-based interventions work?
  - Do FBA-based interventions work better than an intervention not based on behavioral function?
  - Do treatment effects of FBA-based interventions generalize across settings and practitioners?
  - Does verbal refusal of an assignment in one class have the same function as refusal in another?
  - Are children who are more difficult to treat and those who have access to more topographies of problem behavior in the same response class?
  - To what extent do effective, function-based interventions covary (both positively and negatively) with other unprogrammed changes in teacher and/or peer behavior in the classroom?<sup>120</sup>
  - Simplistic models of functional assessment are routinely recommended with Policy and political considerations, rather than research considerations.<sup>121</sup>

**2) Since there is no gold standard to compare an observer's recording of behavior and environmental events to the "true" state of nature,**

- a) There seems to be no entirely defensible way of establishing the accuracy of FBA.<sup>122</sup>
- b) There are no “hard and fast” rules specifying the best procedures for conducting a functional assessment.<sup>123</sup>

**The FBA process as we now know it, is presently influenced more by policy and legal decisions than by research-based considerations.<sup>124</sup>**

See Appendix C

Note: State laws may direct districts to conduct FBAs whenever the conduct of a student with a disability is an issue of educational significance. *See, e.g., T.G. v. New York City Dep’t of Educ.*, 973 F. Supp. 2d 320, 62 IDELR 20 (S.D.N.Y. 2013) (recognizing that a New York district failed to conduct an FBA of a 10-year-old boy with autism as required by state law). *Cf. W.S. v. Nyack Union Free Sch. Dist.*, 56 IDELR 210 (S.D.N.Y. 2011) (observing that the lack of an FBA does not render an IEP procedurally inadequate; the IDEA requires only that the IEP team consider behavior interventions and strategies).

Note: An FBA is generally understood to be an individualized evaluation of a child in accordance with 34 C.F.R. §§ 300.301 through 300.311.

Note: The IDEA does not expressly require that an FBA be in writing. *Bd. of Educ. of the Akron Cent. Sch. Dist.*, 28 IDELR 909 (SEA N.Y. 1998). Best practice would certainly be to have written documentation prepared and preserved.

## PART 4

### THE BEST OF FUNCTIONAL BEHAVIORAL ASSESSMENT

#### I) COMPONENTS OF FUNCTIONAL BEHAVIORAL ASSESSMENT

##### A) COMMON PHASES

###### 1) Most FBA models consist of a number of common phases

- a) The “**Descriptive**” phase
  - Relevant data are collected through a variety of indirect and direct procedures
- b) An “**Interpretive**” phase
  - Hypotheses are developed and tested,
- c) An “**Implementation**” phase
  - Interventions are based on the information gathered as a longitudinal component of progress monitoring.<sup>125</sup>

**FBA – BIP is a team process. 8 NYCRR § 200.22 (b)(1).**

###### 2) Most identify factors related to the occurrence of problem behavior

- a) Setting events
  - Events that do not by themselves trigger challenging behavior, but influence the possibility that other events will trigger challenging behavior,
- b) Antecedents
  - Events or actions that immediately precede and trigger challenging behavior,
- c) Consequences
  - Events or action that occur as a result of challenging behavior.<sup>126</sup>

3) **The function of behavior is represented by**

- a) A change in an **independent variable** (context)

**“Independent variables”** or the causes of behavior are the external conditions of which behavior is a function.

- b) The effect is represented by a change in a **dependent variable** (behavior).<sup>127</sup>

Predicting and controlling the behavior of the individual is our **“dependent variable”** the effect for which we are to find the cause.

**“The relation between the dependent and independent variable or the “cause-and-effect relationships” in behavior, are the laws of a science. A synthesis of these laws, expressed in quantitative terms yields a comprehensive picture of the individual as a behaving system.”**<sup>128</sup>

4) **This is a central goal of FBA**

- a) Identify environmental conditions
- i) That are associated with the occurrence and nonoccurrence of problem behaviors.

B) **DIFFERENT TERMS**

**The terms functional analysis<sup>129</sup> functional assessment<sup>130,131</sup> behavioral assessment<sup>132</sup> functional communication<sup>133</sup> brief functional analysis<sup>134,135</sup> extended functional analysis<sup>136,137</sup> and progressive analyses<sup>138</sup> have been used interchangeably**

1) **The term “functional behavioral assessment”**

- a) Has become entwined with functional analysis
- b) The process has become confusing by the use of these words interchangeably.

2) **Functional assessment and functional analysis refer to all behavioral assessment methods**

- a) Used to identify or clarify a functional relationship between behaviors, antecedents and consequent events.
- b) Addresses the way the child learned the behavior,
- c) How is it supported or maintained in the environment.




**3) The information gathered is used to identify**

- a) Why a problem behavior occurs and
- b) Maximize the effectiveness and efficiency of behavioral intervention.

**4) Functional behavioral assessment**

- a) It is a process of looking at relationships between behavior and the environment.
- b) Refers to the variety of processes used to obtain information regarding antecedents, behaviors, and consequences for the purpose of determining the *function* that behavior serves.<sup>139</sup>

**5) FBA Involves:**

-  **Identifying proactive strategies to prevent rather than suppress undesirable behaviors.**
-  **Developing interventions that are logically related to functional categories.**
-  **Teaching replacement behaviors instead of suppressing challenging behaviors through punishment.**

*Note: Functional behavioral assessment* means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relate to an environment. The *functional behavioral assessment* shall be developed consistent with the requirement in section 200.22(a) of this Part and shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it. 8 NYCRR § 200.1(r).

## II) SOME RESEARCHERS MAKE A DISTINCTION

### A) FUNCTIONAL ASSESSMENT DEFINED

#### 1) **A *functional assessment* strives to identify the cause of maladaptive or socially inappropriate behavior and**

- a) Although biological, social, affective and environmental variables should be considered,
  - Operant forms of functional behavioral assessment consider only proximal antecedents and consequences.<sup>140</sup>
- b) O'Neill and his colleagues<sup>141</sup> described *functional assessment* simply as:
  - A clear description of the challenging behavior;
  - Identification of the events, times and situations that predict when the challenging behavior will and will not occur;
  - Identification of the consequences maintaining challenging behavior;
  - One or more summary statements or hypotheses about the functions of the challenging behavior; and (5) some form of direct observation data that support the summary statements and hypotheses.

#### 2) **In practice, “functional assessment”**

- a) Describes the full range of procedures that can be used to identify the antecedents and consequences associated with the occurrence of behavior.<sup>142</sup>

### B) FUNCTIONAL ANALYSIS

#### 1) **Functional analysis identifies and describes:**

➤ The specific circumstances that are associated with the challenging behavior so it **will occur**.

➤ The specific circumstances that are associated with the challenging behavior so it **will not occur**.

#### 2) **Functional analysis has a more restricted meaning.**

- a) Functional *analysis*\* typically refers to the experimental manipulation of environmental variables that commonly maintain

problem behaviors, or a process used to test or verify a hypothesis of maintaining variables.<sup>143</sup>

**3) The term *functional* refers to a demonstration**

- a) Of the cause-effect of one variable on another variable.<sup>144</sup>

**Note:** Although the term *functional* is usually reserved for cause-effect relations that have been experimentally demonstrated, a functional relation may be correlational.<sup>145,146</sup>

**4) Functional analysis is a subcategory of the larger functional behavior assessment process.**

- a) Function analysis is generally described as a two-step process.
- Hypotheses are generated about potential antecedents and consequences of behavior.
  - Experimental manipulation of conditions is conducted to test the hypotheses.<sup>147</sup>

**5) *Functional analysis* is**

- a) The direct, systematic manipulation of classroom variables suspected of affecting the challenging behavior.

**6) Deliberate manipulations could either be implemented**

- a) Under controlled conditions or
- b) Applied naturally during instruction.
- c) Results of the manipulation of certain variables used to support or exclude the hypothesized function of the challenging behavior.

**7) Functional analysis**

- a) Does not define what qualifies as a function or cause of behavior
- b) **Functional analysis** refers to the experimental manipulation of environmental events in a highly controlled setting to assess the controlling functions these events have on behavior.

**8) Functional analysis is the only approach that uses experimental manipulations to**



- a) Make “causal” rather than descriptive or correlational statements about the operant function of behavior.

**9) Functional analysis is an experimental procedure,**

- a) Specific conditions are employed during which certain antecedents and consequences are held constant and
- b) Other specific variables suspected to directly affect the target behavior are presented systematically in a counterbalanced fashion.<sup>148,149</sup>
- c) **The dependent behavior changes appreciably from the initial baseline level when the intervention is implemented.**

*Functional analysis* is the only approach that can be used to make “causal” rather than descriptive statements about the function of behavior.<sup>150</sup>

See Appendix E

Note: Failure to conduct an FBA will not always rise to the level of denial of a FAPE even when required by state law, but when an FBA is not conducted, the court must take particular care to ensure that the IEP adequately addresses the child’s problem behavior. *R.K. v. New York City Dep’t of Educ.*, 56 IDELR 212 (E.D.N.Y. 2011), *aff’d*, 694 F.3d 167, 59 IDELR 241 (2d Cir. 2012).

Individual evaluation requires specific assessments to be conducted as part of the initial evaluation: physical examination, individual psychological evaluation, social history and FBA. N.Y. EDUC. LAW Art. 89 § 4402(1)(b)(3)(a); 8 NYCRR §§ 200.1(aa), (bb), (tt), (ddd); 8 NYCRR § 200.4(b)(1)(i)(v); 8 NYCRR § 2001.16(c).

### C) ANALOGUE ASSESSMENT

Note: If the FBA is focused on an individual child's needs it would be deemed an evaluation requiring that all evaluation procedures (i.e., prior written notice, parental consent, etc.) and procedural safeguards be followed. *Letter to Christiansen*, 48 IDELR 161 (OSEP 2007).

**Presently, there is no evidence that school personnel can reliably determine behavioral function.<sup>151</sup>**

- 1) **A procedure known as *analogue assessment* may be one way to verify a team's assumptions regarding the function of a child's behavior.**
  - a) **Analogue assessment** involves a contrived set of conditions to test the accuracy of the hypothesis.
  
- 2) ***Analogue assessment***
  - a) Is a form of problem solving used to verify assumptions regarding the function of a child's behavior.
  
- 3) **The process involves using a contrived set of conditions**
  - a) Testing the accuracy of the hypothesis
  - b) Substantiating that a relationship exists between specific classroom events such as a teacher command and the child's challenging behavior.
  
- 4) **The process manipulates specific variables:**
  - The command statement.
  - The complexity of learning tasks.
  - Introduction or withdrawal of key variables.
  - Other changes in contextual conditions assumed to trigger the occurrence of problem behavior.

#### **A teacher might**

Systematically ignore a child's verbally aggressive behavior and on other occasions reprimand verbally aggressive behavior.

