

# IDEA Requirements for Use of PBS:

## *Guidelines for Responsible Agencies*

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**Abstract:** Positive behavioral interventions and supports (PBS; is the federal law's preferred strategy for dealing with challenging behaviors of students with disabilities. The Individuals with Disabilities Education Act (IDEA) requires PBS to be considered in all cases of students whose behavior impedes their learning or the learning of others, reflecting IDEA's preference for use of state-of-the-art technology in special education. This article explains the legal ramifications of these requirements for responsible agencies, including schools, school boards, other local educational agencies, and state educational agencies

The Individuals with Disabilities Education Act (IDEA) emphasizes the necessity of using state-of-the-art technology in special education (20 U.S.C. § 1400(c)(4)(5) (1999); see also 20 U.S.C. § 1400(b)(7) (1990)). As a reflection of this emphasis on state-of-the-art practices, IDEA was amended in 1997 (20 U.S.C. § 1414 (d)(3)(B)(i) (1999); 34 C.F.R. § 300.346 (a)(2)(i) (1999)) to identify, for the first time in its history, an intervention strategy to be used with children who display problem behavior: positive behavioral interventions and supports (PBS). This article defines PBS, describes the role of PBS within IDEA, explains that the use of PBS is a rebuttable presumption (this is explained later) under IDEA, explains the definition of "appropriate education" and how PBS requirements fit within that definition, and discusses state implementation of programming that will result in compliance with the law. This information will help readers to develop an understanding of the necessary steps to be followed by local educational agencies (LEAs) and other responsible parties to ensure compliance with these provisions of the law.

### **Defining PBS**

PBS involves the "application of positive behavioral interventions and systems to achieve socially important behavior change" (Sugai et al., 1999, p. 6). PBS has four interrelated components, namely, systems change activities, environmental alterations activities, skill instruction activities, and behavioral consequence activities (Turnbull, Turnbull, Wilcox, Sailor, & Wickham, 1999). These combine to form a

behaviorally based systems approach [which is applied] to enhance the capacity of schools, families, and communities to design effective environments that improve the fit or link between research-validated practices and the environments in which teaching and learning occurs. Attention is focused on creating and sustaining school environments that improve lifestyle results (personal, health, social, family, work, recreation, etc.) for all children and youth by making problem behavior less

effective, efficient, and relevant, and desired behavior more functional. In addition, the use of culturally appropriate interventions is emphasized. . . . At the core, PBS is the integration of (a) behavioral science, (b) practical interventions, (c) social values, and (d) a systems perspective. (Sugai et al., 1999, pp. 6-7)

### **Applying PBS Under IDEA**

There are two key situations under which IDEA's PBS requirements may come into effect. The first is during development of Individualized Education Programs (IEPs) for students with disabilities for whom "impeding behavior" is known to be a problem. The second is for students with disabilities who already have an IEP but face disciplinary action because of their behavior. These situations are treated differently under IDEA, and the requirements for each situation are described briefly in the following paragraphs.

### **IEP DEVELOPMENT**

IDEA requires that "in the case of a child whose behavior impedes his or her learning or that of others," a student's IEP team, while developing an IEP (initial development, review, or revision), is required to "consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior" (20 U.S.C. § 1414 (d)(3)(B)(i) (1999); see also 34 C.F.R. §§ 300.346, 300.121 (1999); 64 Fed. Reg. 12,618-12,626 (1999)). Note that, under the language of the statute, an IEP team *may* consider other strategies in addition to PBS, but PBS is the only specific strategy the IEP team is required to consider.

What is meant by "impeding behavior"? A consortium of PBS researchers and policy experts have defined "impeding behaviors" as those that

1. impede the learning of the student or of others and include those behaviors that are externalizing (such as verbal abuse, aggression, self-injury, or property destruction), are internalizing (such as physical or social withdrawal, depression, passivity, resistance, social or physical isolation, or noncompliance), are manifestations of biological or neurological conditions (such as obsessions, compulsions, stereotypes, or irresistible impulses), are manifestations of abuse, neglect, exploitation or maltreatment, or are disruptive (such as annoying, confrontational, defiant, or taunting), and
2. could cause the student to be disciplined [under] any state or federal law or regulations, or could cause any consideration of a change of the student's educational placement, and
3. are consistently recurring and therefore require functional behavioral assessment and the systematic and frequent application of positive behavioral interventions and supports. (Turnbull et al., 1999, p. 25)

### DISCIPLINARY SITUATIONS

IDEA does not include specific requirements for consideration of PBS when a student is being disciplined for impeding behavior (provided the IEP is not being developed, reviewed, or revised) (20 U.S.C. § 1415 (k) (1999)). Disciplinary situations, however, may require development of an IEP for a student who does not already have one, and often require review and/or revision of an IEP, in which case PBS consideration requirements do apply.

