

Functional Behavior Assessment

How to conduct a Legally Defensible
Procedure

Jefferson Parish (JPPSS) says Hello

- We are the school system immediately west of New Orleans.
- We have 45,000 students.
- Urban Parish (County.)
- 49 % African American
- 31 % Caucasian
- 14% Hispanic
- 5% Asian
- .86% American Indian

Initial Thoughts

- Where this presentation came from:
 - A massive Corrective Action Plan
 - My experience as a Juvenile Court Liaison as well as Coordinator of Pupil Appraisal\Behavior Management
 - Review of Available Literature
 - Review of Court Cases

Credits\Influences

- The changes in the Individuals with Disabilities Education Improvement Act passed by the U.S. Congress .
- My experience trying to understand the process.
- This parish's participation (and obligations) in due process/mediation.
- Much feedback from Cheryl Carpenter, Peter Wheaton, Sharon Daley, Debora Haines, Susan Federico, Susan Cooper, Sam Hillson, Melissa Harber, and Mike Hickey.
- An in-service to Jefferson Parish from Michelle Sykes, former State Supervisor of School Psychological Services, now State Director, SSD#1.
- Input from Joe Olmi, Ph.D., Cynthia D'Atrio, PhD, and Brad Dufrene, PhD .

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- William DAUBERT, et ux., etc., et al., Pétitionner, v. MERRILL DOW PHARMACEUTICALS, INC.

A Quick Explanation

- I use the term Behavior Support Plan (BSP) rather than Behavior intervention Plan (BIP)
- Can you guess why?

Why We Do An FBA

- The Functional Behavior Assessment (FBA) is a legally mandated activity that should be attached to the student's IEP and/or Tier III program
- It is a tool-a systematic process that seeks to identify the purpose the problem behavior serves for the individual
- The FBA determines the functional relationship between a problem behavior and the events or conditions in the student's environment

Statistics

- Consider some of the following:
 - The percentage of single parent homes is now 33%
 - The percentage of children exposed to at least one violent act is 60%
 - 10% have more than 5 violent exposures
 - 14% of 15-19 year olds have considered suicide with 7% attempting
 - 17% of children are maltreated
 - 8% of 12-17 have had a major depressive episode yet only 40% received treatment

2004

- Twelve Due Process complaints against JPPSS
- Almost all for students with Emotional Disturbance
- Louisiana DEIA monitored our system
- Findings:
 - Functional assessments a piece of paper
 - Little connection between classroom instruction and related service
 - Students suspended more than 10 days in a school year on a regular basis

Mediated Settlement

- A Corrective Action Plan
 - Addressed Social Work\Support Services
 - Suspensions
 - Least Restrictive Environment
 - Behavioral Skill Development
 - Academic Skill Development
 - Transition
 - RTI\PBS

Functional Behavior Assessments

- Conducted after the first suspension
- Perceived as a hurdle to jump through
- Combined Interview\ A-B-C- format
- No connection to the Behavior Intervention Plan
- Little connection to the problem
- Little follow-through

When Do We Conduct Such a Process

- This is frequently misunderstood
 - When a student with disabilities (SWD):
 - Reaches 10 days of suspension
 - Commits a very serious event: (drugs, weapons, serious bodily injury)
 - Significant Change of Placement Proposed
 - Here is where it can't be legislated:
 - When your common sense dictates.
 - It is hard to do this without data\history
 - Generally required for initial determination of Emotional Disturbance
 - It is not a form, it is a process

How the Process Fits the Student

- Good Functional Behavior Assessments\Behavior Support Plans (FBA\BSP) address:
 - The skills\deficits
 - Talents
 - Physical\emotional health
 - Preferences
 - Relationships with others
 - General quality of life of the student in question.