Parental consent is required for an FBA to be conducted as part of the initial evaluation of a reevaluation. *Q & A on Discipline Procedures*, 52 IDELR 231 (OSERS 2009), Question E-4.

### III) THE FUNCTIONS OF BEHAVIOR

#### A) IDENTIFYING FUNCTION

##### 1) **The function of behavior**

- a) Can be linked to multiple, simultaneous interventions designed to treat the “whole” child and
- b) Should include identification of
  - When the behavior occurs and
  - The consequences it produces.<sup>152</sup>

##### 2) **Behavior can serve more than one function for a child,**

- a) The same behavior may serve two entirely different functions for different children.

##### 3) **There are three main categories of function most often mentioned in the literature:**

###### a) Socially Mediated Positive Reinforcement (+Rx)

**Positive Reinforcement:** Undesirable behavior is reinforced by contingent attention.

**Commonly identified positive reinforcers:** The provision of social attention (social comments or task demands), access to tangible events (recess, walks, food), and the continuation of predictable routines (regularly scheduled activities, field trips, transitions).

###### b) Socially Mediated Negative Reinforcement (-Rx)

**Negative Reinforcement:** Undesirable behavior is reinforced by removal or escape.

**Commonly identified negative reinforcers:** The removal of social attention (social comments, task demands), discontinuation of noxious events (math, writing work), the avoidance of initiating low-preference activities (stop playing to begin classwork).

###### c) Automatic Reinforcement Controlling Antecedent Stimuli

**Automatic Reinforcement:** Undesirable behavior occurs as a function of self.

**Commonly identified automatic reinforcers:** Behavior may be maintained by self-produced sensory, perceptual or biologic reinforcers, inducing **self-stimulation** (automatic positive reinforcement) and **sensory reduction** (automatic negative reinforcement) techniques.

**B) OTHER FUNCTIONS CONSIDERED IN THE RESEARCH**

**1) Power or control**

- a) Wanting to dominate, be in charge, control the environment and those in it, refusing to follow rules or directions and refusing to participate in certain activities.

**2) Justice or revenge**

- a) Getting back at someone or group for real, perceived or an imagined slight, sometimes on behalf of a friend or family member.

**3) Acceptance and affiliation**

- a) Belonging or gaining acceptance to a group, seeking to impress members of a peer group.

**4) Expression of self**

- a) Seeking to announce independence and/or individuality or expressing an individual's vision of self.

**5) Access to tangible rewards**

- a) Personal gratification or behaving in a manner to get tangible concrete rewards (such as items, money, privileges) or seeking to feel good or get immediate feedback or reward.

**NYS has two basic premises: To get, To avoid. 8 NYCRR § 200.1(r).**

**IV) THE CONTEXT OF BEHAVIOR**

**A) ALL BEHAVIOR OCCURS IN A CONTEXT**

- 1) There are four main contextual factors which may also include certain affective or cognitive behaviors.<sup>153</sup>**

- Environmental variables.
- Physiological/emotional conditions.
- Setting events.
- Curriculum and instruction.

2) **Environmental events, antecedents and consequences that initiate and sustain problem behavior**

- a) Can be directly matched to the function.<sup>154</sup>

**B) IDENTIFYING CONTEXT: INTERNAL AND EXTERNAL VARIABLES**

1) **Environmental**

- |   |                         |
|---|-------------------------|
| * Behavioral sink, number of children in the class. | * Noise level.          |
| * Seating arrangements.                             | * Frequent disruptions. |
| * Transitions.                                      | * Lighting, heat, cold. |

2) **Physiological/emotional conditions.**

- |                      |                         |
|----------------------|-------------------------|
| * Anxiety.           | * Illness.              |
| * Hunger or thirst.  | * Pain.                 |
| * Anger.             | * Sickness/allergies.   |
| * Fatigue.           | * Side effects of meds. |
| * Increased arousal. | * Decreased arousal.    |

3) **Setting events.**

***Setting events* are antecedent events that are removed in time and place from the occurrence of behavior, but are functionally related to that behavior.**

**Given a particular setting event, a challenging behavior is more likely to occur than if the setting event is absent.** Setting events, unlike discriminative stimuli, are removed in time and place from behavior

- \* Presence and interaction of specific classmates.
- \* Degree of specific teacher proximity.
- \* Presence of extraneous stimuli, visual, auditory.

- \* Immediately antecedent to the challenging behavior.
- Particular kind of activity.
- Innocent antecedent stimuli.

**4) Curriculum and instruction**, incorporate the consideration of the quality of engaged and appropriate level of instruction.

- \* Limited opportunities for making choices.
- \* Lack of predictability in the schedule.
- \* Inadequate level of assistance.
- \* Poor directions.
- \* Few opportunities to communicate.
- \* Activities too difficult.
- \* Activities that take a long time to complete.
- \* Instructional pace.
- \* Activities that the child dislikes.
- \* Difficult content.
- \* Activities for which the completion criterion is unclear.
- \* Activities that might not be perceived as being relevant or useful by the child.

Note: A parent who disagrees with an FBA that is conducted in order to develop an appropriate IEP also is entitled to request an IEE. *Q & A on Discipline Procedures*, 52 IDELR 231 (OSERS 2009), Question E-5.

**V) COLLECTING INFORMATION (MULTIPLE SOURCES OF DATA (200.22(a)(2))**

**A) COLLECTING ADEQUATE INFORMATION**

**1) Sufficient expertise, time, and resources are**

- a) Necessary to collect adequate information to develop a plausible hypothesis or hypotheses regarding the behavioral function(s).<sup>155,156</sup>

b) Behavior must be defined in specific, observable and measurable terms;

2) **Triggers or setting events are defined in observable and measurable terms.**

- Including frequency and patterns (time of day, day of week, who is affected, etc.)
- How long
- Who is affected
- Where it is/is not a problem.

3) **Challenging behaviors**

- a) Can be measured, graphed, and visually inspected to address concerns that are
- b) Socially valid and meaningful.<sup>157</sup>

**Base rates of behavioral function may be different** in certain populations and for different target behaviors.<sup>158</sup>

**B) INDIRECT ASSESSMENT**

1) **Methods of Indirect Assessment**

- a) ***Indirect or informant assessment***, relies heavily on the use of interviews with teachers and other adults who have direct contact with the child.<sup>159</sup>
- b) **Indirect methods** measure behavior that is removed in *time* and *place* from its actual occurrence and measure behavior that has already occurred.<sup>160</sup>
- i) This may include teacher and/or child interviews; behavior rating scales and checklists; and review of historical or archival records.
  - ii) When and how often the behavior occurs,
  - iii) How long the behavior has been occurring,
  - iv) Behavior reduction procedures previously used,

- v) Whether other behaviors initiate or occur simultaneously with the challenging behavior, and
- vi) Whether the challenging behavior's is related to a skill deficit or a performance concern.

2) **Indirect measures can yield valuable information,**

- a) Are not as reliable as direct observation measures.
- b) Indirect methods must be **validated through direct measures.**

C) **DIRECT ASSESSMENT**

1) **The purpose of Direct assessment** is to gather objective data regarding events that

- a) Predict behavior,
- b) Maintain behavior, and
- c) The possible communicative functions of behavior.<sup>161</sup>

2) **Direct measures**

- a) Involve data collection based on direct observation and a description of behavior.

3) ***Direct Assessment* consists of observing the challenging behavior, describing the context that surround the behavior including**

- a) *Antecedent* events that occur before
- b) *Consequent* events that occur after the child exhibits the behavior.<sup>162</sup>

4) **Direct observations** (either descriptive or experimental methods)

- a) Must be collected at different times
- b) In multiple and different environments.
- c) Quantified in some fashion or
- d) Visibly presented in a graphic way.



5) **Direct descriptive data** can be collected in a variety of ways, including but not limited to

- Narrative recording,
- Event recording, or
- Observations based on time-sampling procedures such as whole interval, partial interval, or momentary time sampling.

Note: Consent must be obtained before conducting a behavioral observation as part of an FBA but not before reviewing existing data. *Letter to Gallo*, 61 IDELR 173 (OSEP 2013).

## VI) **DATA RECORDING PROCEDURES**

### A) **CATEGORIES: ESTABLISHING BASELINE (8 NYCRR § 200.22 (a)(3))**

#### 1) **Data Recording**

- Frequency or event recording (the number of times a behavior occurs).
- Duration Recording (how long a behavior lasts).
- Intensity (the relative magnitude of a behavior).
- Whole interval recording (percent of intervals in which behavior occurs for an entire interval of time).
- Partial-interval recording (percent of intervals in which behavior occurs for part of the interval).
- Performance-based recording (Likert ratings estimating relative occurrence of behaviors).
- Permanent products recording (tangible outcomes such as number of words spelled correctly).

#### 2) **Operational Definition of Recording Procedures**

- a) *Event-based recording* is designed to measure the frequency of discrete behavior that have an obvious beginning and end. (Number of correct responses or number of times a child hits others).
- Frequency of behavior is often converted to a rate of measure by dividing the observed frequency of the behavior by the time observed.
  - As a variation, practitioners can simply count the number of children engaged in the targeted behavior.<sup>163</sup>
- b) *The scatterplot* is a variation of event-based recording that coordinates the occurrence of behavior with specific times of the day.<sup>164</sup>

- This methodology records occurrence of a behavior on a time grid with the resulting information used to specify the times of the day the target behavior is most likely to occur.
- c) The purpose of a *scatterplot* is to identify patterns of behavior that relate to specific contextual conditions.
- A scatterplot is a chart or grid on which an observer records single events or a series of events that occur within a given context (e.g., during teacher-led reading instruction, at lunch on the playground).
  - Scatterplots take various forms, depending on the behavior of interest and its social/physical context.
  - Some require observers to sequentially record (by category) various events (e.g., format of instruction, teacher behavior, child/peer responses, likely purpose of child reaction).<sup>165</sup>
- d) *Time-based* methods refer to measurement of the temporal aspects of behavior such as duration, latency, and inter-response times.
- Temporal aspects of the behavior, and *not* its frequency, is measured.
  - *Duration* refers to how long a behavior lasts and can be measured in seconds, minutes, or hours.
  - The total elapsed time in minutes is divided by the total minutes observed and then is multiplied by 100 to calculate percent duration of the behavior.
- e) *Interval-based* measures record behavior as occurring or not occurring during specific time intervals.
- A time unit such as 1 minute might be divided into six, 10-second intervals.
  - A behavior would be observed as occurring or not occurring during each of the six, 10-second intervals.
  - A behavior might be recorded for 5 minutes across 30, 10-second intervals.<sup>166</sup>
- f) *Interval-based recording* is best used for behaviors that are continuous and do not have a clearly defined or observable beginning and end. There are three forms:
- Partial interval recording in which a target behavior is recorded if it occurs *any time* during the interval,

- Whole interval recording in which the target behavior is recorded if it occurs for the entire interval, and
- Point (momentary) time sampling in which the target behavior is recorded if it occurs at the *end* of the interval.<sup>167</sup>

g) *Latency* refers to the amount of time that elapsed between an environmental event and the initiation or completion of a specific behavior.