Even if a disciplinary action results in the mere review of a student's behavioral intervention plan (BIP), this would be considered review and revision of the IEP, because BIPs are included in the IEP. (As described elsewhere in this article and in other materials cited here, the BIP should be included in the IEP, although this is implied and not specifically stated by the statute or regulations. However, commentary by the U.S. Department of Education's Office of Special Education Programs strengthens this interpretation (64 Fed. Reg. 12,620 (1999)). Likewise, if a parent asserts IDEA protections for a disciplined student who did not previously have an IEP and the LEA had prior knowledge that the student was a child with a disability (see 34 C.F.R. § 300.527 (1999)), an IEP will have to be developed and PBS must be considered if the student is found to be a child with a disability.

Some persons may argue that PBS consideration requirements do not apply in the case of a child who is being disciplined but who already has an IEP because disciplinary situations, they might argue, do not always involve development, review, or revision of the IEP. If any one of those three events occur, however—that is, if the disciplinary situation results in reevaluation of the IEP or portions thereof (i.e., the BIP)-PBS must be considered in those situations (34 C.F.R. § 300.346 (a)(b) (1999)).

To gain a better understanding of when IEP review might occur in disciplinary situations, a brief description of

IDEA's disciplinary procedure is required. Under IDEA, LEAs have the authority to move a student from his or her current placement to another of the LEA's choosing (including temporary suspension) for up to 10 consecutive school days for any violation of the school's code of conduct, or to an appropriate interim alternative educational setting (IAES) for up to 45 days if the child carries or possesses a weapon or illegal drugs on school premises (20 U.S.C. § 1415 (k)(1)(A) (1999); 34 C.F.R. § 300.520 (1999)). In addition, if maintaining the current placement of the student would be substantially likely to result in injury to the student or to others, LEA personnel may remove the student from that placement and refer the case to a judge or hearing officer who may determine that the child should be placed in an IAES (20 U.S.C. § 1415 (k)(2) (1999); 34 C.F.R. § 300.521 (1999)). In each of these cases, the disciplinary action must be consistent with that applied to students without a disability (i.e., it must be nondiscriminatory), and LEAs must continue to provide the disciplined student with free appropriate public education (FAPE) services after 10 cumulative days of removal within the same school year.

Note that the authority of LEAs to remove students with disabilities from the classroom is tempered by the "manifestation rule": An LEA may not change the placement of a student with a disability as a form of discipline for behavior that is a manifestation of that student's disability (although they may do so if the behavior is not a manifestation of the disability). This rule was established by the *Honig v. Doe* (1988) decision and has been codified by IDEA (20 U.S.C. § 1415 (k) (1999)). To aid the understanding of the manifestation rule, we will briefly explain the situation involved in the *Honig* decision. In this case, two students with emotional disabilities were expelled by the San Francisco Unified School District for violent, disruptive behavior. The Supreme Court determined that both students' behavior was causally connected to (a manifestation of) their disabilities. Therefore, the expulsion of these students would violate IDEA's cardinal rule, that children with disabilities have a right to a free and appropriate public education and may not be excluded based on their disability (see the discussion of "zero reject" in Turnbull & Turnbull, 2000). The case defined situations in which the need for safety of the school environment could create exceptions that would allow removal of a student from that environment. These exceptions are now part of IDEA (see 20 U.S.C. § 1415 (k) (1999); 34 C.F.R. §§ 300.520, 300.521 (1999)). However, the case made clear that, even in those cases, the school must continue to provide free appropriate educational services even if provided in another environment. That, too, is now a requirement of IDEA (see 34 C.F.R. §§ 300.520 (a)(1)(ii), 300.121 (d) (1999)).

