

# Illinois State Board of Education

**Special Education Department** 

# **Guidance Document:**

Behavioral Interventions in Schools: Guidelines for the Development of District Policies for Students with Disabilities

This document is intended to provide non-regulatory guidance on the subject matter listed above. For specific questions, please contact the Illinois State Board of Education.

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## Introduction

The Illinois State Board of Education (ISBE) published the "Behavioral Interventions in Schools: Guidelines for Development of District Policies for Students with Disabilities" document in June 1994. The document was based on data from a 1993 statutorily mandated statewide district study of behavioral interventions implemented with students with disabilities receiving special education and related services. The study identified the frequency and use of behavioral interventions, the number of Illinois school districts with policies in place, and how district policies differed between emergency and routine behavioral interventions. The study also surveyed training costs for district staff and families for implementing behavioral interventions. The guidelines were updated in February 1996.

ISBE and the STEM Education Research Center at Southern Illinois University Carbondale commenced a partnership in June 2022 to update state-level guidelines and develop professional learning opportunities to address culturally responsive evidence-based behavioral interventions for students across all grade levels. Funding for the task was provided by ISBE via an Individuals with Disabilities Education Act (IDEA) Part B Federal Grant.

The current behavioral intervention collaboration group is composed of school personnel, university professors, attorneys, and parents from across the state of Illinois. Many of the school professionals also are parents or family members of children who receive(d) special education services. The working group updated the 1996 document to reflect current evidence-based practices encompassing the continuum of behavioral interventions.

This updated ISBE document provides behavioral intervention guidance to Illinois school district administration and staff. The guidance is intended to be utilized in tandem with the "Handbook on Evidence-Based Culturally-Responsive Behavior Interventions and Practices for Students with Disabilities" and professional learning modules to inform the decision-making of school administrators and educators as they develop their own policies and procedures pertaining to the use of behavioral interventions for students with disabilities.

# **Executive Summary of IDEA and Statutes**

#### IDEA: 20 USC 1400 et seq

The Individuals with Disabilities Education Act is a law that requires provision of a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

#### **IDEA** provisions:

- If the child's behavior impedes their learning or that of others, an Individualized Education Program (IEP) team shall consider positive behavior interventions, supports, and other strategies to address that behavior (20 USC 1414(d)(3)(B)).
- A child with a disability who is removed from their current placement (irrespective of whether the
  behavior was determined to be a manifestation of the child's disability) shall continue to receive services
  outlined in their IEP and be considered for, as appropriate, a Functional Behavioral Assessment, a
  Behavioral Intervention Plan, and modifications designed to address the specific behavior violation(s)
  (20 USC 1415(k)(1)(D)).

#### Statutes

<u>Part 226</u> of Title 23 of the Illinois Administrative Code establishes requirements for the identification and provision of special education and related services for students in Illinois, pursuant to IDEA (20 USC 1400 et seq.) and its implementing regulations. Part 226 also establishes procedures for dispute resolution matters.

<u>Section 14-8.05</u> of the Illinois School Code requires each school board to establish and maintain a committee to develop policies and procedures on the use of behavioral interventions for students with disabilities who require behavior intervention. The law further requires that behavioral interventions be used in consideration of the student's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy and ensures the student's right to placement in the least restrictive educational environment.

## **Agency Guidance Documents**

#### OSERS/OCR Discipline Guidance from 2022

The U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS) and Office for Civil Rights (OCR) have noted the clear disparities in the use of discipline for children with disabilities. The agencies have issued five guidance documents to advise school districts regarding the implementation of discipline to students with disabilities.