- Latency recording measures the elapsed time when behavior is not occurring.
- The technique of measurement is appropriate for many types of behavior found in classrooms that involve instructions, directions, or commands.

h) *Inter-response times (IRTs)* refer to the amount of time between instances of the same behavior

- May be useful in determining specific events or times of the day in which behavioral episodes are most and least likely to occur. (Between 9:00 and 11:00 compared to those occurring between 12:00 and 3:00).

i) *Permanent product* refers to the method of measurement of actual physical byproducts or types of academic work.

- Worksheets completed, math problems completed, and written spelling tests
- **Note:** Behavioral records may include important information for understanding patterns of behavior but must be used in context with documented conditions.

## PART 6

### THE BEHAVIOR INTERVENTION PLAN

#### I) THE BEHAVIOR INTERVENTION PLAN OVERVIEW (BIP)

**The conceptual framework for an effective and efficient behavior intervention plan** is fundamentally based on the idea that the written document produced is not static, but is modified as needed. As a meaningful blueprint on how to address behavioral needs it also serves as a communication vehicle for redesigning the environment to: (a) prevent problem behavior; (b) reduce problem behavior; (c) improve social and academic performance; (d) reduce the contextual barriers that hinder educational opportunities (e) while providing the opportunity to teach replacement behavior.<sup>168</sup>

**Although written behavior support plans are not defined or described in federal and most state statutes,**<sup>169</sup>there are five general “elements.” An effective BIPs incorporate a balance of positive contributions, operational definitions of challenging behaviors, definitions of problem routines, functional assessment is integrated and the environment is addressed and redesigned as needed.<sup>170</sup>

Some questions to consider when developing a plan:

- What is the challenging problem and why is it happening?
- Have you collected data and established a baseline?
- What antecedents should be considered?
- What are you going to do? What plan will you follow?
- Who will carry out the intervention?
- How will the intervention be carried out?
- What type of evaluation model will you use to determine success?
- Did the plan work? What does the data tell you?
- Is there a need for follow-up? Any revisions needed?

**What process will be used to measure behavior change?** Things to consider:

- What is it that you want to measure?
- Who is going to observe/rate/monitor?
- How frequently do you need the information?
- What type of decisions will be made with the information?
- Will the measurement process be used as intervention?
- What are the training needs for the measurement process that you have chosen?

## **MAKE REASONABLE ADAPTATIONS IN THE BIP**

### **What changes can be made to the environment to prevent a problem from occurring?**

Can you eliminate or modify antecedent events? When a known antecedent is likely to occur, can you provide additional support to help mediate it? When the antecedent occurs, can the child be taught a new skill to respond in a more appropriate and expected fashion?

**What are the ways you can change the setting to make the problem behavior unnecessary?** Consider context, the environment in which the behavior occurs, physiology of the child, setting events and curriculum. Class engagement techniques such as providing frequent opportunities for children to respond, using response cards (Randolf, 2007<sup>171</sup>), choral responding (Hadyon, Mancil, & VanLoan, 2009<sup>172</sup>; Kretlow, Wood, & Cooke, 2011<sup>173</sup>), and peer tutoring (Kamps et al., 2008<sup>174</sup>; Sutherland & Snyder, 2007<sup>175</sup>) can maintain or prevent problem behavior. **Consider:**

**Alternative skill instruction:** What skills can be taught that will reduce the occurrence of the problem? Think deliberately about what is likely to be difficult for specific individuals, groups, or the class as a whole. Have a strategy prepared in advance and implement it.

**Instructional consequent strategies:** What changes can be made to the instructional process to reinforce new skill acquisition and diminish problem occurrence?

**Reduction-oriented consequent strategies:** What consequences, if any, need to be put in place to reduce the occurrence of the problem behavior?

**Long-term prevention strategies:** What are the individual or situational factors that can be supported to improve behavior?

**Support for team members:** What support needs to be provided to staff members to enable them to contribute in an optimal way?

Note: A BIP need not to be labeled a BIP to meet the requirements of the IDEA. *See, e.g., E.H. v. Bd. of Educ. of Shenendehowa Central Sch. Dist.*, 361 F. App'x 156, 53 IDELR 141 (2d Cir. 2009) (unpublished), *cert. denied*, 130 S. Ct. 2064, 110 LRP 18650 (2010), (noting that the lack of a formal BIP did not render the IEP deficient when the IEP addressed the student's behavioral issues).

Note: While the IDEA is silent on the specific contents of BIPs, many courts and hearing officers require that a BIP be written with sufficient specificity and address the student's behavior and possible consequences with consideration of the student's individual needs. *See, e.g., C.F. v. New York City Department of Education*, 746 F.3d 68, 62 IDELR 281 (2d Circuit 2014) (holding that the lack of an FBA led to the development of an inappropriate BIP and caused the school district to offer an inappropriate placement). *See also* 8 NYCRR § 200.22(a)(3) (specifying what an FBA must include).

Note: The IEP must include evaluative criteria, evaluation procedures and schedules to measure progress toward meeting the annual goal. 8 NYCRR § 200.4(d)(2)(iii).

## **II) DEVELOPING THE BEHAVIOR INTERVENTION PLAN (BIP)**

### **A) THE CONCEPTUAL FRAMEWORK**

#### **1) The conceptual framework of a behavior intervention plan or BIP**

- a) Is fundamentally based on the idea that the written document produced is not static
- a) Reflects a meaningful blueprint for change,
- b) Modified as needed.

#### **2) Considerations in Developing Intervention Plans**

- a) Documented baseline on how a school district would serve a child with behavioral needs.
- b) A BIP is not just a management tool to delineate disciplinary procedures;
  - It should be based upon a functional assessment of the child's behavior and developed for the purpose of providing an intervention that ameliorates the problem behavior.<sup>176</sup>

#### **3) There are multiple causes for problem behaviors**

- a) Children often experience fluctuating periods of behavioral control and work completion.<sup>177</sup>

#### **4) An intervention plan**

- a) Is not just created for the reduction of the inappropriate behavior.
- a) It should include goals that emphasize the acquisition of appropriate replacement behaviors and social skills,

**B) A COMMUNICATION VEHICLE**

**1) The BIP serves as a communication vehicle for**

- a) Establishing or redesigning a child's environment;
- b) Reducing problem behavior;
- b) Improving social and academic performance; and
- c) Reduce the behavioral barriers that hinder educational opportunities.<sup>178</sup>

**2) Etscheidt<sup>179</sup> identified five themes concerning the adequacy of BIPs from analysis of the literature:**

- a) Developed when behavior interferes with learning;
- b) Based on assessment data;
- c) Individualized;
- d) Include positive behavioral interventions; and
- e) Implemented as planned and monitored.

Note: A district may also deny a child FAPE by developing an inappropriate BIP. *See C.F. v. New York City Department of Education*, 746 F.3d 68, 62 IDELR 281 (2d Circuit 2014) (holding that the lack of an FBA led to the development of an inappropriate BIP and caused the school district to offer an inappropriate placement).

**C) CHANGING BEHAVIOR**

**1) There are three opportunities to change behavior:**

- a) **Before** the behavior occurs as a proactive teaching strategy.
- b) **During** the occurrence of the behavior as an immediate management intervention.
- c) **After** the behavior occurs as a consequence to the action.

**2) The first consideration in developing an intervention plan**

- a) Focus on changing antecedent events that will make the problem behavior less likely:

- Altering schedule of activities,
- Changing size and composition of the class,
- Shortening the task,
- Interspersing easy and difficult tasks,
- Adapting the curriculum or response requirements for the task or
- Simply, changing the command process.<sup>180</sup>

**3) The second consideration in developing an intervention plan**

- Knowing how much and how quickly there is a change in behavior over time.
- Measurement is key.

**Intervention strategies must be targeted**

- At prevention (80%),
- Appropriately managing the impeding behavior (or behaviors),
- Reducing (normalizing) and
- Replacing the inappropriate behavior with a functional equivalent.

When must a BIP be developed? When the student exhibits persistent behaviors (8 NYCRR § 200.22(b)(i)); the student is at risk of harm or injury to self or others (8 NYCRR § 200.22(b)(ii)); the CSE is considering a more restrictive program/placement because of student's behaviors (8 NYCRR § 200.22(b)(iii)); or, disciplinary action (8 NYCRR §§ 201.3(b), 201.4(d)(2)(i)).

**D) APPROPRIATE AND ACCEPTABLE REPLACEMENT BEHAVIORS, NEED TO BE TAUGHT,**

**1) Teach desirable alternative behaviors**

- Challenging behavior must be replaced, not just eliminated.
- A replacement behavior is not just the absence of the problem behavior...its' the presence of an appropriate behavior.
- Teach an acceptable behavior to communicate the same message.

**2) Alternative behaviors must achieve the same function as the challenging behaviors.**



- a) The interventions used and alternative behaviors identified are based on the hypothesis.
- b) All interventions are classified by functional categories.
- c) Manipulate context variables systematically to validate the most effective intervention.

Note: In *R.K. v. New York City Dep't of Educ.*, 56 IDELR 212 (E.D.N.Y. 2011), *aff'd*, 694 F.3d 167, 59 IDELR 241 (2d Cir. 2012), a 5-year-old with autism required a BIP because she was unable to access her education due to self-stimulatory behaviors, inappropriate vocalization, and an inability to focus.

### III) INTEGRATE KEY STEPS

#### A) THE BASELINE PHASE

##### 1) **Prior to implementing a procedure,**

- a) Baseline data should be taken during the beginning assessment phase to provide data on the frequency, severity and intensity of the behavior.
- b) Very few situations require immediate intervention in absence of this information.

Without the baseline of current performance, it is difficult to draft measurable and relevant annual goals.

*Analysis and Comments to the Regulations*, Federal Register, Vol. 71, No. 156, Page 46662 (August 14, 2006).

##### 2) **Baseline data describes the present level of performance**

- a) Defines the extent of the child's challenging behaviors objectively
- b) Provides a basis for predicting behavior or performance if an intervention is not implemented.<sup>181</sup>

##### 3) **Hayes, Barlow, and Nelson-Gray<sup>182</sup> suggest the following considerations**

- a) *Length of baseline.* At least three data points are needed to establish a baseline level of behavior or performance.