IDEA defines a "change of placement" (34 C.F.R. § 300.519 (1999)) and denies LEAs the authority to institute removals that violate the manifestation rule (34 C.F.R. §§ 300.519-300.529 (1999)). A "change of placement" occurs (a) whenever a student is removed

from the current placement for more than 10 consecutive days, or (b) when a series of shorter term removals constitutes a pattern because they cumulate to more than 10 school days, in the same school year and because of other factors, such as length of each removal, total amount of time removed, and proximity of removals to one another (34 C.F.R. § 300.519 (1999)). School authorities do not have the authority to implement such changes of placement if the behaviors involved are a manifestation of the student's disability (with exceptions for [a] weapon and drug removals and [b] removals by court approval when the child's behavior poses substantial likelihood of risk to the child or others in the current placement; 34 C.F.R. §§ 300.520 - 300.521 (1999)). However, school authorities do have this authority if the behavior is not a manifestation of the disability. In the case of any removal that might constitute a change of placement, the IEP team must determine whether the behavior is a manifestation of the student's disability, and they must follow IDEA guidelines in making this determination (34 C.F.R. §§ 300.523-300.524 (1999)).

IDEA's disciplinary requirements also refer to the use of functional behavioral assessments (FBAs) and BIPs: "If the [LEA] did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in [the discipline], the agency shall convene an IEP meeting to develop an assessment plan to address that behavior" (20 U.S.C. § 1415 (k)(1)(13) (1999) ). The regulations clarify that the 'FBA and BIP are required when "either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under § 300.519 [including changes of placement for weapon or drug violations under § 300.520(a)(2)]" (34 C.F.R. § 300.520 (b)(1) (1999)).

Note that the FBA and BIP requirements make no mention of PBS in the event of disciplinary action. When, however, the need for discipline arises, the IEP team (as noted previously) is required to develop, review, or revise any "behavioral intervention plan" for the sole purpose of "addressing" the student's sanctionable behavior (20 U.S.C. § 1415 (k)(1)(B) (1999); 34 C.F.R. § 300.520 (b)(1), (2) (1999)). If the team has to develop the plan in the first place, it must do so by conducting a "functional behavioral assessment" before implementing a plan based on the assessment (20 U.S.C. § 1415 (k) (1) (B) (1999); 34 C.F.R. § 300.520 (b)(1), (2) (1999)). Furthermore, because the FBA and BIP are created by the IEP team, any: should be included in the IEP, their review constitutes review of the IEP, triggering PBS consideration requirements (34 C.F.R. § 300.346 (b) (1999)).

In our view, the term *functional behavioral assessment* is inseparable in the research and practice literature from PBS (Sugai et al., 1999; Turnbull et al.,

1999). A fair reading of the section is that the IEP teams must at least consider PBS as interventions to address behavior for which a student is disciplined. Moreover, OSEP has explained in its commentary on 34 C.F.R. § 300.520 (1999) that PBS may themselves comprise the BIP (64 Fed. Reg. 12,620 (1999)).

## REQUIREMENTS AND ENCOURAGEMENTS FOR USING PBS

It seems to us that whenever the IEP team is required to examine an existing BIP, the team will be reviewing the IEP, triggering PBS consideration requirements. The team will be reexamining the extent to which an FBA and possibly a PBS plan should be developed, reviewed (or revised), and implemented to address the student's sanctionable behavior.

As previously described, disciplinary actions that result in development, review, or revision of the IEP or one of its elements trigger a requirement that the IEP team must consider PBS. However, IDEA otherwise encourages the use of PBS, even if consideration is not yet required. As commentary from the Department of Education explains, "... school officials have powerful incentives to implement positive behavioral interventions, strategies and supports whenever behavior interferes with the important teaching and learning activities of school" (64 Fed. Reg. 12,588 (1999)).

Aside from the incentive of providing order and a good learning environment for all students, other incentives are provided for early intervention and PBS plan development before it is required by disciplinary action. PBS plans created during IEP development will be considered to be the BIP that IDEA's disciplinary procedures require in certain cases, thereby saving IEP teams extra steps in such cases (the "extra steps" of conducting an FBA and developing a BIP at the time of the discipline; 64 Fed. Reg. 12,620 (1999)).