## **District Policy Guidelines**

<u>Section 5/14-8.05(c)</u> requires that each district establish and maintain a committee to assist with the development of policies and procedures for students with disabilities who require behavioral interventions. The policies and procedures must be designed with advice from parents of students with disabilities, other parents, teachers, administrators, advocates for persons with disabilities, and persons with knowledge or expertise in the development and implementation of behavioral interventions. The statute also requires that a district's policies and procedures:

- A. Emphasize positive interventions that are designed to develop and strengthen desirable or replacement behaviors;
- B. Incorporate procedures and methods that are consistent with generally accepted practices in the field of behavioral intervention;
- C. Include criteria for determining when a student with disabilities may require a Behavioral Intervention Plan;
- D. Include procedures for monitoring the use of restrictive behavioral interventions; and
- E. Reflect that the guidelines of the Illinois State Board of Education have been reviewed and considered and include the contact information of ISBE so that the behavioral guidelines may be accessed or requested.

<u>Section 5/14-8.05</u> also requires a school district to furnish a copy of its the local policies and procedures on the use of behavioral interventions to parents or guardians of all students with IEPs as follows:

- A. Within 15 days after policies and procedures have been adopted by the school board, or
- B. Within 15 days after the school board has amended its existing policies and procedures, or
- C. At the time an individualized education plan is first implemented for the student.

Lastly, each school must inform its students of the existence of the policies and procedures annually and at a student's annual IEP review; the district also shall explain the local policies and procedures, furnish a copy of the local policies to parents and guardians, and ensure a copy of local procedures is available to any parents and guardians upon request.

## Overview: Behavior Interventions in the School Setting

Behavior has long been believed to serve a specific function across settings and is often described as a recurring action shaped by its consequences. Behavior is also hypothesized as a form of communication that is utilized by individuals and groups in unique ways to express their thoughts, needs, and emotions. As children learn to shape their behaviors in order to change their environment and circumstances to obtain desirable results, it becomes critical for parents and educators to understand the intended functions of behavior in order to develop effective behavioral interventions.

A behavioral intervention in an educational setting is a targeted response to an unpreferred behavior that interferes with the student's learning or that of others. Interventions should be designed to develop or strengthen alternative or more appropriate behaviors, and they should include specific methods of evaluation and measurable behavioral changes that are expected of the student. Provisions for communicating with the parents/guardians about their child's behavior and coordinating school-based and home-based interventions are also essential elements.

Behavioral interventions are, for some students, the most personal attention they receive from the school community. The quality and tone of behavioral interventions may have a long-lasting impact on these children and their relationships within the community. It is imperative that proactive, positive behavior interventions are designed and implemented in a culturally responsive manner to affirm the complex identities of all students and equip them with meaningful tools to be successful.

#### Types of Intervention

The Illinois School Code prioritizes a healthy environment in which learning can occur. Specifically, behavioral interventions should be utilized in consideration of a student's physical freedom and social interactions, and they should be administered in a manner that respects human dignity and personal privacy. Behavioral interventions must also ensure student's right to a free appropriate public education in the least restrictive educational environment. See 105 ILCS 5/14-8.05(a)(1).

The recommended approach to implementing any behavioral intervention involves a Functional Behavioral Assessment, careful planning and monitoring of intervention procedures, and systematic evaluation of the intervention outcomes. Examples of the different types of interventions can be found in Table 1.

#### Nonrestrictive Interventions

Interventions referred to as "nonrestrictive" generally allow more student freedom and ideally assist in shaping preferred behavior and preventing an increase in unpreferred or problematic behavior. Examples may include non-verbal prompts and directives, physical proximity, planned ignoring, student breaks, teacher/peer modeling, token economy, and positive reinforcement strategies. These interventions focus on positive behavior change rather than behavior control and should be utilized first before more restrictive interventions are implemented. These interventions fall within Multi-Tiered System of Supports (MTSS) Tier 1 universal supports and can be used with any student. However, if any intervention is critical to a child's ability to safely and adequately function in the school environment, it should be included in the child's IEP or Behavioral Intervention Plan.

#### Restrictive Interventions

Restrictive interventions are more confining in nature and may be appropriate when less restrictive interventions have been exhausted and have failed to shape or change unwanted or problematic behavior. These interventions should only be utilized for the minimum amount of time necessary to alleviate or control the student's behavior, and they sometimes involve removal from the educational setting (e.g., in-school suspension, out-of-school suspension). Restrictive interventions should also be used in tandem with positive behavior interventions designed to strengthen preferable, appropriate behaviors, and they should be replaced by less restrictive or nonrestrictive interventions as quickly as possible.