- b) *Stability of baseline.* Stability refers to fluctuations or variability in a child's behavior over time. A baseline is considered to be unstable when variability or trends in behavior eliminate the detection of treatment effects.
- c) *Overlap of baseline and intervention data.* When there is overlap between baseline and intervention data (i.e., extreme scores in the baseline are equivalent to or exceed intervention data), the determination that the intervention resulted in gains is weakened.
- d) *Level of the data.* The level of baseline behavior must be serious enough to warrant intervention and be likely to show marked treatment gains.
- e) *Trends in the data.* Trends or patterns during the baseline period should not be in the desired direction (i.e., an increasing trend when one expects to increase a skill).

*See IEP Building Blocks, Special Education Solutions, LLC*

Note: A vague behavioral intervention plan (BIP) that is not based on an FBA, where the state requires an FBA before developing a BIP, can render the IEP substantively inadequate. *See C.F. v. New York City Department of Education, 746 F.3d 68, 62 IDELR 281 (2d Circuit 2014).*

## **B) MEASURING CHANGE**

- 1) **Kazdin<sup>183</sup> suggested that when measuring true behavior change it is important to consider the following:**
  - a) If a change occurred, can you measure it?
  - b) Is the change reliable?
  - c) Are things different from what would be expected without the intervention?
  - d) Are the changes important and do they make a difference?
- 2) **Response to Behavioral Intervention (RbI)**
  - a) **The child is not making appropriate progress** toward an established goal, suggested by **static data** or an **increase in error rate**,
  - a) Then behavioral instruction must be modified by stepping back to

- A prerequisite skill,
- Reteaching a skill,
- Implementing a different instructional procedure,
- Providing more opportunities to learn.

**3) If a child's behavior continues to deviate substantially from normative behavior patterns,**

- A range of more aggressive interventions must be considered.<sup>184</sup>
- Data must be gathered and documented about the effects of contextual antecedents and behavioral intervention techniques.<sup>185</sup>

**C) WAYS TO MEASURE PROGRESS**

**1) The Discrepancy Approach: Defined by pre-and post-intervention levels of performance.**

- A baseline is established,
- Interventions are designed and implemented
- Judgment reserved until the effects have been assessed.

**Note:** It is not important where a problem rests on the severity scale from mild to severe, the same thinking applies. What is the child expected to do? What are they actually doing? The difference between these two measurements represents the problem, not the challenging behavior that is the subject of the problem solving.<sup>186</sup>

**2) The Applied Behavior Analysis Approach (ABA): Focuses on the manipulation of antecedent and consequent events.**

- ABA** offers a functional rather than a structural explanation for children's difficulties
- ABA** relates performance to environmental events that precede and follow child performance.
- There are five functional reasons that are possible:
  - They have not had to do it (instructional demands do not promote mastery)
  - They cannot to do it (skill deficit)

- They have not spent enough time doing it (lack of practice and feedback)
- They find it too hard (poor match between child skill level and instructional materials)
- They do not want to do it (performance deficit).

### 3) Skill and performance review

a) Skill (acquisition) deficits suggest the child is unable to perform the skill under optimal conditions.

- The child does not know how to behave,
- They don't have the skills to behave or
- They haven't been taught the appropriate replacement behavior.
- **Gable et al,<sup>187</sup> recommends when evaluating for skill deficits to consider:**
  - Does the child understand the behavioral expectations for the situation?
  - Does the child realize that they are engaging in unacceptable behavior, or has that behavior simply become a "habit"?
  - Is it within the child's power to control the behavior, or do they need support?
  - Does the child have the skills necessary to perform new and expected behaviors?

b) Performance deficits (opposition) are conceptualized as the failure to perform given social skills at acceptable levels even though the child may know how to perform the social skill.

- The child knows what to do and is able to perform the skill but chooses not to.
- **Gable et al<sup>188</sup> suggests when evaluating for performance deficits to consider:**
  - Is it possible that the child is uncertain about the appropriateness of the behavior?
  - Does the child find value in engaging in appropriate behavior?
  - Is the behavior problem associated with certain social conditions? Is it context specific?
  - Is the child attempting to avoid a "low-interest" or demanding task?
  - What current rules, routines, or expectations does the child consider irrelevant?

**4) The Linear Analysis Approach**

- a) The intensity of services
  - i) Manipulated and varied in direct proportion to individual child needs.
- b) The abscissa represents
  - i) The intensity of the educational problem experienced by the child with a range from low intensity problems to high intensity problems.
  - ii) The more significant the needs, the more services that are provided.

See Appendix F

**IV) CONSIDERATIONS TO INCLUDE IN A BEHAVIOR PLAN**

8 NYCRR §§ 200.1(mmm), 200.22(b)

**A) DESCRIBE/DEFINE THE CHALLENGING BEHAVIOR(S)**

**1) Provide operational definitions of the challenging behaviors.**

- a) Define behavior in specific observable and measurable terms.
- b) How are the behavior(s) are manifested.
- c) Do they disrupt the learning environment?
- d) Does the behavior endanger the safety of the child? Of others?

**2) Use four steps to narrow your focus and encourage efficiency.**

- a) Problem identification and selection.
- b) Create a structure and processes for analyzing and prioritizing needs.
- c) Devise methods to guarantee results.
- d) Create a mechanism to ensure all behaviors are addressed.

3) **Provide specifications with a standard description of the challenging behavior...these behaviors must be:**

- a) Observable.
- b) **Measurable.**
- c) Descriptive and **operationally defined**, user friendly.
- d) Determined as undesirable
- e) Note: The use of constructs is not helpful. (disruptive, boisterous, attention seeking)

**B) DEVELOP A PREVENTION PLAN — Strategies to increase desired behavior(s):**

1) **General skill development.**

→ Create the opportunities to support core and basic social skills.

2) **Self-regulatory/Self-control skills.**

→ Analyze the replacement skills needed to behave and provide the opportunity to teach them.

3) **Adjustments to the classroom.**

→ Manipulate contextual variables.

4) **Replacement/alternative behaviors**

→ Goals/objectives.

5) **What do you need to do when the correct behavior is exhibited?**

→ What positive reinforcement, negative reinforcement? Techniques will you use.

6) **What will you do to prevent the challenging behavior from occurring? (Use of antecedent changes, instruction, choices, demand, fading, etc.)**

→ Manipulate the antecedents and/or consequences of the behavior;

→ Implement changes in curriculum and instructional strategies; and

→ Modify the physical environment.

C) **ADDRESS FUNCTION**

1) **Grouping behaviors by their function as opposed to their form or level of disruptiveness<sup>189</sup>**

- a) Allows for substantial emphasis on extinction to eliminate the reinforcement maintaining the maladaptive behavior
- b) Identifies procedures to strengthen replacement behaviors that are considered appropriate functional equivalents.

2) **Positive Reinforcement Hypothesis:**

- a) Behavior is maintained by access to preferred items, activities, people, attention, and increases the probability the behavior will occur again.
- b) What is the function (cause) of the challenging behavior?
  - **Attention**, preferred activity, peer status, tangible rewards, stimulation.

3) **Negative Reinforcement Hypothesis:**

- a) Behavior is maintained by removal of items, activities, people, attention, and increases the probability the behavior will occur again.
- b) What is the function (cause) of the challenging behavior?
  - **Avoidance**, escape from un-preferred demands.

4) **Automatic Positive/Negative Reinforcement Hypothesis:**

- a) Behavior is maintained by self-stimulatory sensations produced by behavior or sensory reduction produced by behavior.
- b) What is the function (cause) of the challenging behavior?
  - Non-social automatic, sensory reinforcement.

**D) REVIEW INTERVENTION OPTIONS**

- 1) **What do you need to do when the child even thinks about engaging in the challenging behavior?**
  - a) Extinction, punishment.
  - b) De-escalation techniques.
  - c) Redirection.
- 2) **Use behavior reduction strategies**
  - a) Think “reduction” not “elimination”
  - b) Do not need to **completely eliminate** the behavior to be effective.
  - c) Should be used in combination with other techniques.
    - Reinforcing desired behavior.
  - d) Consistent, yet slight, reductions in problem behaviors is success.
- 3) **The least to most intrusive reduction strategies include:**
  - a) Extinction
  - b) Differential Reinforcement
  - c) Time Out
  - d) Response Cost
  - e) Overcorrection
  - f) Punishment (Note: In NYS, corporal punishment is prohibited. 8 NYCRR § 19.5(a). In addition, aversive behavioral interventions to reduce or eliminate maladaptive behaviors are not permitted, unless a child-specific exception has been granted pursuant to 8 NYCRR §§ 200.22(e) and (f). 8 NYCRR § 19.5(b).)
- 4) **Consider the Matching Law**
  - a) O’Neill et al.<sup>190</sup> describe two general strategies for altering consequent events:



- i) Increasing the value of the consequence for the desired behavior
  - ii) While decreasing the value of the consequence for the inappropriate behavior.
- b) The relative rate of responding for two or more behaviors will match the relative rate of reinforcement for those behaviors.<sup>191</sup>
  - c) As an example, if disruptive behavior in the classroom is reinforced, on average, on every second occasion it occurs and math work completion is reinforced, on average, once every 10 times it occurs the Matching Law predicts that disruptive behavior would be *5 times* more frequent than positive work completion in math.<sup>192</sup>

**E) TEACH REPLACEMENT BEHAVIORS**

**1) What is the replacement behavior that will replace the target behavior?**

- a) Teach more acceptable replacement behaviors that serve the same function as the inappropriate behavior;

**2) Any intervention that aims to eliminate a nonfunctional behavior**

- a) Should include a component that teaches and/or increases a functional behavior.
- b) Consider the Fair Pair Rule

<b>Challenging Behavior</b>	<b>Replacement Behavior</b>
Lies	Tells the truth by reporting information accurately and believably.
Argues	Discusses appropriately, avoiding positional thinking.
Incomplete assignments	Completes assignments with adaptations.
Swears	Uses appropriate language to express frustration

**3) Encourage replacement alternatives to challenging behaviors**

- a) Identify what you don't want or like (i.e., "I don't want Booker to swear at me.").

- Recognize you can no longer reinforce that challenging behavior by contingent attention.
- b) Specify an alternative, more desirable replacement behavior.
- Pick one out of the many possible positive behaviors that the child needs to learn that will substitute for the undesirable behavior.
  - Look for a desirable behavior that you can easily teach and reinforce.
- c) Try to think of replacement behaviors which are incompatible or those behaviors which compete with the challenging behavior.
- A behavior is incompatible with the problem behavior when it cannot happen at the same time.
- d) Once you have decided on the alternative behavior to teach, ask
- ‘Is the child capable of performing the desired behavior?’
  - If they are capable, describe to the child, both in what you say and do, what will be expected.
  - Task analyze the steps necessary to shape the behavior systematically.
  - Start the teaching process.
- 4) Remember, to change challenging behavior successfully**
- a) The new behavior has to be reinforced.
- 5) Increase transition compliance by using**
- First, then activities.
  - Use precision commands.
  - Reinforce compliance by descriptive and explicit praise.
  - Provide a consequence hierarchy for gradual shaping of described behavior.
- 6) Practice the correct replacement behavior**
- Provide independent practice.
  - Create opportunities to transfer practice activities.
  - Provide intensive teaching sessions?

