

Informing and supporting parents, educators, service providers, and policymakers on topics related to special education

# EDge

## Student Behavior and School Success

In any given year, the overall percentage of young people with emotional and behavioral disorders “is estimated to be between 14 and 20 percent.”<sup>1</sup> Problem behaviors, “including antisocial or aggressive behavior, and violence— have enormous personal, family, and societal costs. The annual quantifiable cost of such disorders among young people was estimated in 2007 to be \$247 billion.” These disorders may interfere with a young person’s ability “to accomplish normal developmental tasks, such as establishing healthy interpersonal relationships, succeeding in school, and transitioning to the workforce.”<sup>2</sup>

Because behavior is central to school success, the federal Individuals with Disabilities Education Act (IDEA) mandates that students with disabilities must be supported in behaving appropriately and how schools must address certain behavioral challenges. The law specifically mentions that IEP teams must consider positive behavioral interventions and supports for any student whose behavior impedes his or her learning or the learning of others. As an approach to addressing behavior, Positive Behavioral Interventions and Supports (PBIS), provides a consistent, schoolwide response to students with such behavioral challenges. PBIS

provides direct instruction in how to behave appropriately, and it gives those who exhibit challenging behavior the supports they need to learn why and how appropriate behavior is in their best interest (see page 11). By establishing a system of PBIS, schools support the learning of all students.

California has been especially conscientious in its mandates for addressing student behavior. Prior to July 2013, some of the state’s special education regulations far exceeded the behavioral intervention and management requirements of IDEA. However, those additional requirements were expensive and unfunded. Some educators and policymakers also saw them as cumbersome, restrictive, and too focused on compliance.

Last summer Governor Brown signed into law Assembly Bill 86, which was written in order to implement the state’s budget. One part of that bill calls for significant changes in schools by repealing behavioral intervention regulations that had been in place since 1990 (these regulations had often been referred to as simply “the Hughes Bill,” after author and then-Assemblymember Teresa Hughes). The legislative intents behind the repeal of these regulations were

1. to reduce costs,
2. to more closely align California law with IDEA, and
3. to maintain important protections for students with disabilities.

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Insert: *The Annual Report of the California Advisory Commission on Special Education*

### Notes

1. O’Connell, M. E., Boat, T., & Warner K. E. (Eds.). 2009. *Preventing Mental, Emotional, and Behavioral Disorders in Young People: Progress and Possibilities*. National Academies Press.
2. Ibid.

## AB 86

AB 86 amends California's Education Code in two general ways: (1) children who exhibit "serious behavioral challenges" must be assessed in a "timely and appropriate" manner to determine whether or not the behavior is a result of a disability; and (2) schools and districts must use "positive supports and interventions in accordance with the federal Individuals with Disabilities Education Act . . . and its implementing regulations" [EC 56520(b)(1)].

With the repeal of the Hughes Bill regulations, the following changes also took place:

1. A functional analysis assessment (FAA) *no longer* exists in the law.
2. "Problem behavior" is now defined as "behavior that impedes a child's learning or that of others."
3. A "Behavior Intervention Case Manager" (BICM) is *no longer* required for conducting assessments.
4. California *no longer*
  - defines the terms "behavioral intervention plan" or "serious behavior problems,"
  - requires a behavioral intervention plan (BIP) or a functional behavioral assessment (FBA) to be in writing or to be a component of the IEP,
  - provides specific guidance for what types of behaviors trigger the need to develop a BIP,
  - specifies the type of information the IEP team must consider in determining whether a student requires a BIP,
  - mandates the information that must be included in a student's BIP,
  - maintains procedures for evaluating the effectiveness of a BIP, or
  - has explicit requirements for including a behavioral specialist on a student's IEP team.

## Moving Forward

Yet what schools do matters. Research shows that whether or not students ultimately succeed in school can depend upon how teachers and school staff

address the students' problem behavior. So the Governor also signed into law Assembly Bill 110, which provided money for the Special Education Division of the California Department of Education to convene a work group of stakeholders (the Behavioral Intervention Stakeholder Work Group) to provide clarity, assistance, and guidance to schools and local education agencies (LEAs or school districts) on the changes brought about by AB 86. The ultimate goal of the group is to help ensure continued, effective, and appropriate behavioral supports to students with disabilities.