#### Highly Restrictive Interventions

<u>Public Act 102-0339</u> amended the provisions of the Illinois School Code related to isolated time out, time out, and physical restraint. Consequently, isolated time out, time out, and physical restraint may be used only if:

- A. The student's behavior presents an imminent danger of serious physical harm to the student or to others;
- B. Other less restrictive and intrusive measures have been tried and have proven to be ineffective in stopping the imminent danger of serious physical harm;
- C. There is no known medical contraindication to its use on the student; and
- D. The school staff member or members applying the use of time out, isolated time out, or physical restraint on a student have been trained in its safe application (105 ILCS 5/10-22.39).

Overall, behavioral interventions should be developed and implemented in a manner that focuses on instruction and supports, grounded in the student's specific needs, as well as their strengths and abilities. Positive behavioral interventions within climates of inclusion, belonging, and safety can notably reduce the use of exclusionary and punitive practices. Exclusionary discipline should be avoided as much as feasible, especially when addressing offenses that do not threaten safety (e.g., tardiness, absenteeism, disrespect/defiance, etc.). Regardless of the inventions contemplated and utilized with a student, districts should invest time and resources toward preparation programs, professional learning opportunities, coaching, and other tools to equip educators and build behavioral-based expertise across the workforce. This facilitates a strong message of support to staff and students, leads to more consistent applications of positive behavior strategies across environments, and allows students to successfully generalize preferred behavior in various settings inside and outside the school community.

Additionally, a specific process should be in place for regular monitoring and review of the behavioral components of a student's IEP, including accommodations and modifications, social-emotional goals, and/or Behavioral Intervention Plans. If behavioral interventions have not been effective in changing problematic behavior, then such review and monitoring is necessary to address whether interventions have been implemented consistently across settings with fidelity, and, if so, why they have not been effective.

**Table 1** *Examples of Interventions Across the Continuum* 

# Development of FBAs and BIPs

A Functional Behavioral Assessment (FBA) aims to analyze problematic behavior and identify situations where such behavior is most likely to occur. An FBA is designed to help teams develop a Behavioral Intervention Plan (BIP) that includes evidence-based positive interventions expected to effectively address the behavior's function, thus leading to more appropriate replacement behavior. The assessment consists of direct and indirect data collection to determine where, when, and why specific behaviors are occurring. Direct observations of a student should occur across various settings in different situations that tend to result in the target behavior(s). Informal means of assessments should also be utilized, such as rating scales and parent/teacher/student reports and interviews, when appropriate. An FBA should identify prior interventions that have been utilized, and it should document success rates of the interventions across settings, in detail.

An FBA might occur via an initial referral process and during the MTSS process to assist in determining a student's eligibility for an IEP. However, an FBA may also occur as an additional assessment after an IEP is already in place. Contributors to the FBA include school administration, school-based clinicians (school psychologists, social workers, etc.), classroom teachers, board-certified behavior analysts, parents/guardians, the student, and any other individuals who regularly interact with the student. Written consent from the parent/guardian to exchange student-based information also allows external experts, such as a student's private therapist or counselor, to be consulted.

#### An FBA should include the following components:

- A. A description of the student's strengths, including their appropriate behaviors;
- B. A detailed description of the target behavior(s) of concern, defined in observable and measurable terms;
- C. A description of the settings (e.g., classrooms/subject areas, locations within the school) in which the target behavior occurs most and least often, including data regarding the intensity, frequency, and duration of the behavior, and the conditions and/or individuals involved/present when the behavior occurs the most and least often;
- D. An analysis of antecedents to -- and consequences of -- the target behavior;
- E. A description of other environmental variables that may affect the behavior (e.g., medication, medical conditions, sleep, diet, schedule, weather, social factors); obtain information from various sources (interviews with teachers, bus drivers, paraprofessionals, lunchroom and custodial staff, clerks, etc.);
- F. Examination and hypotheses of any known communicative nature of the behavior and the functional or practical intent of the behavior;

- G. A description of any environmental modifications made to shape or change the target behavior; and
- H. Identification of appropriate behaviors that could serve as functional alternatives to the target behavior.