Underlying Assumptions

- 95% of all behavior is learned.
- All behavior occurs for a reason: Challenging behaviors do not exist in a vacuum.
- Behavior is context related: setting, events, antecedents, consequences.
- Behaviors are governed by the consequences that follow them.
- We only engage in behaviors that are reinforced.
- Although the behavior may be socially inappropriate, it fits where the child is functioning developmentally.
- If a behavior can be predicted, a viable alternative or socially competent behavior can be promoted.
- Behavior is a form of communication.
- The form of the behavior is secondary to the function.
- We need to identify the source of the reinforcement to guide what we need to fix.

What Happens

- True confessions (what you should have done the first time to prevent this behavior.)
- Understand the student in his\her humanity.
- Next year the FBA should be incorporated in the General Student Information Section of the IEP.

Legal Cases

- There have been eleven since the late 1990's
 - School Systems have lost every one of them
 - 1 of 2 reasons:
 - School system didn't do it
 - or it was a one page form
- I don't know who testified against the schools
- But: I bet the judge asked the questions:
 - “How does this help a student ?.”
 - “What is the scientific basis of this claim?”

Best Practice

- Like all other assessments under federal law, (*IDEIA*, 2004):
 - Functional Assessment requires multi-methods assessments using a variety of sources
 - No single procedure (interview, etc) is acceptable
 - Need interviews, records review, and observations
- This view is also reflected in *Best Practices in School Psychology*, V, 2008.
- I have an ethical dilemma about making decisions about a student without much face time
- This means that I don't presume anything without having sat with that kid

Daubert Standard

- The Rules-especially Rule 702-place appropriate limits on the admissibility of purportedly scientific evidence by assigning to the trial judge the task of ensuring that an expert's testimony both rests on a reliable foundation and is relevant to the task at hand. The reliability standard is established by Rule 702's requirement that an expert's testimony pertain to "scientific ... knowledge," since the adjective "scientific" implies a grounding in science's methods and procedures, while the word "knowledge" connotes a body of known facts or of ideas inferred from such facts or accepted as true on good grounds.
- The Rule's requirement that the testimony "assist the trier of fact to understand the evidence or to determine a fact in issue" goes primarily to relevance by demanding a valid scientific connection to the pertinent inquiry as a precondition to admissibility.”
- (William DAUBERT, et ux., etc., et al., Pétitionner, v. MERRILL DOW PHARMACEUTICALS, INC.)

Daubert Standard

- Also known as Federal Rule of Evidence 702
- This is the standard by which scientific data can be introduced in court via an expert witness.
- Not all states are Daubert states
- This procedure will satisfy this standard as it is what is scientifically provable and professionally recognized.
- Especially if the lawyer reads the literature.

Side Note

- There has been one case of a review of the Behavior Support Plan (BSP)
- The court ruled there were no standards for a BSP
- Obviously, we need to set some standards
- I have some recommendations

Around the Country

- I reviewed the on-line FBA\BIP process from several sources
- I did observe some excellent material to use as part of the process
- I did not see an FBA that would qualify as best practice (frequently not all 3 methods).
- I also reviewed carefully the Office of Special Education\Center for Effective Collaboration and Practice website (<http://cecp.air.org/fba/>)

My Experience

- Functional Assessments and Support Plans address removal of behavior and punishment
- They did not address :
 - Supported functions of behavior
 - Appropriate manipulation of environmental conditions
 - Replacement of ineffective with effective behaviors
 - Liberal and useful reinforcement system

Functions of Behavior

- There are three:
 - Access to some object or activity
 - Avoidance of some object or activity
 - Self-Stimulation
- The literature support nothing else

What constitutes an Effective Functional Behavior Assessment (FBA)

- Three Levels
 - Simple FBA
 - Full FBA
 - Functional Analysis
- Each has a use
 - Simple for more obvious behavior problems.
 - Full FBA for more serious problems
 - Functional Analysis for a thorough understanding

Simple FBA

- A Uni-Modal Methodology
 - Most likely an interview
 - Easy to do
 - Doesn't always tell you everything
 - Isn't defensible in court
 - Doesn't mean that you can't do it