## PBS as a Rebuttable Presumption

We believe IDEA has created a rebuttable presumption in favor of the use of PBS. A *rebuttable presumption* is a presumption (having legal effect) that can be rebutted (defeated or refuted) by evidence to the contrary. For example, in U.S. criminal courts, people accused of a crime are presumed innocent until proven guilty. The law presumes they are innocent until such time as there is sufficient evidence to prove otherwise. In the case of IDEA, PBS is presumed to be the intervention strategy of choice for the IEP team in the case of impeding behavior. This is so because PBS is the only intervention strategy specifically required for consideration by IDEA and, although other strategies *may* be considered, only PBS *must* be considered. This inherently requires that if the IEP team considers other intervention strategies, it may do so only in comparison to PBS and must have adequate cause for adopting another strategy over PBS when both are appropriate.

A presumption in favor of PBS is also a presumption against the use of aversive interventions. PBS rewards desirable behavior, making it functional, and remove rewards from undesirable behavior to decrease its functionality. Aversive interventions, however, do not reward desirable behavior but attempt instead to punish undesirable behavior until it is extinguished (Sugai et al., 1999; Turnbull et al., 1999). Arguably, and in many (if not most) circumstances, these two approaches are antithetical, and thus preference for one seems to be a preference against the other.

IDEA does not explicitly prohibit aversive interventions, but commentary by the Department of Education supports our conclusion that there is a rebuttable presumption in favor of PBS and against aversive interventions. In this commentary, the Department explains:

Regarding what behavioral interventions and strategies can be used, and whether the use of aversive behavioral management strategies is prohibited under these regulations, the needs of the individual child are of paramount importance in determining the behavioral management strategies that are appropriate for inclusion in the child's IEP. In making these determinations, the primary focus must be on ensuring that the behavioral management strategies in the child's IEP reflect the Act's requirement for the use of positive behavioral interventions and strategies. (64 Fed Reg. 12,589 (1999))

The quoted language--"the Act's requirement"--and the context of this commentary seem to strongly reinforce the conclusion we have reached, namely, that the IDEA provisions related to PBS create at least a rebuttable presumption against the use of aversive interventions and in favor of the use of positive interventions.

Although it is not appropriate in this article to itemize the interventions we consider to be aversive (see Turnbull et al., 1999), we believe aversive interventions generally involve the delivery of pain, result in tissue damage, or rely on humiliation as a planned consequence (Turnbull et al., 1999). The consensus of researchers who have studied aversives also seems to support our conclusion in favor of PBS and against the use of aversives. As Sugai et al. (1999; citing from Koegel, Koegel, & Dunlap, 1996) reiterated,

"interventions should strive to enhance a person's competencies and access to desirable environments, social circumstances, and activities" and "all people should be treated with respect and dignity and that interventions must therefore refrain from interactions that are degrading, humiliating, or pain inducing." (p. 10; see also Turnbull et al., 1999, and <http://www.beachcenter.org>)

No state educational agency (SEA) or LEA should, in our opinion, use aversive interventions, techniques, or strategies on any student or incorporate any of them into any student's plan. Two reasons support our judgment: (a) IDEA's rebuttable presumption against aversives and (b) the ethically and morally suspect nature of aversives (Turnbull, Stowe, Wilcox, Raper, & Hedges, 2000). Thus, even where the use of aversive interventions may be legally defensible

(requiring the intervenor to overcome a very high level of scrutiny), their use should be avoided, as a general rule.

A student's behavioral plan should also not include the use of physical or mechanical restraint devices or techniques, except in cases where they are required to prevent self-injury or to promote normal body positioning or physical functioning (as prescribed by trained personnel and accompanied by PBS; Turnbull et al., 1999). In cases of emergency--for example, the student's behavior poses a clear and present danger of serious physical harm to the student or to others, and PBS strategies have not been developed or are ineffective--restraint may be legally justifiable. However, because the goal is to minimize the use of this technique, emergency interventions should only be used long enough to eliminate the clear and present danger, and should never be used as a regular substitute for PBS interventions (for further discussion, see Turnbull et al., 1999). Moreover, a full range of PBS should be available and used to ensure adequate, less restrictive alternatives to restraint.

