When a child's behavior impacts their ability to learn, the IDEA instructs the IEP team to *consider* the use of positive behavioral support and other strategies to address the behavior. 34 CFR § 300.324 (a)(2)(i). A behavior intervention plan ("BIP") is *required* if a school moves for a disciplinary change of placement but the underlying behavior was found to be a manifestation of the disability. 34 CFR § 300.530 (f). In this case, the IEP team must either modify an existing BIP, or if one does not exist, conduct a functional behavioral assessment ("FBA") and then develop a BIP. *Id.* While a BIP is only mandated in certain cases, a well-constructed BIP is beneficial to most students struggling with behavior in school. Thus, it is important to encourage the IEP team to not only develop a BIP, but to create one that is comprehensive, effective and consequently, will lead to positive behavioral outcomes. In fact, failing to develop an appropriate BIP can be considered a denial of a free appropriate public education ("FAPE"). *See C.F. v. New York City Department of Education*, 746 F.3d 68 (2nd Cir. 2014) (finding that vague BIP, which failed to adequately identify student's behaviors, offer specific strategies, and match the strategies to the behaviors, denied the student a FAPE).

The goal of a BIP is to develop a student's capacity to engage in positive behavior and is based on the belief that all children can exhibit appropriate behavior when given the proper support. An effective BIP will address a student's behavior within the student's environment and social context, and it will offer specific strategies to change the negative behaviors. Stephen Kroeger & Linda Phillips, *Positive Behavior Support Assessment Guide: Creating Student-Centered Behavior Plans*, 32 ASSESSMENT FOR EFFECTIVE INTERVENTION 2, 100 (2007). Moreover, it will incorporate positive behavioral supports ("PBS"), which means that instead of merely punishing a student, the strategies will teach, encourage and reward positive, replacement behaviors. H. Rutherford Turnbull, et al., *IDEA, Positive Behavioral Supports, and School Safety*, 30 J. L. & EDUC. 445 (2001). PBS is based on the evidence-based theory that people respond best and experience the most effective behavior change when exposed to positive incentives as opposed to punitive measures. *See* Kroeger & Phillips, *supra*; Positive Behavioral Interventions & Supports, OSEP Technical Assistance Center, *available at* https://www.pbis.org/. Overall, an effective BIP will result in the acquisition of new skills, a decrease in the problem behavior, and thereby an improvement in school experience and quality of life. Kroeger & Phillips, *supra*. Such a plan should include the following components, which have been adapted but slightly altered from Kroeger and Phillip's Positive Behavior Support Assessment Guide, and supplemented with additional additional information regarding PBS. *See* Kroeger & Phillips, *supra*; Positive Behavioral Interventions & Supports, *supra*. While a BIP will likely not be structured in this way, it should include the following elements in some capacity.

1. Specific Problem

   The problem behavior should be specific, observable and measurable. Instead of stating that a student is "disrespectful" or "noncompliant," the behavior should be described as "does not follow directions" or "talks out of turn." Additionally, the team should hypothesize the function of the problem behavior, which is what the student gains or

avoids when engaging in the behavior, as well as an evidence-based theory for the reasons behind the student's behavior. This might include issues with certain peers or teachers, frustration with content or activities, challenges outside of school, etc. (Note: If an FBA has been conducted, much of this information should be in that report.) Finally, the evidence used to specify the problem should come from multiple sources, such as teachers' statements, student interviews, objective observations of the behavior, and a records review.

2. Student's Strengths

The plan should identify the student's strengths. The strengths should be comprehensive and touch on areas of academics, behavior, social relations, extra-curricular skills, etc. Such information can be used to determine an instructional strategy that will incentivize the student and build off of an existing capacity.

3. Desired Behavior

The plan should identify the positive behaviors that the student should develop. The behavior should not simply be described as the elimination of the existing negative behavior but rather as a positive replacement behavior. For example, a student will be able to follow instructions, remain on task for a certain percentage of the time, or follow a specific protocol when aggravated by a peer.

4. Instructional Strategy

The plan should identify specific strategies to support the student in developing the desired behavior and decreasing the problem behavior. These strategies should focus on the following areas.

a) Antecedent Procedures- a systemized procedure to prevent the negative behavior from occurring, or a step-by-step approach for the student to use to de-escalate an arising negative behavior.

Example: When student begins to feel anger towards a peer, the student will 1) close their eyes and take five deep breaths 2) raise hand, 3) have private conversation with teacher about situation and 4) engage in a cool down exercise before returning to environment

b) Social skills training- concrete strategies to teach and develop the desired behavior.

Example: Student will participate in a group therapy session focused on anger management skills and self de-escalation.

c) Consequence procedures- fair and proportional consequences for not following the plan that give the students an opportunity to redeem a mistake; the intent of the consequence is to encourage the replacement behavior and to problem solve if the student is continuously unable to follow the plan.

> Example: The first time a student does not engage in de-escalation procedure, the student will receive a warning. The second time, they will not receive a positive check mark (see section 5). The third time, the teacher will call the student's parent and schedule a conference to discuss the behavior.

d) Positive reinforcement and incentives- tracking the desired behavior coupled with positive rewards

> Example: If the student gets through a certain amount of time without having an altercation, and/or successfully engages in the de-escalation plan, they will receive a check (see section 5). If the student exhibits this positive behavior three days in one week, they will receive a reward (to be pre-determined by the team and student). Every time a student receives the reward, the number of times the positive behavior must be exhibited for the next reward will be increased. The plan can also include a long-term reward for a month of positive behavior.

e) Curricular and ecological adaptations- modifications to the classroom/school environment and content delivery to support the student in developing the positive behavior and decreasing the negative behavior

> Example: The student will have preferential seating so that they are close to the teacher and not next to certain students that are known to aggravate the student.

5. Goals and Measurements

The plan should incorporate clear, achievable goals for the student in regards to behavior, as well as other areas that may have positive outcomes given the change in behavior. The goals should be comprehensive, and both short-term and long-term.

Additionally, there should be a method for tracking progress and measuring achievement of goals. For example, the team can create a chart where the student will track their behavior every day. If they get through the day without exhibiting the negative behavior or if they use the de-escalation plan, the student will receive a check for that day. The chart will indicate the goal for the week, and progress will be measured over time.