Educators should also remember that an FBA can be useful in the development of instructional strategies for students with and without disabilities to proactively address behaviors.

#### **Behavioral Intervention Plans**

IEP teams must properly document a student's need for positive behavioral interventions in the IEP, including a BIP, when appropriate. Prior to the development of any BIP, the IEP team should review the FBA and previous IEPs/BIPs and identify prior or current behavior interventions, including an analysis of the success rate, or lack thereof, of the interventions.

When the IEP team starts to develop a BIP, it should contemplate strategies to:

- Teach and reinforce positive, preferred behavior;
- Decrease future occurrences of the target behavior; and
- Address repeated episodes of the target behavior.

#### Additionally, a BIP should include the following:

- A. A summary of the FBA analysis and findings;
- B. A summary of previous (or current) interventions attempted and their success rate;
- C. Identification of the behaviors that will be taught to replace the target behavior and strategies to do so (e.g., modeling, practicing, explicit teaching, feedback, cues, patterns of reinforcement, etc.);
- D. Documentation of any planned adjustments to the student's environment and/or instruction/curriculum;
- E. A description of motivators and rewards that will be utilized to shape the student's behavior;
- F. A description of how behavior will be measured and how data will be collected, including evaluation procedures, timelines, and measurement criteria;
- G. A specific plan or method to communicate with the parents/guardians about their child's behavior and coordinating school-based and home-based interventions; and
- H. A list of school staff who will be informed of the BIP, who will be provided with a copy of the plan, and how the plan will be communicated/disseminated to relevant school staff.

A BIP also should identify any restrictive disciplinary measures that may be implemented and the conditions in which such measures may be used. However, restrictive measures should only be considered after all possible positive interventions are implemented for an appropriate amount of time. It should be noted that behavior sometimes gets worse before it improves, and aversive techniques are typically ineffective in controlling student behavior.

Finally, the IEP team should include a description of how an emergency situation or behavioral crisis will be handled. A crisis may be defined as a situation that requires an immediate intervention, and the BIP should include specific conditions under which a crisis/emergency plan will be utilized. This portion of the BIP must be reviewed to ensure it complies with any district and state policies and procedures regarding the use of behavior intervention strategies. A crisis plan should be carefully and frequently monitored.

Behavior goals in BIPs should be written in specific, positive terms that focus on increasing desired behavior rather than eliminating or reducing undesired behaviors. Goals should facilitate collection of objective, measurable data.

Additional functional behavior assessments should be conducted if significant modifications or new interventions are necessary. Modifications should be proposed based on these assessments, and parental notification and input should be obtained. If substantial changes to the BIP are deemed necessary, the appropriate procedures should be followed for reconvening, reviewing the IEP/BIP, and making any modifications or revisions.

#### Generalization and Maintenance

A BIP's long-term impact will be determined substantially by the degree to which it generalizes across settings and is maintained over a period of time. Therefore, when designing behavioral interventions, school personnel should plan for generalization and maintenance. Some of the most common methods for enhancing generalization and maintenance include:

- A. Teaching new behaviors that are reinforced naturally in the child's everyday environment;
- B. Involving multiple others in training and reinforcing a new behavior;
- C. Teaching new behaviors in many different settings;
- D. Changing the timing of reinforcement (e.g., from continuous to intermittent);
- E. Moving from tangible to social reinforcers;

- F. Reinforcing the child's spontaneous use of new behavior;
- G. Phasing out the reinforcement program gradually;
- H. Developing self-reinforcement skills; and
- I. Planning periodic follow-up monitoring and "booster" training sessions, as necessary.