#### BOARD OF EDUCATION V. ROWLEY, APPROPRIATE EDUCATION, AND PBS

Generally speaking, IDEA requires the provision of a free and appropriate public education for each child with a disability. The PBS requirements are now integral to an appropriate education, as we now demonstrate.

In 1982, the U.S. Supreme Court decided *Board of Education v. Rowley* (1982), a decision that is key to understanding the definition of appropriate education. That case created two key tests for determining whether a student has received an appropriate education: the process test and the benefit test (Turnbull & Turnbull, 2000).

The process test essentially requires LEAs to follow IDEA'S procedural requirements to provide an appropriate education. Thus, if proper IDEA procedures are not followed, then in most cases a court will hold that the student has not received an appropriate education (Turnbull & Turnbull, 2000).

The benefit test created by *Rowley* requires that the student receive benefit from the services provided. Thus, even if the proper procedures are followed, a student is not receiving an appropriate education if he or she is not receiving a benefit from the services provided. This need not be the maximum benefit, but services provided must result in some substantive level of benefit. In the *Rowley* case, for example, the benefit standard was met because the student was advancing from grade to grade, even though the benefit of special education could have been maximized by provision of more services. No "bright-line" rule (concrete rule of exact standards, applicable in all cases) has been established to determine the exact level of benefit required, but courts have held that the benefit must be more than *de minimis* (must have at least some signifi-

cance) and that the student must not be regressing (Turnbull & Turnbull, 2000).

### MEETING THE PROCESS TEST FOR PBS

As described previously, provision of FAPE requires following IDEA's procedural rules, including the PBS requirements. The following discussion examines these requirements in greater detail.

As noted, a student's IEP team members are required to "consider" the use of PBS for a student who exhibits impeding behavior. Therefore, procedural requirements regarding PBS revolve around the issue of what it means to properly "consider" PBS. It is necessary, then, that the word "consider" be defined within the context of the statute and its regulations.

*Defining "Consider": The Process of Consideration*  
In our judgment, the word "consider" requires the IEP team to (a) understand what PBS is and how it works, (b) have the ability to implement PBS, (c) engage in a discussion of whether to employ PBS, and (d) set out the reasoning behind their decision of whether to employ PBS.

These elements of the word "consider" are commonsensically defensible. The IEP team members cannot consider what they do not understand, and it is meaningless for them to consider a futile option, one they cannot implement even rudimentarily. Furthermore, for them to consider anything, they must engage in a discussion, weighing the pros and cons of using PBS, and decide on one or more rationale for a decision. A result without a reason is indefensible and subject to attack as whimsical and not professionally sound. If any of these elements are absent, it is questionable whether the IEP team has met its statutory duty to "consider" PBS.

The team members are not required to use PBS, only to consider whether to use them, other interventions, or no interventions at all. We believe that IDEA's language allows the IEP team to "consider" the use of other strategies than, or in addition to, PBS, or to use no interventions at all. Accordingly, we believe a team may consider such interventions as a therapeutic drug regimen (relying on medical advice), the use of nonpositive interventions (which are difficult to justify under the rebuttable presumption given to PBS), or the continuation, modification, or discontinuation of present (positive or other) interventions (if any). Note, however, that PBS is a rebuttable presumption and, in every such case, the IEP team is required to consider PBS, even if they are also considering other strategies.

#### **Proper Documentation**

We also believe it is advisable for the team members to document their decision-making process by minutes that

reflect that they followed these criteria. The reason for documentation is straightforward. Given that IDEA creates a rebuttable presumption in favor of PBS, the questions that a team may be asked in a challenge to its decision-making process and the results of that process are the following:

- Why was it not appropriate to consider PBS?
- What other strategies were considered?
- What factors ruled out PBS in the team's consideration?

If an attack is made on the process for the team's decision making, then documentation of the process can be evidence of proper consideration of PBS.

As previously discussed, PBS is listed among "special factors" that IEP teams must consider in IEP development, review, and revision (34 C.F.R. § 300.346 (a), (b) (1999)). If the IEP team determines during the course of this development, review, or revision that the child is in need of "a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP" (34 C.F.R. § 300.346 (c) (1999)). Thus, if the IEP team determines that a student requires any PBS the student's IEP must include a statement to that effect.