Full FBA

- Multi-modal data collection\review procedure.
- Recommended by *Best Practice* (2008)and others.
- Includes:
 - Social History.
 - Indirect Assessment\Interview.
 - Direct Observation.
 - Reinforcement System.
- Remember, we are the school psychologists.
 - Others need our help in this process

Functional Analysis

- After the full FBA, a professional manipulates the conditions to test the hypothesis
- A form of ABAB Experimental design.
- May be unethical to do this with serious behavior as you allow the behavior to occur under your control and manipulation
- Sometimes you can inadvertently get away with this as the treatment stops for unforeseen reasons

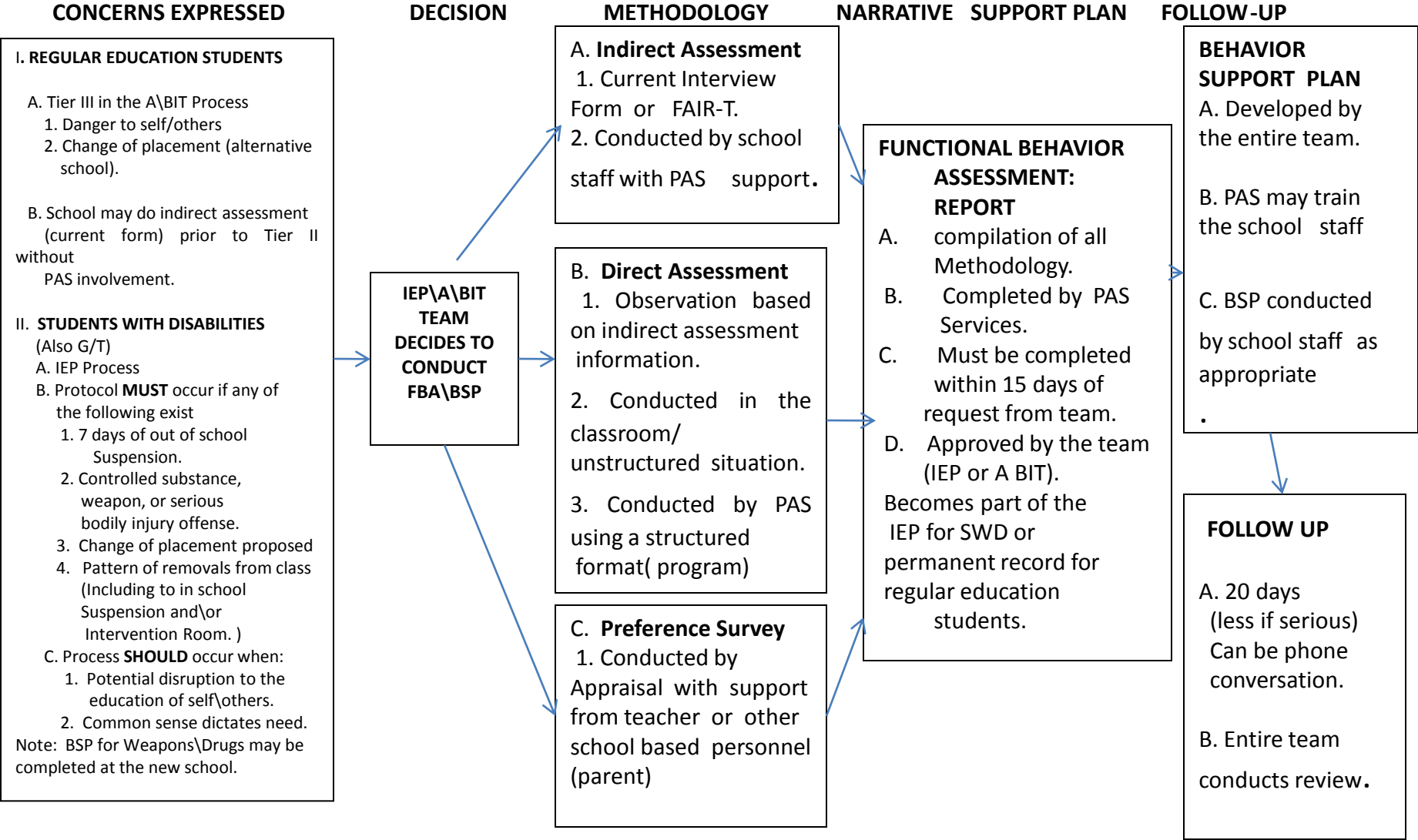
When You Do What

- Simple FBA
 - Tier II
 - Less serious or less defined pattern of behavior
- Full FBA
 - TIER III when Simple FBA is ineffective or inappropriate.
 - More Serious or well-defined Pattern of Behavior
 - 10 days of Suspension for SWD
- Functional Analysis
 - When a definite connection is needed without potential harm to others.

Jefferson Approach

- The IEP or some sort of Teacher\Student Assistance Team (Tier III) needs to conduct this assessment, never conducted by one person in isolation.
- Everyone involved in the student's progress should be interviewed, including the student.
- We use:
 - Social History\Record Review
 - Indirect Assessment
 - Direct Assessment
 - Preference Survey
 - Narrative write-up.

Flowchart of Conducting a Functional Behavior Assessment



Jefferson's 2 Pronged Response

- We can actually do both a Summary Form and a Full FBA
 - Functional Behavior Assessment Summary
 - Indirect Assessment
 - Observational Data
 - Preference Survey
 - Full Functional Behavior Assessment
 - Indirect Assessment
 - Social history
 - Structured, Systematic Observation
 - Preference
 - Narrative Write-up

Indirect Assessment

- I've seen some very good ones
- These are usually interview forms
 - BASC-2
 - I have seen a few checklists.
 - The FAIR-T has also been used
 - FAIR-T (II) is on the way. (USM)
- Both Crone \Horner and Watson\Steege have samples