#### **Potential BIP Obstacles**

An BIP's effectiveness may be undermined by obstacles to its development and implementation. Such obstacles may include:

- A. Vague or subjective definitions of target behavior(s);
- B. Incomplete measurement criteria and data collection expectations regarding target behavior and interventions;
- C. Insufficient interventions (e.g., not effective to address behavior complexity or magnitude, not aligned with the FBA data);
- D. Inconsistent or incorrect implementation of the plan across settings and/or staff;
- E. Failure to adequately monitor and/or adjust the plan over time, as needed, which leads to inadequate evaluation of the BIP's impact;
- F. Lack of training to provide staff with the skills and support necessary to teach positive behavior strategies and replacement behavior; and
- G. Neglecting to consider environmental issues, cultural norms, or other issues that occur outside of the classroom and school environment that are impacting the student's behavior.

## **Procedural Protections and Dispute Resolution**

### Notification (Prior Written Notice)

The IEP team is required to provide the family with prior written notice anytime the district proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free and appropriate public education of the child. This requirement applies to decisions related to BIPs and other behavior-related decisions of the IEP team. More information about the requirements to provide prior written notice is available in ISBE's Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities.

Proper notice of IEP team decisions (e.g., conference recommendations) occurs after the IEP team has met and made decisions, but parents have a right to notice of meetings and to receive draft materials prior to an IEP meeting. No later than three school days prior to an eligibility meeting or IEP meeting, the school must provide the parents with copies of all written material that will be considered by the IEP team at the meeting so that the parent or guardian may participate in the meeting as a fully informed team member. See <a href="https://docs.py.ncb/105/14-8.02f">105 ILCS 5/14-8.02f</a>. Written material for students who are not yet eligible for an IEP encompasses all evaluations and collected data, including an FBA (if applicable), that will be considered at an eligibility meeting. Written material for a student who already has an IEP must include a copy of all IEP components that will be discussed by the IEIP team, except for components related to least restrictive environment minutes and the child's placement.

#### Documentation in the IEP

All children with disabilities have a right to a free and appropriate public education as specified in federal and state statutes. An IEP for students receiving special education services is designed to ensure that a student is provided appropriate educational supports and services, based on their unique circumstances. Behavior interventions are critical elements that assist in allowing the student to equitably access educational benefits in the least restrictive setting, and they must be documented in the child's IEP. In addition to the BIP, the IEP team also should consider whether the student needs additional behavior related supports, such as accommodations and modifications and/or specialized instruction (e.g., IEP goals).

If a child's behavior impedes their learning or the learning of others, strategies that include positive behavioral interventions and supports must be considered in the development of the IEP. It may be necessary to include staff and teacher training on positive behavioral supports as part of a student's IEP. The U.S. Department of Education (ED) states that, "[s]chool personnel may need training, coaching, and tools to appropriately address

the behavioral needs of a particular child. School personnel supports may be designed, as appropriate, to better implement effective instructional and behavior management strategies and specific behavioral interventions included in the child's IEP." (ED OSERS Dear Colleague Letter, Aug. 1, 2016; p. 7).

### **Dispute Resolution**

All procedural safeguards regarding dispute resolution, including formal state complaints, mediation, and a request for an impartial due process hearing, as required through IDEA and the School Code shall apply to the resolution of disputes involving BIPs.

If a parent disagrees with an initial BIP or proposed changes to an existing plan, the district should work collaboratively with the parent and attempt to resolve the dispute. State-sponsored IEP meeting facilitation is a voluntary process that can help foster effective communication between parents and districts as they develop a mutually acceptable IEP. This process may be a preventative measure in which a trained facilitator promotes whole-team participation, acknowledging and addressing differing opinions respectfully and neutrally. In addition, IEP facilitation can improve relationships between school districts and parents to effectively plan services to meet the student's needs.

More information about facilitated IEP meetings can be found on the <u>ISBE State-Sponsored IEP Facilitation</u> webpage.

State-sponsored mediation is also an excellent means of resolving disagreement when both parties voluntarily agree to participate. A parent or other individual with educational decision-making rights may also request a due process hearing as provided by Part 226.615 of Title 23 of the Illinois Administrative Code.