If a student has a PBS plan, the IEP team should incorporate that plan into the student's IEP. As previously mentioned, the statute, regulations, and OSEP commentary imply that this should be the case (20 U.S.C. §§ 1414 (d) (3) and (4), 1415 (k)(1)(B) (1999); 34 C.F.R. §§ 300.346, 300.520 (b) and (c) (1999); 64 Fed. Reg. 12,620 (1999)).

No PBS plan should be developed and implemented unless the LEA has first conducted an FBA (Sugai et al., 1999; Turnbull et al., 1999). PBS uses a scientific method: Behavior is observed and an assessment is made to understand the function of the child's behavior, then PBS are applied to change the behavior by decreasing functionality of undesired behaviors and increasing functionality of desired behaviors. Without having properly assessed the functionality of the student's behavior, there can be no adequate understanding of the functionality of the behaviors; therefore, PBS cannot be tailored to address the student's behaviors. Application of interventions and/or supports without assessment is thus equivalent to taking a stab in the dark and is not likely to be successful—certainly not to the degree of success that proper PBS implementation has been shown to provide. The FBA should be conducted across all settings in which the student lives, and a written report should be prepared that documents the actions taken to conduct the assessment and the results of the assessment (Sugai

et al., 1999; Turnbull et al., 1999).

There may be some individuals who would probably argue that a PBS plan is too complex and unwieldy to be included in the IEP because a large number of minor changes may be required at different times and holding an IEP meeting to answer every such change would be nearly impossible. If changes are minor, however, and do not affect the core components of the PBS plan, they could be made without an IEP meeting if the IEP has set out a provision allowing such changes. For example, the plan could include schedules for altering specified interventions or supports or the frequency or duration thereof without the necessity of reconvening the IEP team (see Turnbull et al., 1999).

#### *Personnel Training and Systems Change*

The documentation requirements described previously ensure that the elements of "consider" that require adequate discussion of PBS and reasoned decision making are met. However, elements of "consider" that require an understanding of PBS and the ability to implement PBS may require schools to undergo both personnel training and systems change. For example, as previously described, a requirement that the school "consider" PBS includes requirements of personnel training (because the IEP team must understand what PBS is and how it is implemented) and systems change (because PBS uses a systemic approach) to ensure that the school would have the capability to implement PBS should the IEP team choose to use those interventions.

Personnel training would likely involve education for teachers, parents, and administrators on the practices of PBS, both for individual students and schoolwide. This may require technical assistance and on-site training of personnel by experts in the field of PBS practices. The level of required training may be debatable, but to meet the process standards of IDEA, it must allow for a meaningful understanding of PBS for all those who may later be involved in PBS implementation.

Necessary systems change involves development of collaborative effort across settings (i.e., different classrooms) to enable implementation of PBS for any particular child. Systems change in some cases may require implementation of PBS on a schoolwide basis, for all children in the school as well as for children who qualify as IDEA beneficiaries (see Turnbull et al., 1999). In the absence of an environment that would allow PBS to be properly implemented (in the event that the IEP team might choose to implement it), proper consideration of PBS cannot occur, and the school will have failed *Rowley's* process test.

#### MEETING THE BENEFIT TEST FOR PBS

The PBS consideration provisions require the strategies used by the IEP team to "address" the student's behavior (34 C.F.R. § 300.346 (a)(2)(i) (1999)). In our opinion, this language means that the strategies must be targeted at preventing, reducing, replacing, or otherwise appropriately dealing with the behavior (or behaviors). The basis for our judgment is the precedent of the benefit standard in *Rowley*. As previously mentioned, the Court interpreted IDEA's requirement of an "appropriate education" to mean the student must be given such services as will enable the student to "benefit" from special education. In this context, the "benefit" standard requires any strategy used to "address" a student's behavior to be one that will "benefit" the student in the sense that it is efficacious for the purpose for which it is used-by changing the student's behavior(s) and thus enhancing the student's ability to benefit from special education and related services.

Note that this benefit is only required when IDEA requires PBS consideration and behavioral intervention planning. Absent a situation in which behavioral intervention planning is required by IDEA, the student is not required to benefit from such planning for "appropriate education" to be established. For example, a student who requires other special education or related services but not individualized PBS services, but who receives PBS services as part of a schoolwide program, will not have been denied an appropriate education by the fact that the schoolwide PBS services failed to provide a benefit for the child. But for the student who requires individualized behavioral planning under IDEA, PBS and behavioral planning must provide a benefit.

