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Functional Behavioral Assessment: Process Without Procedure

Cynthia A. Dieterich & Christine J. Villani***

I. INTRODUCTION

The 1997 amendments to the Individuals with Disabilities Education Act (IDEA) notes that a professional must use positive behavior interventions and strategies to provide support to children with behavior problems so that their behavior does not impede their learning or that of their peers.¹ If, for whatever reason, a child with a behavior problem requires a change in placement due to a disciplinary action, the IEP team must meet within ten days to formulate a Functional Behavioral Assessment (FBA) if one is not already in place.² Following the FBA, a Behavior Intervention Plan (BIP) is developed based on the data gathered in the assessment.³

The requirement in the amendments to conduct an FBA to manage a child with a behavior problem significantly changes the procedural and substantive due process standards for disciplining children with disabilities. Although it is noted that a team is to provide an FBA, there are no guidelines in the amendments as to the process of conducting such an assessment. In the two years since the amendments to IDEA there

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1. 20 U.S.C. §§ 1414, 614 (d)(3)(B)(i).

2. 20 U.S.C. § 1415(k)(1)(B). A functional behavioral assessment is only conducted at this juncture if such an assessment did not occur prior to the disciplinary action. If a behavioral plan exists, the team needs to review the plan and determine if any modifications in the plan are necessary.

3. *See id.*

has been little clarification on procedures related to an FBA. Furthermore, the new regulations are equally ambiguous and provide little direction for an IEP team in the process of completing an FBA or BIP.⁴

School districts are left with more questions than answers. When are they required to develop an FBA? What constitutes an acceptable FBA? Is there a timeline to complete and develop an FBA and a BIP? Who determines when and if an FBA is completed? Amidst the ambiguity of interpreting the 1997 amendments, the U.S. Department of Education intimates that an FBA is only required "in limited situations of 45-day placements for weapons and/or illegal drugs."⁵ In addition, "the U. S. Department of Education appears to take the position that school districts must conduct an 'assessment plan' leading to an FBA and BIP on the 11th day of 'removal' (e.g., suspension) within a school year."⁶ To further complicate matters, the "11th day" interpretation sets into place the 45-day change of placement for possession of weapons and illegal drugs. In addition, it renders effective a 45-day placement by a hearing officer for dangerousness; all suspensions and expulsions for more than ten consecutive days; and any suspensions or expulsions for more than ten cumulative days in a school year. Was the intent of Congress to place such exclusivity on the parameters of conducting a FBA? Whether the interpretation to complete a FBA and BIP is reserved for limited cases is questionable as litigation emerges over the course of time.

As noted above, the 1997 amendments provide few guidelines for conducting an acceptable FBA. Yet, in *Board of Akron Central School District*, a hearing officer made the determination that an FBA should demonstrate at least an understanding of the dimensions of the student's behavioral problem prior to prescribing a solution.⁷ Specifically, the district "interpreted the regulation to require an FBA . . . [be] developed as part of the IEP" to minimize potentially harmful behaviors from occurring during the child's placement.⁸ Until there are court rulings, it behooves school districts to elicit the expertise of pro-

4. 34 C.F.R. §§ 300.121(d), 300.519-529.

5. See Sharon Lohrmann-O'Rourke & Perry Zirkel, *The Murky IDEA Alphabet Soup of "FBAs" and "BIPs,"* 34 ELA Notes 3 (1999).

6. *Id.* at 3.

7. 28 IDELR 909 (N.Y. SEA 1998).

8. *Id.*

professionals with experience in behavior disorders to provide guidance in designing an efficient, concise and complete method to gather behavioral data when conducting a FBA.

II. THEORETICAL FRAMEWORK OF FUNCTIONAL BEHAVIORAL ASSESSMENTS

As we investigate the dynamics of FBA and the law, it remains to be seen if the original intent of Congress was to legislate such exceptionally prescriptive language. An FBA is a specific approach for identifying behavior problems. This is not a vague term, but a distinctive process. To better understand the implications of requiring an FBA under federal legislation, the following is a brief overview of the FBA process as supported by researchers, practitioners, and clinicians in the field of behavior disorders.

A. Importance of Functional Behavioral Assessments

There is no single cause for behavioral problems. Although behaviors may look or sound alike, the causes of the behaviors vary. Therefore, focusing on a specific behavior without knowing why it occurs does not generally lead to effective interventions. Professionals need to identify the underlying cause(s) of the behavior. For example, why does a child regularly verbalize a string of profanity during academic instruction? This behavior might *function* as a release from boredom, an expression of frustration, an opportunity for securing attention, or in rare cases, a result of a biological dysfunction such as a tic disorder. Effective intervention requires an understanding of what the student “gets” or “avoids” through the behavior. This information provides IEP teams in schools with the tools needed to develop proactive instructional strategies that will address the behaviors and reduce interference with academic instruction. As in the behavior example above, if the cause of the profanity is frustration, intervention strategies will differ if the cause is biological in nature.