Participants in the work group represented a wide range of special education stakeholders: parents, members of advocacy groups, educators, university professors involved in teacher preparation, general and special education administrators, and others.

## Protections

Krista Rose, a member of this group, is a parent of children with disabilities. "I knew that California had gone beyond what was required in IDEA," she said in a phone interview. "But I had kids who benefited from the kinds of behavioral analyses required in the Hughes Bill. I was afraid that the new law would diminish what California had in place . . . that protections and services would go away and that the new assessments wouldn't be thorough enough. But the work group has alleviated my concerns and fears, and I am left hopeful. It's been a great relief to be able to see that the people at the Department of Education and in the field are continuing to honor the spirit of the law and working to keep kids in school."

Robert Hamilton, who represented California's Organization for Special Educators (CARS+) in the work group, also had concerns about maintaining "protections for kids" in light of the AB 86 changes. "How do you monitor what plan is being done?" he asked. "Is the plan being carried out with fidelity? What is

the proof that it does or doesn't work?"

While AB 86 did remove certain strict requirements, the state has maintained important protections for students by placing the mandates for those protections (which previously had been in state regulations) in the California Education Code. Students are still protected from any interventions that can result in pain, such as verbal abuse and inadequate supervision (EC 56521.2). The Education Code also now limits a school's use of emergency interventions in a "behavioral emergency" to control only "unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm" (EC 56521.1[a]); in addition, emergency interventions "shall not be used as a substitute for the systematic BIP [behavioral intervention plan]" (EC 56521.1[b]).

According to Hamilton, "discussions we've had [in the work group] addressed my concerns. People have come in with clear, concise plans and recommendations that are practical and feasible. That's important. You've got to be able to do them." Hamilton is referring to the time the work group spent studying and recommending best practices as well as grappling with policy issues. The group hosted educators from throughout the state who explained how their model programs worked under the new law. These presentations were recorded and are available for online viewing at <http://www.cde.ca.gov/sp/relac/bip.asp>. Hamilton also described FAQs that the group developed as "very helpful" to parents and educators. Those documents are at <http://www.cde.ca.gov/sp/relac/bipleafaq.asp>.

Renzo Bernales, a consultant at CDE, also developed, with "input from members of the work group," a flowchart (on page 7) of "the Local Educational Agencies' responsibilities . . . when a Manifestation Determination is required for a student," explained Bernales. This

determination takes place when a student with a disability has to be “removed from his or her current educational placement for 10 or more days.”

### Greater Discretion

Jonathan Lenz, SELPA director in Marin County, acknowledges that “the previous law did require a higher level of accountability. Before [AB 86], we had to assess. Now we don’t have to. But the previous regulations surrounding positive behavioral programming were extremely rigid and scripted.” Lenz sees the loss of the tightly scripted requirements of the Hughes Bill as ultimately a good thing: “LEAs for the first time have the freedom—and discretion—to identify their continuum of positive behavioral programming for students with IEPs.” Anjanette Pelletier, SELPA director in San Mateo County agrees. “IEP teams will have full discretion in the majority of the cases about the breadth and scope of behavioral assessments, strategies, and techniques that can be used to support students. And we are no longer burdened by a lengthy compliance checklist. We can focus purely on individualizing behavior plans to best support educational outcomes for students.”

“However,” Lenz said in a phone interview, “our SELPA’s work is grounded in best practices. I suppose there are some people who might now say that ‘we don’t have to do this [referring to the repealed portions of the Hughes Bill], so we won’t.’ But the current law does not remove a district’s obligation to provide services to support the child. That obligation is still there.”