- Check the convention downloads for JPPSS forms.

What Indirect Assessment Provides

- A very efficient method of data collection
- A clear sense of who what when where how
- Tells you what is happening, but may not tell you how it happens
- Does help you structure your procedure quite well
- You need to include historical data here as well as current data

Direct Assessment

- Tells you HOW it happens
- Objective observer.
- Allows us to see the behavior happening.
- Also is inefficient and requires a trained and competent observer.
- Examples:
 - Structured observations based on real time or event sampling.
 - Scatter Plots.
 - Antecedent-Behavior-Consequence review.

Direct versus Review

- In the Full or Summary FBA, a trained observer makes predictions based on a mathematical formula (Conditional Probability.)
- If I think I am going to court with this, I would do 2 observations to verify my findings.

Conditional Probabilities.

- A= Antecedents
- B= Behavior
- C=Consequences
- A-B-C or other observations do not allow us to determine or suggest causality, just occurrences
- Conditional Probabilities:
 - The probability that a behavior (B) is followed by a certain consequence or consequences {C}
 - Or $P=C/B$
- Basically a standardized analysis of the direct assessment.

Computer Programs

- Several computer programs allow you to structure observations:
 - Architext Behavior Action Planner Starter
 - (BASC-2 Observation System)
 - Vining-Hartness Software
 - www.vining-hartness.com
- These are NOT advertisements.

Preference Survey

- Also called Reinforcement Survey.
- www.interventioncentral.org
- Some SWPBS program have them.
- I have samples of some.
- Need to determine what the student actually likes recognizing limits of situation.

Now All this data

- All of these procedures need to be combined
- A narrative needs to be developed that summarizes and interprets the:
 - Behavioral\Social History
 - Indirect Observation
 - Direct Assessment (Conditional Probabilities)
 - Preference survey
- Obtain Signatures
- Write a Behavior Support Plan (including staff training) and fidelity\integrity monitoring.