**F) INTERVENTION BY FUNCTION**

**1) Positive Reinforcement Considerations**

- a) Teach appropriate replacement behaviors that result in more reinforcement than the problem behavior.
- b) Use a differential reinforcement procedure.
- c) Use the reinforcer for the problem behavior to reinforce the appropriate behavior.
- d) Reinforce a child who models the appropriate behavior.

**Techniques to consider**

- **Non-contingent** reinforcement.
- **Extinction.**
- **Time-out;** never to be used for escape motivated behaviors.
- **Differential reinforcement** of any other behavior (DRO).
- **Differential reinforcement** of alternative behavior (DRA).  
May need to use discrete trial training along with extinction.  
Two techniques together are the most effective.

**2) Negative Reinforcement Considerations.**

- a) Teach the child to ask for escape from the task.
- b) Child could be trained to tolerate some unpleasant task by shaping
- c) Child could be taught to ask the teacher for more interesting tasks that accomplish the same objectives.
- d) Change demands in the environment.
  - Pace of instruction.
  - Change the tasks.
  - Intersperse easy-successful tasks with more difficult tasks.
  - Change the peers.
  - Change the materials.
  - Foreshadow new demands.
- e) Provide opportunities to make choices.
  - Type of task.
  - Order of task.

- Level of Assistance.
- f) Shape and reinforce approximations of the appropriate response.
- Guide the response so the child is successful.
  - Use cues, prompts, assistance, collaborative activities, and modeling.
  - Encourage errorless teaching.
- g) Teach the child an appropriate way to request:
- Assistance.
- Breaks from tasks.
- An end to an activity.

Techniques to consider:

- **Non-contingent** task removal.
- **Stimulus demand fading.** Pace of instruction, child choices, frequency of demand and interspersing of easy and hard tasks, difficulty of assignments, opportunity for children to actively respond.
- **Extinction** through prevention of escape. Remove escape as the reinforcer.
- **Development of appropriate escape behavior.** This is a technique to teach child to request escape from a demand appropriately as an alternative to misbehavior.
- **Compliance training.** Development of instruction following behavior often called compliance training.

### 3) **Automatic Reinforcement Considerations**

- a) Provide an opportunity to move around and fidget after brief periods of work.
- b) Provide an alternative method of receiving self-stimulatory sensations which are more appropriate.
- c) Direct the child to an activity.
- d) Increase (or decrease) the stimulation level in the environment.
- e) Make transitions short and efficient.

- f) Schedule sensory opportunities.
- g) Provide alternate activities that provide high and low rates of stimulation.

Techniques to consider:

- **Reinforcement contingent** upon alternative behavior. Child can only do that activity after they have done something positive.
- **Reinforcement of alternative** self-stimulatory response. Allow them to do something contingent upon appropriate behavior.
- **Development of effective social reinforcement** by pairing attention with a strong activity reinforcement.
- **Sensory Extinction:** Block, mediate or terminate the reinforcing quality of the behavior maintained by automatic reinforcement.

## V) THE EVALUATION PROCESS OF A BIP

### A) MEASUREMENT AND MONITORING PROGRESS

#### 1) **Each plan must have:**

- a) An established baseline
- b) Data recording procedures defined as part of assessment and measuring progress.
- c) Replacement behaviors expected
- d) How they will be taught and reinforced

#### 2) **Do the interventions lead to a change in the behavior?**

- a) Regular and frequent assessment determine if a child is making progress
- b) If interventions are resulting in an appropriate change in the behavior.
- c) Progress monitoring is necessary to justify continuing chosen interventions, and must be done with fidelity.

**B) HOW WILL YOU DETERMINE WHETHER THE BIP IS WORKING OR NOT? <sup>193</sup>**

**1) Ask and answer**

- a) Is the challenging behavior decreasing in frequency, intensity?
- b) Is the replacement behavior increasing in frequency?
- c) Has the child generalized the use of this new behavior to various settings?
- d) Are there positive effects noted?
- e) Are people satisfied with the plan?

**2) Are there times when the appropriate behavior is a little better?**

- a) What percent/quantify it using data collection procedures.

**3) What can you do to make that happen more?**

- a) Incremental — what do you think you can do?
- b) What is a small thing you can do?
- c) What antecedent changes should be considered

**4) Methodology.**

- a) What progress monitoring model will you use?
- b) How will you decide what data to collect?
- c) How will you collect it?
- d) Who will collect it?
- e) How will you know it's working?
- f) How will you show it?

**It is not about time.  
Is it working or not?**

C) **HAVE THEY CREATED STEPS FOR ENABLING BEHAVIORAL, EMOTIONAL AND SOCIAL SKILLS?**

- 1) **Clear behavioral objectives based on goals?**
  - a) Teaching directly to those objectives?
- 2) **Made learning as concrete and meaningful as possible?**
  - a) Provided relevant guided practice.
- 3) **Used sequencing?**
  - a) Break down the skill, step-by-step using task analysis to define instructional steps.
- 4) **Provide drill — repetition and practice review?**
  - a) Daily testing of skills, repeating practice, daily feedback.
- 5) **Used segmentation?**
  - a) Break down targeted skill into units and then synthesizing the parts into a whole.
- 6) **Encourage directed questioning and response?**
  - a) Ask related and/or content-related questions to social expectations prior and on occurrence to natural events.
- 7) **Control the difficulty or processing demands of a skill?**
  - a) Skill is sequenced from easy to difficult. Reasonable changes are made as the child adjusts to new skills.
- 8) **Provide small group instruction?**
  - a) Instruction occurs in a small group, children and/or teacher interact with the group.
- 9) **Develop strategy cues**
  - a) Reminders to use strategies. The teacher verbalizes problem solving-procedures in real time. Use think-aloud models.

**10) Consider mass vs. distributive practice.**

- a) Allow opportunity for distributive practice so behavior may generalize.

Adapted from Swanson, H. L. (1992). *Learning Disabilities Research and Practice*, 14 (3).

**D) DID THEY WRITE GOALS THAT:**

**1) Define a time frame?**

- a) Usually specified in weeks.
- b) Connect to annual goal.

**2) Outline the conditions associated with the challenging behavior?**

- a) Specify conditions where attainment/progress toward the goal will be addressed.
- b) Naturalistic conditions are identifiable.

**3) Identify replacement behavior?**

- a) Reflects the expected replacement behavior that has been clearly defined.
- b) Reflects an action or behavioral indicator that can be directly observed.
- c) The occurrence and amount of behavior can be measured objectively.

**4) Use a criterion that can be measured?**

- a) Identify how much/how often/to what standards the behavior must occur in order for the team to be satisfied that the goal has been reached.
- b) Uses general standard classroom expectations as part of the goal setting.

**5) Did they define how they will know the procedures are working?**

- a) Evaluation.



**In TIME FRAME when CONDITION occurs, NAME OF CHILD will NAME BEHAVIOR to SPECIFIC CRITERION.**

### **EXAMPLES OF MEASUREABLE GOALS**

In **12 weeks**, when confronted by peers, Ingri **will** physically walk away from her peers without verbal comment across all occurrences, times and settings in the school.

In 5 weeks, **in all classroom activities that require turn-taking**, Kirta **will** wait her turn 80 percent of the time, for three consecutive days.

In 10 weeks, when given a verbal direction by an adult, **Gretchen will** comply within 10 seconds, 75 percent of the time, for three consecutive data days.

In 10 weeks, during recess on the playground, Bente will play appropriately beside other children for 10 minutes for two consecutive weeks.

In 12 weeks, whenever initiating interactions with peers, Randi **will** use appropriate phrases and gestures to gain access to peer attention **90 percent of the time, for five consecutive days.**

In 3 weeks, during a 10-minute teacher-directed question-and-answer activity, Eric **will** raise his hand and volunteer an answer at least 2 times during 3 consecutive opportunities.

*See IEP Building Blocks, for discussion on IDEA requirements for measurable goals.*

### **E) COMMUNICATION**

#### **1) Who will be included in the development of the behavior plan?**

- a) Who will write the plan?
- b) Who will responsible to implement the plan?
- c) Who is responsible to evaluate progress?
- d) Who will set the follow up review?

#### **2) Identification of solutions and options for interventions.**

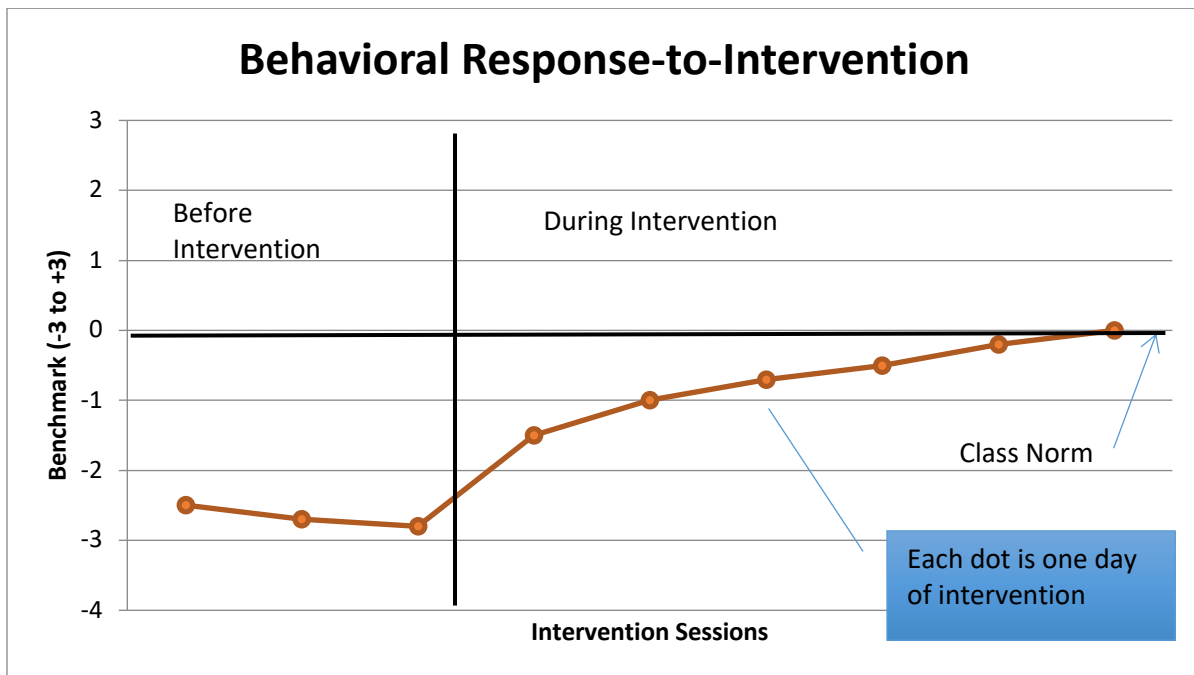
- a) Mutually agreeable interventions that will be implemented.