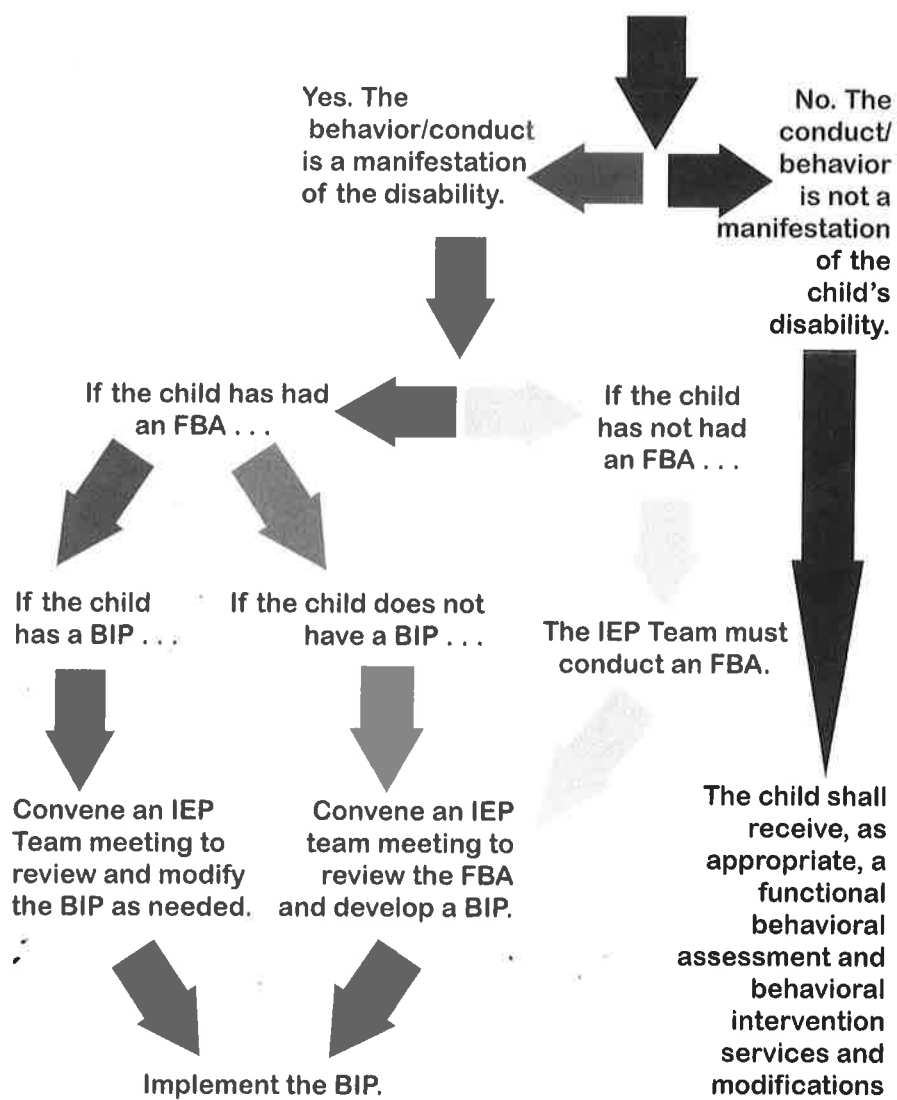
The new law also allows more flexibility in personnel. The Hughes Bill regulations, in requiring schools to use a board-certified Behavior Intervention Case Manager to assess students for behavioral problems, had created a burden for schools in remote regions and made it more difficult for all schools to quickly assess students. AB 86 allows a greater range of qualified individuals to conduct behavioral assessments.

(Law, continued on page 15)

# Manifestation Determination

## IEP Team Flowchart

When a child with a disability is removed from his or her current educational placement for 10 or more days, the IEP Team must follow the requirements of 34CFR 300.530(e)(1) and determine if the student’s conduct is a manifestation of the disability.



### Key:

IEP: Individualized Education Program

BIP: Behavior Intervention Plan

FBA: Functional Behavioral Assessment

adjusting antecedents (triggers, such as a frustrating assignment) and consequences (the rewards or results, such as being removed from class so the child doesn't have to deal with the frustration) that contribute to the problem. The student then learns appropriate replacement behaviors.