Which one do you use

- If the behavior is addressed by the normal FBA, then I would use that
- If not or there is significant dissent among team members, then use the Full FBA
- The court would look at your Full FBA as thorough, valid, and admissible as a scientific procedure because it passes the test of accepted and appropriate standards

What a Reasonable Judge Will Say

- Now that you have proved all that, so what?
- You can now use professionally accepted and scientifically valid procedures for behavior change.
- It shouldn't be that hard.
- That is why it is such a shame no BSP standards exist.

Methods of Behavior Change

- Methods of teaching\reinforcing the desired responses may include (but are not limited to):
 - Scientifically based social skills curriculum\functional communication skills.
 - Individual \group counseling to address behavioral deficits.
 - Consistent reinforcement of alternative behaviors.
 - Daily recitation of goals.
 - Teaching self-calming techniques.
 - Allowed to self direct time-out.
 - Liberal and effective reinforcers.
 - Modification of academic expectations (altered workload and\or time expectations.)
 - Additional instructional supports to improve academic performance.
- Crisis Plan (judiciously used.)

Support Plan

- Multi Modal treatment is also appropriate
- A good Tier III intervention needs:
 - A consistent and liberal reinforcement system
 - Individual \group counseling
 - Some sort of social skills triaging and\or
 - Self-calming\self-direction skills
 - Maybe a response cost if the above are implemented

Behavior Support Plan

Personnel responsible for intervention implementation:

Personnel responsible for evaluating intervention implementation:

Hypothesis statements from FBA: _____

List and brief description of antecedent/consequent procedures for increasing probability of replacement behaviors and reducing probability of target (inappropriate) behaviors

List and brief description of consequent procedures for increasing probability of replacement behaviors and reducing probability of target behaviors

Plan for evaluating student's response to intervention

Free Hint: Coach Card

- The heart of your BSP.
 - Don't leave home without it.
- An accurate, detailed description of who, what, when where of interventions should be attached to the BSP
- This forms the basis of the integrity/fidelity review.
- Further this is the make or break of interventions as others will see and implement the procedures as a serious and necessary step in changing behavior.

Coach Card

- Intervention Title:
- Reason for Referral:
- Goal: (Including replacement behavior if applicable)
- Problem Behavior or academic Deficit defined:
- Method of Measurement: (Frequency, Duration, Latency, and magnitude)
- Baseline: (quantitative data)
- Intervention Procedures: (List)
- Requires approximately _____ minutes per day; _____ times per week
- Materials needed:

Integrity/Fidelity Review

- Positive Behavior Support Plan form has been completed and has been distributed to all relevant parties.
- Materials necessary for plan implementation are present in relevant settings. Training documented.
- Multiple permanent products have been observed to suggest that the intervention was implemented as planned (e.g., daily behavior report cards, reinforcement menu, social skills training logs).
- Direct observation in the target setting(s) suggests BSP is being implemented as intended.
- Progress monitoring data are available indicating the student's response to intervention has been monitored (including graphical representation of data)
- Number of steps completed accurately _____ / 5 = _____% integrity

Integrity/Fidelity Review

- _____ Provide Materials
- _____ Tell: (Model)
- _____ Show (Guided practice)
- _____ Do (independent practice)
- _____ Observation of Skills Acquisition by Student
- _____ Progress Monitoring
- _____ Recorded on Data sheet and Graphed weekly
- _____ Student self-records
- _____ Percentage completed
- Rater: _____

Defensible Program

- You have used multi-methods of assessment.
- You have established a causal link of behavior to consequences to the greatest extent physically and ethically possible.
- You have assembled a team of individuals to work on a problem.
- You have followed well defined behavioral research in terms of teaching and reinforcing behaviors in a systematic fashion.
- You have arranged for data collection and fidelity monitoring.
- You can produce these documents clearly and rapidly.

Thank You for Coming

- We want you to know about the recovery.
- We want your input.
- We want you to see what we have accomplished.

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