- b) Recommendations implemented with fidelity and monitored consistently.
- c) Reevaluate process and progress.
- d) Evaluate data with team and continue to problem solve.

**F) DID THEY SCALE THE RESPONSE?**

**1) Goal Attainment Scaling**

- a) Challenging behavior is performance rated at the beginning (baseline) and ending points on a scale from -3 to +3 or -6 to +6.
- b) Across the intervention period plotting the ratings on a Goal Rating chart.



**VI) FINAL NOTE**

Developing an effective behavior intervention plan incorporates a multitiered problem solving model that is based on the work completed in the functional behavior assessment phase.

**A) BASIC RULES AND CORE PRINCIPLES**

- 1) **If behavior impedes learning;**

- a) Strategies, positive behavior interventions and supports must be provided.
- b) The environment must encourage positive behavioral, emotional and social growth.

**2) In order to change behavior**

- a) We need to understand it,
- b) Define what we expect children to do and
- c) Connect the necessary learning opportunities for that to happen.
  - What is the challenging problem and why is it happening?
  - What are you going to do? What plan will you follow?

**3) Define who will carry out the intervention?**

- a) How will you carry out the intervention?
  - What type of evaluation model will you use to determine success?
  - Did the plan work? What does the data tell you?

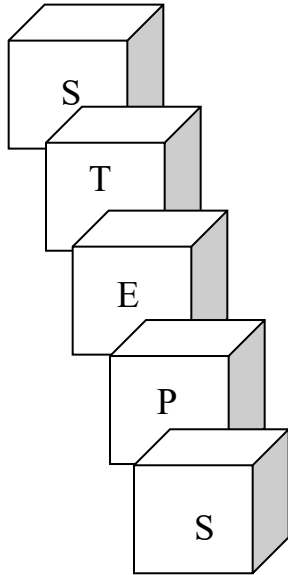
**4) Is there a need for follow-up? Revisions planned?**

- a) How is the child doing relative to others?

**HEALTH**

*Note:* In New York State, behavioral intervention plan means a plan that is based on the results of a functional behavioral assessment and at a minimum includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior. 8 NYCRR § 200.1(mmm).

B) A SIMPLE BEHAVIOR PLAN INCORPORATES



The **function (cause)** of the behavior? (Attention, escape demands, gets things, self-stimulation.)

The **behavior that will replace** the target behavior? (Functional equivalent).

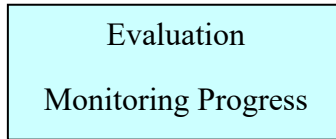
**The process to prevent** the target behavior from occurring? (Antecedent changes, instruction, choices, demand, fading, etc.)

The steps to take **when the correct behavior** is exhibited? (What positive reinforcement, what negative reinforcement?)

Considerations **when the student even thinks** about engaging in the incorrect or target behavior? (Extinction, punishment).

**Behavioral instruction and how to practice** the correct replacement behavior during intensive teaching sessions

How will I know it is working?



See Appendix H, I & J

APPENDIX A



**A WORKING MODEL FOR A SCHOOL BASED FBA**

**I) THE SEVEN STEP PROCESS FOR FUNCTIONAL BEHAVIOR ASSESSMENT**

**A) IDENTIFY AND DEFINE CHALLENGING BEHAVIOR(S)**

**1**

**1) Provide specifications with a standard description of the challenging behavior...these behaviors must be:**

- a) Determined as undesirable
- b) Observable.
- c) **Measurable.**
- d) Descriptive and **operationally defined.**

Note: The use of constructs is not helpful or user friendly.  
(disruptive, boisterous, attention seeking)

**2) Incorporate critical dimensions** of the challenging behavior as appropriate:

- |             |            |             |
|-------------|------------|-------------|
| *Topography | *Latency   | *Severity   |
| *Frequency  | *Locus     | *Chronicity |
| *Duration   | *Magnitude | *Pervasive  |

**3) Define the Relative Frequency and Significance.**

- a) Behavioral Impact and Standard of Comparability.
  - What are others expected to be doing?
- b) Pareto Effect, (80/20 rule)
  - Is this worth the time and effort?

# 2

## B) COLLECT INFORMATION AND DATA ACROSS RESPONDENTS AND SETTINGS

- 1) **Establish a baseline.**
  - a) **Very few situations** require immediate intervention in the absence of this information.
- 2) **Collect baseline data for 2-3 days in a variety of settings, conditions and times.**
  - a) Quantify critical dimensions of behavior.
  - b) Use frequency counts, duration of events, intensity,
- 3) **Gather information from a variety of sources.**
  - a) Interviews/discussions with relevant staff.
  - b) Complete and direct classroom observations.
  - c) Use standardized instruments or checklists for making comparisons for expected behavior.
  - d) Use Rating Scales (e.g., b.e.s.t.) to help quantify differences and provide a normative comparison.
- 4) **Identify patterns.**
  - a) **Events, times, situations** that predict the challenging behavior.
  - b) Circumstances associated with the challenging behavior.
    - Relationship to the child.
    - Demonstrated across settings and across time.
    - Patterns of behavior, isolated instances.
    - The setting where the challenging behavior occurs or does not occur.
  - c) Review behavioral files.

# 3

## C) IDENTIFY ANTECEDENT AND CONSEQUENT EVENTS

- 1) **What are the circumstances** associated with challenging behavior.
  - a) The circumstances must be logical, related and observable.
  - b) Specify the conditions leading to the challenging behavior.
  - c) Analyze the consequences following the challenging behavior.
- 2) Use a form of **A-B-C** recordings.

**A – What are the antecedent(s)?** What happens before the challenging behavior is exhibited?

- \* **Who** is the child with and by? Teacher, peers, others?
- \* **Where** is the setting for the challenging behavior?
- \* **What** is the setting for the challenging behavior?
- \* **When** does the challenging behavior occur? Be specific.

**B – What is the challenging behavior?**

- \* Which challenging behavior(s) will you target?
- \* Prioritize by effect.

**C – What are the consequences?**

- \* What happens after the challenging behavior is exhibited.
- \* What does the child do?
- \* What do the staff do?
- \* What do other children do?

**4**

**D) IDENTIFY FUNCTION**

- 1) **Determining the function of the challenging behavior**
  - b) Function of a behavior is **not necessarily related to its form.**
- 2) **It is often not possible to determine function of a child's challenging behavior s**
  - a) Simply by describing the behavior.
- 3) **In order to determine the function of behavior**
  - a) It is necessary to understand the context in which behavior occurs and consequences that follow.
- 4) **A child may display the challenging behavior because:**
  - They have not learned the appropriate function.
  - Do not have the skills to engage in the appropriate behavior.
  - It may be more efficient and effective for the child to engage in the problem behavior.
- 5) **Function: To get something, social acknowledgement.**
  - Obtain attention.
  - Peers status and peer attention
  - Tangible rewards

**Socially Mediated**



**Positive reinforcement:**  
Undesirable behavior (s) reinforced by contingent attention.



**AS YOU CONSIDER FUNCTION**

1. Does the challenging behavior occur whenever the teacher is not attending to the child?
2. Does the challenging behavior occur when the teacher is talking to someone else in the room?
3. Does the child seem to engage in the challenging behavior to upset or annoy the teacher when they are not paying attention to them?
4. Does the child seem to engage in the challenging behavior to get the teacher to spend time with them?

**6) Function: To Avoid, Escape Something or Someone.**

Behavior results in the termination, avoidance or at least postponement of un-preferred demands.

Escape or removal from an activity time, a particular individual, an unpleasant situation.

**Socially Mediated**



**Negative reinforcement:**  
Undesirable behavior (s) is reinforced by removal and/or escape.

**AS YOU CONSIDER FUNCTION**

- 1 Does the challenging behavior occur when any request is made?
2. Does the challenging behavior only occur following a command to perform a difficult task?
3. Does the child seem to engage in the challenging behavior to upset or annoy the teacher when they are trying to get the child to do what they are asked?
4. Does the challenging behavior stop after the teacher stops making demands?

- 7) **Function: Behavior may be maintained by self-produced sensory, perceptual, or biological reinforcers. Self-stimulation.**

**Automatic positive reinforcement.**

- \* Self-stimulation, atypical sensations produced by personal behavior.

**Automatic negative reinforcement.**

- \* Sensory reduction, reduction of physical sensations.

**Automatic Reinforcement** →

**Controlling antecedent stimuli:**  
 Undesirable behavior occurs as a function of self.  
 Nonsocial automatic or sensory reinforcement.

<b>AS YOU CONSIDER FUNCTION</b>
1. Would the challenging behavior occur continuously if the child was left alone for a long period of time?
2. Does the challenging behavior occur repeatedly, over and over, in the same way for a length of time?
3. Does it appear that the child enjoys engaging in the challenging behavior and would continue even if no one was around?
4. When the challenging behavior is occurring, does the child seem unaware of anything else going on around them?

E) **IDENTIFY CONTEXT**

5

**Refers to all internal and external variables** that might affect a child at any given point in time.

1) **Environmental**

- |   |                         |
|---|-------------------------|
| * Behavioral sink, number of children in the class. | * Noise level.          |
| * Seating arrangements.                             | * Frequent disruptions. |
| * Transitions.                                      | * Lighting, heat, cold. |

2) **Physiological/emotional conditions.**

- |                      |                         |
|----------------------|-------------------------|
| * Anxiety.           | * Illness.              |
| * Hunger or thirst.  | * Pain.                 |
| * Anger.             | * Sickness/allergies.   |
| * Fatigue.           | * Side effects of meds. |
| * Increased arousal. | * Decreased arousal.    |

3) **Setting events.**

***Setting events* are antecedent events that are removed in time and place from the occurrence of behavior, but are functionally related to that behavior.**

**Given a particular setting event, a challenging behavior is more likely to occur than if the setting event is absent.** Setting events, unlike discriminative stimuli, are removed in time and place from behavior

- \* Presence and interaction of specific classmates.
- \* Degree of specific teacher proximity.
- \* Presence of extraneous stimuli, visual, auditory.
- \* Immediately antecedent to the challenging behavior.
  - Particular kind of activity.
  - Innocent antecedent stimuli.

4) **Curriculum and instruction**, incorporate the consideration of the quality of engaged and appropriate level of instruction.