California educators interested in learning and mastering these practices have a wealth of supports available to them. Both the IRIS Center and PENT (Positive Environment, Network of Trainers) offer free online training modules and resources to support the implementation of these effective methods (see table on page 14). Several national projects also provide invaluable information and support for educators.

### **The IRIS Center**

The IRIS Center, funded through Vanderbilt University, is dedicated to improving school outcomes for all children, especially those with disabilities. The center develops and makes available at no cost interactive training modules, case studies, activities, and other instructional materials through its Web site: [www.iriscenter.com](http://www.iriscenter.com). This national center has a branch in California at Claremont Graduate University (CGU). Funded by the U.S. Department of Education's Office of Special Education Programs,<sup>5</sup> IRIS@CGU provides training to teacher educators and professional development providers across the nation through Web Tours, Webinars, Faculty Seminars, and Work Sessions. IRIS@CGU coordinates these training and outreach services.

### **PENT**

A California Positive Behavior Initiative, PENT has been providing information and resources to educators in the state for more than 20 years. The

organization's goal is to help educators achieve high educational outcomes through the use of positive, proactive strategies. PENT's Web site disseminates evidence-based behavioral practices and helpful information, as do PENT's widely established network of trainers.

### **National Centers**

Two national centers also offer online, evidence-based resources and training for teachers interested in improving their practice relative to student behavior: (1) The National Technical Assistance Center on Positive Behavioral Interventions and Supports at <http://www.pbis.org> and (2) the Center on Social and Emotional Development for Early Learning (CSEFEL) at <http://csefel.vanderbilt.edu>.

### **Conclusion**

Classroom and behavior management can be one of the most challenging aspects of a teacher's job; it is also a critically important one. Students cannot learn in a chaotic environment—whether it is of their own making or caused by others. By understanding the essentials of an evidence-based behavioral approach and accessing the many available resources, teachers can build the knowledge and develop the skills they need to effectively manage their classrooms and support optimal learning for every student. ►

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(Law continued from page 7)

Hamilton particularly likes the new law's emphasis on "intervening before [behavior] becomes a full-blown problem" through PBIS and bringing "everyone, all staff members—from teachers and school administrators to bus drivers and office help—on board so a consistent response is in place."

Lenz uses a multitiered system of supports (MTSS) such as PBIS to explain the logic of the new law. In a tiered system, he says, "everybody gets something. But

we were at the top of the pyramid with the Hughes Bill [regulations]. Not everyone needs that kind of intense support." With MTSS and AB 86, "we get to work our way up there, and only if necessary. . . . The law now doesn't limit what a district can do. This is a whole new and exciting world for LEAs. [The new law] aligns well with a multitiered system of supports—and it should translate directly to positive outcomes for students."

### **Challenges**

Some parents still voice concerns, however, that go well beyond any new law or regulation. Jane Floethe-Ford, director of education for Parents Helping Parents, a parent training and information center (PTI) in San José, says that "mental health and behavior issues are simply not being addressed in too many schools, whether it's before AB 86 or after."

Specifically, according to Krista Rose, "Too many suspensions are not being documented. And then the FBAs aren't happening, and appropriate supports and services are not being provided for the student and staff involved. Parents are often unaware of what suspension means," Rose says, "and of the ramifications for their child's education. For parents to be effective IEP team members, education in this area is crucial. They then can be part of the process—know the requirements related to suspension and when and how to get documentation." Floethe-Ford adds that "any time students are removed from the classroom because a behavior issue is overlooked, it's a problem. They lose instructional time. It's not intentional, but it's happening."

Behavior is central to learning. And children need to be in school and in class in order to learn. This issue of *The Special Edge* examines some of the broader concerns that Rose and Floethe-Ford raise by highlighting effective ways to address student behavior, both before and after it becomes a problem. ►

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### **Note**

5. OSEP, Project #H325E120002.