

BEHAVIOR INTERVENTION

The SELPAs located within North West Santa Clara County fully support the concept that all students are capable of growth and change. This includes students with disabilities whose behaviors are problematic and may need positive behavior supports and interventions in order to be successful. When students do not respond to typical classroom management strategies, then individual behavioral interventions, supports and strategies must be developed and included in the IEP. The process for developing and implementing behavioral interventions has undergone changes within the legislative confines of the State of California.

In June 2013, Assembly Bill 86 was passed by the California State Legislation and approved by the Governor. This bill repealed sections of the Education Code known as the Hughes Bill. As a result of this legislation, there are significant changes in the process of behavior intervention for students with disabilities.

FUNCTIONAL BEHAVIOR ASSESSMENT

~~Under current law, a Functional Behavior Assessment (FBA) *may* be considered.~~

- ~~• In the case of a child whose behavior impedes the child's learning or that of others. (*Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations*)~~

~~An FBA *must* be considered:~~

- ~~• In the case where a Behavioral Emergency report is written on a child with a disability who does not already have a behavioral intervention plan. (*California Education Code §56521.1*)~~

~~An FBA *shall* be conducted:~~

- ~~• In the case where a manifestation determination in response to a violation of a rule or code of conduct is occurring, the team determines that the conduct was a manifestation of the child's disability, and no FBA was conducted before the misconduct occurred.~~

FUNCTIONAL BEHAVIOR ASSESSMENT – DEFINITION

A functional behavioral assessment may utilize review of records, interviews, behavior assessment scales, and may include observation of pupil behavior and/or environmental conditions. Because it is a form of assessment, it is subject to the same personnel requirements as other assessments.

California Education Code §56320(b)(3) states that assessments of students with exceptional needs “are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments”. The California Education Code establishes that assessments must “be conducted by persons competent to perform the assessment, as determined by the local educational agency”. (§56322) Further, California Education Code §56525(a) states that “a person recognized by the national Behavior Analyst Certification Board as a Board-Certified Behavior Analyst (BCBA) may conduct behavioral assessments”. However, it is noted that educational agencies are not required to employ BCBA's.