- \* Limited opportunities for making choices.
- \* Lack of predictability in the schedule.
- \* Inadequate level of assistance.
- \* Poor directions.
- \* Few opportunities to communicate.
- \* Activities too difficult.
- \* Activities that take a long time to complete.
- \* Instructional pace.
- \* Activities that the child dislikes.
- \* Difficult content.
- \* Activities for which the completion criterion is unclear.
- \* Activities that might not be perceived as being relevant or useful by the child.

<b>AS YOU CONSIDER INSTRUCTIONAL ACTIVITIES</b>
1. Does the child have the prerequisite skills?
2. Are the directions for the activity clear?
3. Are the language features of the task clear?
4. Is adequate practice allowed?
5. Is there adequate feedback and reinforcement?

**F) DEVELOP A HYPOTHESIS**

**6**

**1) The hypothesis predicts**

- a) The general conditions under which the behavior is most and least likely to occur (antecedents),
- b) As well as the probable consequences that serve to maintain it.<sup>194</sup>

**2) A hypothesis is an informed guess**

- a) About the manner in which challenging behavior interacts with the environment.
- c) It is based on clear observations and;

Phrased in such a manner that the context can be manipulated or modified to create changes in the challenging behavior.

**3) In order to create a hypothesis**

- b) Examine the information collected;

Develop statements describing the relationship between the challenging behavior and the events and other circumstances in the environment.

**4) A clear hypothesis statement**

- c) Should lead to interventions that are effective and positive (i.e.);
  - Alter level of task difficulty.
  - Provide additional or clearer instructions.
  - Alter the density of attention or praise.
  - Change the duration of certain activities.
  - Change schedules of staff supervision.
  - Identify variables that can be manipulated to determine primary function. (Analogue assessment, problem solving)

**5) Create a summary statement (hypothesis) that includes:**

- The setting.
- Antecedent.
- Challenging Behavior.
- Maintaining consequence.

- a) Example: When Eric is in a **large group (setting)** and is asked to **work quietly (antecedent)**, he is likely to swear at the teacher (challenging behavior) in order to **get attention (maintaining consequence)**.
- b) Example: When Bente is **in math (setting)** and experiences **difficulty with a problem (antecedent)** **she runs** from the classroom (challenging behavior) in order to **avoid completing** the problem (maintaining consequence).

<b><u>AS YOU CONSIDER THE HYPOTHESIS</u></b>
Could the behavior be related to a skill deficit?
Are there any circumstances in which the challenging behavior ALWAYS occurs?
Are there any circumstances in which the challenging behavior NEVER occurs?
Does the challenging behavior occur at certain times of the day?
Does the challenging behavior occur only with certain people?
Is the challenging behavior related to any particular activities?
Is the challenging behavior in response to something negative/aversive to the child?

**7**

**G) TEST THE HYPOTHESIS**

**1) Test your hypothesis**

- a) The only way to determine if you are correct.

**2) Two Techniques to Test the Hypothesis:**

- a) **Antecedent Strategy:** Change antecedent before the challenging behavior.
  - Frequency – Does the frequency, intensity and/or duration of the challenging behavior change?
  - In what way? Desirable, Undesirable.
- b) **Consequent Strategy:** Change the response to behavior after it occurs.
  - Frequency - Does the frequency, intensity and/or duration of the challenging behavior change?
  - In what way? Desirable, Undesirable.


**HYPOTHESIS**

**An informed guess** about the manner in which challenging behavior interacts with the environment.


- Based on clear observations.
- Phrased in such a manner that the environment can be manipulated to create changes in the behavior.

**TEST HYPOTHESIS**

**Antecedent Strategy:** Change antecedent before behavior.

- Frequency – 

**Consequent Strategy:** Respond to behavior.

- Frequency - 

APPENDIX B



HOW DO YOU DECIDE WHEN TO CONDUCT AN FBA?

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

---

Consider the following factors:

- 1) Are you spending more time on behavioral issues than on other needs with this student?
- 2) Is behavior a primary issue with this student (regardless of the student's disability)?
- 3) Is the challenging behavior more than just occasional? Is it pervasive?
- 4) How does the student's behavior compare to peers?
- 5) Is the behavior chronologically and/or developmentally appropriate?
- 6) Is the behavior responding to typical school and/or classroom interventions?
- 7) Can you point to a reason why the child may be misbehaving (for example, a recent divorce or illness in the family)?
- 8) Would you expect or predict the behavior given the circumstances?
- 9) Do you expect the behavior to naturally diminish over time?
- 10) Is the current program effective?
- 11) Is the student at risk for harm or exclusion?
- 12) Are others at risk for harm?
- 13) Is a more restrictive placement or a more intrusive intervention being considered?
- 14) Is an FBA legally required?

Wisconsin Department of Public Instruction. (2012). Retrieved from <http://dpi.wi.gov/>



APPENDIX C



**FBA PSYCHOMETRIC ISSUES** <sup>195</sup>

	<b><i>FBA</i></b>
<b>Reliability</b>	Degree to which observers viewing the same environment events at the same time agree on behavioral function
Stability	Reflects the changeability of behavior over time as a function of situational factors
Decision Reliability	Reflects the agreement between observers regarding the function of behavior
Errors of Measurement	Disagreements among observers or lack of correspondence between observed value and true value of behavioral function
<b>Validity</b>	Correspondent between observed and true value of behavioral function
Content Validity	Degree to which the conditions under which behavioral function is assessed adequately represent all of those conditions to which one is interested in generalizing
Forecasting Behavior	Agreement among multiple methods of assessing behavioral function
Construct Validity	Degree to which assessment procedure accurately reflects behavioral function
Decision Validity	Degree to which assessment procedures assist in matching behavioral function to intervention
Treatment Validity	Degree to which data contribute to beneficial treatment outcomes
Social Validity	Degree to which target behaviors are judged to be socially significant, FBA procedures are judged to be socially acceptable, and treatment effects are judged to be socially important

## APPENDIX D



### FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA): A QUICK LOOK AT PROCESS

#### **OSEP/OSERS guidance 52 IDELR 231 (OSERS 2009)**

“A functional behavioral assessment (FBA) moves practitioners toward gathering information that increases the understanding of student behavior in the classroom while identifying and teaching needed replacement behaviors (Miller, Tansey & Hughes, 1998). The functional behavioral assessment process recognizes that while behavior is governed by consequences, it is important to understand the function of challenging behavior and the context in which it occurs.

1. Consent is always required to do an FBA to address the needs of a specific child. (34 C.F.R. §§ 300.301 through 300.311.)
2. An FBA is considered an evaluation, a reevaluation or part of a reevaluation because it is used in order to develop an appropriate IEP.
3. An FBA must be used proactively, if the IEP Team determines that it would be appropriate (34 C.F.R. § 300.530(d).)
4. The parent can obtain an independent educational evaluation (IEE) at public expense subject to certain conditions (34 C.F.R. § 300.502.)
5. The LEA has the option to request a due process hearing to show that its evaluation is appropriate. (34 C.F.R. §§ 300.502(b)(2) through (b)(5).)
6. A district seeking or refusing to conduct an FBA must comply with the IDEA’s procedural safeguards including notice within a reasonable time, proposals, refusals and descriptions

of data and assessments. (34 C.F.R. §§ 300.304 through 34 CFR 300.311; *Letter to Addressee*, 59 IDELR 14 (OSEP 2012).)

7. A prior written notice does not apply where the FBA is an effort to gauge or improve behavior throughout the school. (*Letter to Christiansen*, 48 IDELR 161 (OSEP 2007).)
8. If an FBA is used in the context of positive behavioral supports to improve overall student behavior within the school, there is generally no requirement for parental consent unless consent is required for all children in the school. (*Letter to Christiansen* 48 IDELR 161, OSEP 2007).)
9. There is no requirement that a board-certified behavior analyst, or any other specific individual, conduct an FBA unless state law requires it. LEAs, however, must ensure that those who do conduct FBAs are adequately trained and must establish and maintain qualifications for personnel. (*Letter to Janssen*, 51 IDELR 253, OSERS 2008).)

**APPENDIX E**



**BEHAVIOR CONSTRUCTS OPERATIONALLY DEFINED**

<b>Constructs to Help Think About “Behavior” Operationally</b>	
<b><i>Severity</i></b>	Significant difference from expectation, child capable standard, the norm.
<b><i>Chronic</i></b>	Pattern of challenging behavior or history that are habitual and persistent. Consistently poor adaptive behavior rather than situationally dependent.
<b><i>Duration</i></b>	Not situational, length of time challenging behavior exhibited.
<b><i>Frequency</i></b>	Occurs regularly, much more than normal.
<b><i>Across Settings</i></b>	Pervasive, home, school and community.
<b><i>Behavioral Impact</i></b>	Life functions and social awareness.
<b><i>Characteristics</i></b>	Patterns like or unlike
<b><i>Intensity and pervasiveness</i></b>	Exhibit behavior persistently and generalized rather than context specific.



**A CHALLENGING BEHAVIOR PROTOCOL FOR BIP DEVELOPMENT**

<b>CONSIDERATION FOR PROBLEM SOLVING CHALLENGING BEHAVIOR(S)</b>	
1	What procedures will follow when the challenging behaviors occur?
2	What do you think causes the challenging behavior?
3	When does the challenging behavior occur?
4	How often does the challenging behavior occur?
5	How long has the challenging behavior been occurring?
6	Are there any times when the challenging behavior does not occur?
7	Are there any times under when the challenging behavior always occurs?
8	Does the challenging behavior occur more often at certain times of the day?
9	Do the number of people in the immediate environment effect the challenging behavior?
10	Does the challenging behavior occur with certain people?
11	Does the challenging behavior occur during certain subjects/activities?
12	Could the challenging behavior be related to a skill deficit?
13	Does the student take medications that might affect the challenging behavior?
14	Could the challenging behavior be an indication of biological need? Hunger, thirst, tiredness, etc.?
15	Could the challenging behavior signal discomfort (headaches, ear infection, etc.)?
16	Do any other challenging behaviors occur with this challenging behavior?
17	Are there definable events that signal the challenging behavior is about to occur?
18	What are the consequences when the challenging behavior occurs?
19	What are identified reinforcers for this student?
20	Which staff members seem to relate best to this student?

## APPENDIX G



### BEHAVIOR INTERVENTION PLANS (BIP): A QUICK LOOK AT PROCEDURE

#### **OSEP/OSERS guidance (52 IDELR, OSERS 2009)**

A behavior intervention plan (BIP) must be developed if behavior is interfering with student learning, the BIP must be based on assessment data, individualized to meet the student's unique needs, must include positive behavior strategies and supports, and the BIP must be implemented as planned and its effects monitored.