Functional behavioral assessment is an approach that incorporates a variety of techniques and strategies designed to diagnose the causes of the behavioral problem and to develop intervention strategies. It goes beyond the visible behaviors and focuses on identifying social, biological, affective, familial, and/or environmental factors that trigger or sustain the behav-

multiple pieces of information about the child makes it easier to predict behavior in a variety of settings. Better predictions of behavior provide a framework for designing an appropriate behavior plan. Hence, a combination of both indirect and direct assessment is the most effective means for determining the underlying causes of the student's behavior. Once a determination has been made regarding the root of the problem, then a BIP can be put into place to assist the student in developing replacement behaviors.

III. MERGING OF FEDERAL LAW AND FUNCTIONAL BEHAVIORAL ASSESSMENT

Although professionals in the field of behavior disorders may identify specific strategies for implementing an FBA based on a theoretical model, neither Federal Courts nor the regulations indicate which of these strategies, if any, should be used when conducting an assessment under the IDEA. It is likely that individual states will determine which components of this methodology are appropriate for their students. As in *Board of Education of the Hendrick Hudson School District v. Rowley*¹⁵ "questions of methodology are thus left for resolution by the states." States must then consult professionals to determine the most appropriate model to assess the functional behavior of students with disabilities. This leaves the question as to who implements the various tasks required in an FBA. Lohrmann-O'Rourke and Zirkel suggest that the school psychologist or the chairperson of the committee on special education functions as the team leader to coordinate the FBA.¹⁶ However, many questions remain. For example, do these individuals have sufficient routine contact with the disruptive student to make observations across settings and situations and to gather enough behavioral data to make a determination as to the underlying cause of the behavior? How do the other members of the team participate in the assessment process? To what degree is the special education or regular education teacher providing feedback on the child's behavior? Since teachers monitor the student for extended periods of time across settings do they have the most opportunity to observe the child's behavior? What is

15. 458 U.S. 176 (1982).

16. See Lohrmann-O'Rourke & Zirkel, *supra* note 5, at 3.

the function of the school administrator during the assessment and program planning? Are team members allotted extra time to engage in data collection so that they can collect evidence relevant to the causes of the undesirable behavior and possess the necessary data to make a sound prediction? Are members of the team skilled in collecting both direct and indirect observational data? Does the use of an FBA require additional training for successful implementation?

IV. A PILOT STUDY

A pilot survey was conducted in part to provide insight into the many unanswered questions associated with the process of implementing an FBA. An open-ended survey was distributed to students enrolled in the Educational Leadership Program at a state university in central New Jersey. Participants (n=130) included both administrators and teachers.

Students were asked a set of questions to survey their own knowledge and experience with the design and implementation of FBA. When asked who is responsible for coordinating the FBA, respondents indicated the special education teacher (38%), guidance department (10%), school psychologist (10%), school social worker (10%), and the child study team (10%). Forty percent of the participants indicated they had no knowledge of a functional behavior assessment.

Participants were also asked to indicate the type of method (i.e., direct, indirect or both) used to collect data for an FBA. Responses included the use of standardized tests (n=20), the use of checklists and observations (n=80), and the review of the cumulative file (n=10).¹⁷

Another question surveyed their experience in determining the need to conduct an FBA. When asked how their school determines who needs an FBA, participants indicated that the determination depended on the child's needs (30%), or the decision was made by the principal or child study team (23%). Some participants were not aware of how a determination was made (46%).¹⁸

Finally, participants were asked to identify what training

17. Participants could identify more than one method.

18. It is likely that many of those not aware of how the determination was made were also those who indicated no knowledge of a functional behavior assessment on the initial item.

was made available for conducting an FBA. All 130 respondents indicated that there was no additional training provided to become familiar with the FBA process, and standard forms or protocols were not used to record outcomes of the FBA.

In a follow-up discussion, no participant (n=50) was aware that an FBA was required under the 1997 amendments. They were unfamiliar with the requirement of FBA under the law or of the specific language related to FBA.

The outcomes of this pilot project were revealing and suggest that educators and administrators are not aware of the requirements of FBA under the 1997 amendments. However, additional investigations are needed to determine if this is unique to the particular group studied for this project or representative of school personnel nationally. Further research needs to investigate how personnel across a variety of states implement FBAs; how familiar personnel are with designing and implementing BIPs; and how various demographic variables (e.g., years of experience, current position, geographic region, etc.) influence responses to specific questions. Nonetheless, despite the limited nature of this investigation, it appears that some practitioners are in need of fundamental information to be in compliance with IDEA while others continue to ponder, deliberate, and argue the esoteric meaning of FBA.

V. DISCUSSION

When considering the use of an FBA to gather data related to a child's behavior, three issues influence the overall procedures of conducting an FBA and designing a BIP. These include the legal implications, theoretical considerations, and pragmatic issues. As with many educational dilemmas, school districts have difficulty meeting legislative mandates, serving individual student needs, and maintaining a process that is thorough yet not overly burdensome.