However, use of PBS with any and all students, and attempting to provide a benefit therefrom, is best practice, regardless of requirement by law. Similarly, providing a higher level of benefit than that required by law is also best practice. These best practices provide benefits for individual students and for schools, including environments that are more conducive to learning (i.e., fewer class disruptions; Sugai et al., 1999).

#### **State Implementation, Personnel Training, and Systems Change**

It is necessary to add a special note about the need for personnel training and systems change. To ensure that PBS requirements are adequately met, it is important for states to develop programming to support LEAs in these efforts. For example, states can implement programming, often as a function related to other programming requirements under IDEA, in the areas of personnel preparation, capacity building, and teaching of best practices that will aid LEAs in the proper

"consideration" and use of PBS strategies (see IDEA, Parts B and D, 20 U.S.C. Chapter 33 (1999)). The following information from Turnbull et al. (1999) provides our view of the type of programming that states and LEAs should implement to ensure that they meet IDEA's PBS requirements.

IDEA requires the SEA to conduct a study of the LEAs' use of discipline (20 U.S.C. § 1413 (j) (1999)). We believe the SEA should conduct a similar study related to PBS. Such a study, if conducted with objectivity and in depth, will yield data that indicate the degree to which LEAs are implementing PBS consistently with IDEA. We also suggest that the SEA create a State Positive Behavioral Interventions and Supports Committee consisting of individuals from all education constituencies who are qualified to participate in delivering PBS, and also consisting of an equal number of parents (as defined by IDEA) of students with impeding behaviors, to assist in or to actually conduct the study. We further suggest that the study be presented to all state and local entities that have the capacity to ensure that PBS are delivered consistently with IDEA. In short, we seek statewide evaluation and statewide response to the study.

To ensure that an adequate number of properly trained professionals and parents will be available to design, implement, and monitor PBS plans, initial training and continuing education programs related to PBS should be developed and implemented in the following:

1. institutions of higher education that train general education and special education teachers, providers of related services, and other professionals involved in the education of students with disabilities,
2. general education and special education in-service teacher and other professional training programs, and
3. parent training and information centers and in other parent training and advocacy entities.

All professionals involved in the education of students with disabilities should engage in continuing education concerning PBS at least once every 3 years. The intensity and comprehensiveness of the initial training and continuing education that various cadres of professionals will receive should be determined by the SEA in consultation with the Positive Behavioral Interventions and Supports Committee, the state advisory council on special education, LEAs, professional associations, parent information and training centers, community parent resource centers, and other parent training and advocacy entities, and institutions of higher education in the state.

To the maximum extent practicable, in-service initial training, continuing education, activities of the

SEA and LEAs should be consistent with state and local agencies' other comprehensive systems of personnel development activities, school improvement initiatives (under IDEA, Part D, and under other federal or state school reform or school improvement initiatives), and curricula of institutions of higher education in the state (see 34 C.F.R. § 300.382 (1999); 64. Fed. Reg. 12,600 (1999)).

Statewide capacity building (within the LEAs and within other education delivery systems) is necessary to ensure that the promise of PBS is realized. To this end, preservice training (in institutions of higher education) and parent training (via parent training and information centers or other comparable entities) are necessary. A multifaceted approach to capacity building is indeed the only one that can ensure that PBS are available consistently and uniformly across all environments in which a student lives. Moreover, because PBS require system changes and environmental alterations, capacity building must address all systems and entities (and individuals) with which the eligible students have contact.

This article explains that PBS is a benefit to the student by teaching more appropriate forms of behavior and removing functionality of behaviors that impede learning. PBS is likewise a benefit to the educational system because it aids in the development of environments that are more conducive to learning of all students, including children with disabilities. Furthermore, this article notes that PBS is the behavioral intervention strategy of choice under IDEA, and there is a rebuttable presumption that LEAs will use PBS to deal with impeding behaviors among IDEA-qualified students. PBS procedures and levels of benefit will be factored into the *Rowley* process and benefit tests on any occasion in which appropriate education is an issue. Finally, it should be noted that for IDEA's requirements to be met, state and local capacities must be developed through training and systems change.

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