More information about mediation can be found on the <u>ISBE State-Sponsored Mediation webpage</u>.

Information about dispute resolution options and due process hearings can be found on the <u>ISBE Effective</u>

<u>Dispute Resolution</u> and <u>Due Process</u> webpages, respectively.

Stay-put protections may be triggered if mediation or a due process hearing is requested within the applicable timeline, in which case the school must wait until after the mediation or hearing process has concluded to implement the updated plan or the proposed changes. Districts must ensure that parents are fully informed of

their due process rights. See ISBE's <u>Notice of Procedural Safeguards for Parents/Guardians of Students with</u>

<u>Disabilities.</u>

It should be noted that there is a separate complaint process related to the use of restraint and time out. Information about restraint/time out complaints can be found on the <u>ISBE Physical Restraint</u>, <u>Time Out</u>, and <u>Isolated Time Out webpage</u>.

# Committees, Collaboration, and Professional Development

As mentioned earlier in this guidance, <u>Section 5/14-8.05(c)</u> requires that each district establish and maintain a committee to advise the district on policies and procedures for students with disabilities who require behavioral interventions. The committee should be composed of parents and advocates of students with disabilities, other parents, teachers, administrators, and individuals with knowledge or expertise regarding behavioral interventions for persons with disabilities. The committee should emphasize positive interventions designed to develop, strengthen, and maintain desirable behaviors.

As noted by <u>ISBE's Parent Guide</u>, family and community involvement positively and powerfully impacts student outcomes. Furthermore, state and federal laws and regulations governing the administration of educational programs for students with disabilities emphasize the important role of parents in the special education process. Parents and school personnel should establish a positive relationship with shared goals and a common understanding of the child's home, school, and community needs. Families and the student's IEP team should collaborate to develop a full understanding of an agreed-upon behavioral plan that will be consistently utilized at home and school.

#### **Proactive Communication**

Positive, proactive communication between schools, families, and community-based partners is essential to build trust, establish clear expectations, and promote student success. Frequent communication about student progress, needs, and interests is critical to establish consistent, effective behavior interventions across their settings. Communication ensures that families, educators, and other individuals in the child's community remain informed of the student's behavior and disciplinary expectations. This, in turn, fosters consistently applied interventions, rewards, and behavior modeling to assist students with meaningful, positive behavior shifts. In addition, regular communication enables educators and families to establish and review shared goals in a mutual decision-making process.

#### **Professional Development**

Districts may benefit from developing a plan to ensure ongoing professional training in <u>social-emotional learning</u> (SEL) and behavior intervention strategies in their schools and classrooms. Such training opportunities should not only be available to school-based administrators, teachers, and support staff, but it should also be considered for students and parents. Competency in building SEL capacities, behavioral assessment, and

positive interventions requires ongoing professional learning. ISBE recommends that districts document all provisions of such training opportunities, as well as detail regarding notice, communication, topics, intended audiences, and attendance.

#### Resources

## Sample Forms

- 1. Functional Behavioral Assessment Summary Form
- 2. ISBE Physical Restraint and Time Out Reporting Form
- 3. Special Education Required Notice and Consent Forms
- 4. Behavioral Intervention Plan Summary Form
- 5. ISBE IEP Instructions

#### Resources

#### 1. Behavior

- Using Functional Behavioral Assessments to Create Supportive Learning Environments (OSERS)
- OSERS' Guide to Positive Proactive Approaches to Supporting Children with Disabilities
- OSERS' Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's
   Discipline Provisions
- OSERS' 2016 Dear Colleague Letter
- Supporting Students with Disabilities and Avoiding the Discriminatory Use of School Discipline
   under Section 504 of the Rehabilitation Act of 1973
  - o Fact Sheet

#### 2. FBAs/BIPs

- ISBE Guidance on Time Out & Restraint
- ISBE Physical Restraint/Time Out Form
- OSERS' 2007 Letter
- 3. Family and Community Collaboration
  - ISBE Parent Guide on Educational Rights and Responsibilities
  - DHS PUNS Brochure