In considering the legal implications, districts can merely speculate at this juncture. As mandated by the 1997 amendments, schools are legally required to provide an FBA and a BIP for children whose behavior hinders their own development or impedes the progress of their peers.¹⁹ This requirement

19. Although the IDEA reauthorization places a good deal of discussion on implementing a functional behavioral assessment at the time of disciplinary action as noted in 20 U.S.C. § 1415(k)(1)(B), it is also clearly evident in the general discussion of

puts pressure on school districts to become prognosticators because they must hypothesize which behaviors might limit a child's progress as well as that of their peers. The following questions arise: How liable are districts if their predictions are less than successful? Who is ultimately responsible for such predictions? Can a district indeed reasonably infer what behaviors are likely to become problematic for a child? Given that there are few guidelines in the amendments or the regulations for specific strategies to approach these questions, how can districts systematically implement the FBA mandate with reasonable success? This leads districts to consider the second issue: theoretical considerations.

By perusing the literature on FBAs, districts can glean an understanding of how this process affords professionals an opportunity to make reasonable inferences about a student's behavior.²⁰ However, even if districts conduct an FBA within a theoretical framework, it is not a panacea for determining the outcomes of student behaviors in school environments. As the authors note, there are "three primary threats to the external validity of functional behavioral assessment that warrant attention by policymakers, researchers, educators, and other professionals."²¹ These are threats related to 1) representativeness of the participants, 2) setting characteristics, and 3) characteristics of the researchers.²² Given that districts are mandated to

conducting evaluations and reevaluations under 20 U.S.C. § 1414(b)(2)(A) that local education agencies are to "use a variety of assessment tools and strategies to gather relevant functional and developmental information" at the onset of determining overall eligibility and not only when a severe behavioral incident occurs that might incite disciplinary action. In addition, under 20 U.S.C. § 1414(d)(3)(B)(I) a behavioral intervention plan is suggested at the time of developing the initial IEP so that "appropriate strategies including positive behavioral interventions, strategies, and supports [are considered] to address" behavior problems rather than waiting for a behavioral incident before conducting an FBA and designing a BIP.

20. See J. Ron Nelson, et al., *Has Public Policy Exceeded Our Knowledge Base? A Review of the Functional Behavioral Assessment Literature*, 24 BEHAV. DISORDERS 169-179 (1999).

21. *Id.* at 172-173.

22. See *id.* at 137. "Representativeness of the participants" refers to the participants involved in FBA research to date. Typically, research was conducted with "young children or adults served in outpatient or inpatient clinical settings Additionally, the problem behaviors (e.g., self-injurious) exhibited by participants . . . are not subject to suspension or expulsion." Setting characteristics are problematic since "a majority of the studies were not conducted under naturally occurring conditions . . . assuming that functional behavioral assessment . . . will generalize across a range of settings goes far beyond the findings to date." "Characteristics of researchers" refers to the training and expertise of individuals implementing the FBA in research studies. It is a poor assump-

implement a FBA, do they have an ethical responsibility to consider the threats valid? How do they make use of the theoretical principles of a process that is required by law? Given these theoretical concerns and those generated from the ambiguity of the 1997 amendments, districts are left attempting to perform a juggling act between what is legal and what is ethical. Districts are at a crossroad. How do they meet the mandates of the law without undergoing significant procedural changes or staff training and without incurring excessive costs for implementation? At this point districts need to consider the final issue of pragmatics: how to successfully comply with the law and how to provide an educationally sound assessment and plan within the context of day-to-day operations.

It was evident in the findings of the pilot study that the pragmatics of implementing an FBA are still blurred for educators and administrators. When attempting to focus their vision, districts need to take a leadership role in developing a systematic and realistic plan for preparing personnel to conduct both an FBA and a BIP. A few suggestions for initiating a plan include 1) securing a copy of the 1997 amendments and regulations from the Department of Education; 2) providing opportunities for personnel to formally and informally review documents; 3) encouraging personnel to brainstorm ideas on how to implement the mandates; 4) forming a committee consisting of regular and special educators, psychologists, and administrators to determine when to use the various FBA techniques (i.e., direct versus indirect); 5) considering the adoption of a standardized FBA in addition to informal measures; and 6) providing personnel training for administration of assessment materials and design of behavioral plans.

VI. CONCLUSION

The literature on behavior disorders clearly states what the intent of an FBA is. Descriptions of data collection procedures (e.g., direct and indirect methods) and guidelines for determin-

tion that anyone can implement an FBA given the current research, particularly within 10 days of disciplinary action. By conducting an FBA with a population different from those involved in the original research, implementing the process in environments different from a clinical setting, or requiring a range of professionals with varied training to conduct an FBA, can lead to "oversimplifying the assessment process, leading to the development of less effective behavioral intervention plans." *Id.*

ing the causes of a child's disruptive behaviors are provided. However, it is typical in this body of research that the FBA is used in clinical settings with highly trained professionals. As evidenced in the pilot survey, practitioners in special education are not fully aware of the use of an FBA as a regular practice for data collection, nor are they aware that this is a mandate under the 1997 amendments. What remains to be seen are implementation plans which extend this specific process to standard practices across each state so that educators, administrators, and other school personnel can implement an FBA effectively, efficiently, and legally.