1. The use of positive behavioral interventions and supports must be considered in the case of a child whose behavior impedes learning or the learning of others. (34 C.F.R. § 300.324(a)(2)(i).)
2. A BIP must be used proactively, if the IEP Team determines that it would be appropriate. (34 C.F.R. § 300.530(d).)
3. BIPs are required when the LEA, the parent, and the relevant members of the child's IEP Team determine that a student's conduct was a manifestation of their disability. The IEP Team must write a BIP, unless one already exists and if a BIP already exists, then the IEP Team needs to review the plan and modify it, as necessary. (34 C.F.R. § 300.530(f).)
4. The IEP Team must include a BIP in the child's IEP to address the behavioral needs of the child with a disability whose behavior impedes learning or that of others, and for whom the IEP Team has decided that a BIP is appropriate, or for a child with a disability whose violation of the code of student conduct is a manifestation of the child's disability. (34 C.F.R. § 300.530(e).)

5. The IEP Team must consider the use of positive behavioral interventions and supports, and other strategies to address a child's behavior that impedes the learning or learning of others. (34 C.F.R. § 300.324(a)(2)(i).)
6. The Team may address the behavior through annual goals in the IEP. (34 C.F.R. § 300.320(a)(2)(i).)
7. The child's IEP may include modifications, support and any related services necessary to achieve annual goals. If the child needs a BIP to improve learning and socialization, the BIP can be included in the IEP and aligned with the goals in the IEP. (34 C.F.R. § 300.320(a)(4); *see also* IEP Building Blocks, Special Education Solutions, LLC).

## APPENDIX H



### EVALUATING THE QUALITY OF THE BIP <sup>196</sup>

1)	<b>Address antecedent or Setting Event Modifications</b>
	<ul style="list-style-type: none"><li>• Does the plan include antecedent and setting event modifications to prevent problem behavior from occurring?</li><li>• Does the plan include modifications to make desired behaviors more likely?</li></ul>
2)	<b>Teaching Alternative Skills</b>
	<ul style="list-style-type: none"><li>• Did the team consider all three approaches to alternative-skill training (e.g., replacement skills, general skills, coping and tolerance skills)?</li><li>• Do replacement skills serve the same function as the problem behavior?</li><li>• Do general skills help the individual prevent problem situations from occurring?</li><li>• If the plan targets multiple alternative skills, are the ones that produce the most immediate effect taught first?</li></ul>
3)	<b>Consequence Interventions</b>
	<ul style="list-style-type: none"><li>• Does the plan include consequences and strategies for, (a) strengthening alternative skills, (b) reducing the payoff for problem behavior, and (c) crisis management if necessary?</li><li>• Do consequences for alternative skills produce outcomes that are more effective or efficient than the problem behavior?</li><li>• Are desired outcomes for the problem behavior reduced or eliminated?</li><li>• Does the crisis management plan address the three phases of a crisis?<ul style="list-style-type: none"><li>• Escalation</li><li>• Eruption</li><li>• De-escalation</li></ul></li></ul>
4)	<b>Lifestyle Interventions</b>
	<ul style="list-style-type: none"><li>• Does the plan include supports that will improve the individual's quality of life?</li><li>• Does the plan include long-term adaptations that will (a) help the individual maintain new skills, and (b) prevent problem behaviors from occurring?</li></ul>
5)	<b>Executive Summary</b>
	<ul style="list-style-type: none"><li>• Are the intervention strategies logically linked to the hypothesis?</li><li>• Does the plan reflect individual and family preferences?</li><li>• Are the intervention strategies, (1) age-appropriate, and (2) an acceptable standard of expectation?</li><li>• Can the plan be carried out in everyday settings without stigmatizing the individual?</li></ul>





**COMPONENTS OF A COMPREHENSIVE BEHAVIOR INTERVENTION PLAN**

8 NYCRR § 200.22(b)(4)(i).

- I. CHALLENGING BEHAVIOR(S)**  
Identify and prioritize challenging behavior  
Baseline data
- II. OPERATIONAL DEFINITION OF CHALLENGING BEHAVIORS CATEGORIZED:**  
Self-injurious Behavior (SIB)  
Verbal Aggression (VA)  
Verbal Noncompliance (VN)  
Physical Aggression (PA)  
Noncompliance and Off-Task Behavior
- III. ANTECEDENT CONDITIONS/SETTING EVENTS**  
Identify events and conditions
- IV. FUNCTION**  
Group behaviors by function
- V. CONTEXT OF BEHAVIOR(S)**  
Identify all independent variables
- VI. BEHAVIOR PLAN OBJECTIVES:**  
Purpose and expected outcomes of the plan  
Behaviors to increase/decrease
- VII. BEHAVIORAL INTERVENTION FOR TARGET BEHAVIOR(S):**  
Identify methodology and techniques to be used  
Objectives and goals delineated  
Preventive, antecedent, consequences or setting event interventions
- VIII. REPLACEMENT BEHAVIOR**  
Identify replacement behavior (functional equivalents) and how they will be taught  
Generalization/maintenance procedures  
Functional communication training
- IX. CRITERIA FOR OUTSIDE INTERVENTION:**  
Define conditions and parameters for accessing outside resources
- X. METHODS OF MEASUREMENT**  
Data collection methods defined  
Program change criteria  
Termination criteria
- XI. PLAN REVIEW DATE**  
Calendar review dates with contingencies for unexpected outcomes



## COMPONENT EXAMPLES OF A BEHAVIOR INTERVENTION PLAN

### **EXAMPLES: OPERATIONAL DEFINITION(S) OF CHALLENGING BEHAVIORS:**

**Verbal Aggression** — Verbal aggression is defined by threats of harm toward self, others or major property. Examples of verbal aggression defined by any yelling, swearing or name-calling may include statements such as “I am going to kill you.” Or “I am going to break the window.”

**Verbal Noncompliance** — Verbal noncompliance is defined by oppositional verbal behavior such as saying “No” to requests or statement that imply non-compliance such as “this is stupid, you do it”, “Leave me alone, ask someone else to do it.”

**Noncompliance and Off-Task Behavior** — Noncompliance and off-task behaviors may consist of refusing to follow instructions and/or engaging in challenging behaviors. Examples of noncompliance may include refusing to get out of the school bus, sitting down and refusing to walk to the classroom, refusing to turn off a video, walking away.

**Physical Aggression** — Physical aggression is defined by directed behavior occurring in an agitated state. Examples of physical aggression may include biting, pinching, hair-pulling, hitting, kicking, pushing, head-butting or throwing objects. Episodes of physical aggression may be targeted at school personnel, peers, self or property.

### **EXAMPLES OF BEHAVIOR PLAN OBJECTIVES: WHY ARE YOU WRITING THIS PLAN? WHAT IS THE PURPOSE?**

- Maintain the safety of the environment
- Increase positive/prosocial behaviors
- Increase functional communication skills
- Decrease challenging behaviors
- Create predictable activities for easier transitions
- Establish criteria for parental and/or outside intervention
- Develop staff procedures to safely respond to challenging behaviors
- Create an opportunity to train staff on safety procedures

### **EXAMPLES OF ANTECEDENT CONDITIONS/SETTING EVENTS**

The primary focus of a behavior plan is to increase compliance and prosocial behaviors by changing antecedent conditions.

- Arrange environment to increase access to reinforcing activities.
- The environment will be “enriched” to provide access to higher preference activities.

## APPENDIX J CONTINUED

- A specific schedule surrounding high-preference activities will be developed to maintain structure and routine
- Frequency of “staff attention” for the student’s positive behaviors will be increased exponentially.
- The student will be taught appropriate verbal response needed to get attention.
- Training sessions will be incorporated into a regular part of the schedule.
- Demands will be decreased related to less-preferred activities.

### **EXAMPLES OF BEHAVIORAL INTERVENTION FOR CHALLENGING BEHAVIOR(S):**

#### **STAFF RESPONSE TO INAPPROPRIATE VERBAL NONCOMPLIANCE: (VN)**

- Use differential attention repeatedly to sequence of positive behaviors.
- Ignore verbally aggressive or socially inappropriate behavior while attending to socially appropriate behaviors.
- Do not reprimand.
- Do not engage in conversation.
- Attempt to redirect by discussing a positive and related topic.
- Never “respond to” or “focus on” inappropriate verbal behavior. (**This is not a teachable moment.**)

When a student engages in inappropriate verbalizations (e.g., “I want to kill you”), do not verbally respond, remove direct eye contact, turn your head slightly down and away (**maintain peripheral vision in case of aggression**), and count silently to five. After five, return eye contact and provide a prompt in an attempt to redirect. The prompt should be relevant to what has happened recently in the setting and should be related to a positive topic (e.g., “Did you want to talk to me about your work on the computer?”). **Avoid prompts that focus on inappropriate verbal behavior** (e.g., “Steve, are you upset with me?”). Be prepared to use differential attention repeatedly to respond to a potential sequence of the child’s verbal behaviors and other forms of opposition.

#### **EXAMPLES OF RESPONSE TO VERBAL AGGRESSION (VA)**

- Keep in mind, inappropriate behaviors may initially get worse when you first start using differential attention. **Always be prepared for physical aggression when ignoring verbal aggression.**
- Utilize a protective stance when interacting with any student in an agitated state. Turn your body perpendicular to their body.
- Prompt calmly, once — “Steve, I am willing to talk to you as soon as you lower your voice or talk quieter.”
- Do not argue or attempt to rationalize.

## **APPENDIX J CONTINUED**

- Never raise your voice when interacting because the goal is always to attempt to model appropriate and calm interactions. Avoid signs of tension in your face, body and voice.
- Remove direct eye contact, but maintain peripheral vision.
- If the child responds to the request (lowers voice), immediately resume responding (i.e., return eye contact and attempt to address the situation in a normal tone, avoiding raising intensity, speed or pitch of your voice.)
- Be prepared to utilize differential attention repeatedly in the de-escalation sequence.
- Recognize occurrences of verbal aggression as a “warning sign” for possible physical aggression.
- When a child engages in verbal aggression maintain a distance of five feet between the child and any other students.
- Attempt to protect personal safety by maintaining an arm’s length. Maintaining a safe distance when the child or any other student becomes agitated can prevent acts of physical aggression from occurring.

### **EXAMPLES OF CRITERIA FOR OUTSIDE INTERVENTION:**

- If the child is exhibiting agitated behaviors or noncompliant for a consecutive duration of (45-60-75-90) minutes, contact will be made to transport the child home.
- If parents are unable to be contacted, the mobile crisis unit will be called for transport to the behavior center.
- Any time a child is removed from the school as a result of challenging behaviors, a narrative record of the incident must be recorded on the data sheet, prepared for later team review.
- Law enforcement may be called in matters of legal and safety issues.

### **EXAMPLES OF PLAN REVIEW DATE**

- Initiate on 2/11/2013. This plan will be reviewed by the IEP team by 3/11/2013. Staff can schedule contingent on situational concerns.

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**Please consider, the references and citations provided are intended to support propositions stated therein and are not offered to substitute the evidence in the record.**

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