

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

## Behavioral Intervention Plans

### What is a Behavioral Intervention Plan?

A behavioral intervention plan is a written document for a child with a disability, age 3 through 21. A behavioral intervention plan may be a part of your child's Individualized Education Program (see "Individualized Education Program" material). Sometimes a child with a disability will have a "behavior disorder" or "emotional disturbance." A behavior disorder or emotional disturbance is a condition that adversely affects your child's educational performance<sup>1</sup>. When the behavioral disorder interferes with your child's learning, or the learning of another, you can request a behavioral intervention plan. Behavioral intervention plans are available to students with other verified disabilities, as well; they are not implemented only for students who have been verified to have the disability of emotional disturbance.

The goal of a behavioral intervention plan is to teach your child to manage his or her behavior so that the behavior does not interrupt the learning process. One goal of a behavioral intervention plan is to reinforce positive behaviors.

### Who is eligible for a Behavioral Intervention Plan?

Your child must first be evaluated by the school district's Multidisciplinary Team Evaluation or Independent Educational Evaluation processes (see "Multidisciplinary Team Evaluation" and "Independent Educational Evaluation" materials). The Multidisciplinary Team decides whether your child has a disability. If your child is found to be "a child with a disability" as defined under the Individuals with Disabilities Act (IDEA), he or she is eligible for an Individual Education Program (IEP)<sup>2</sup>.

If your child exhibits problematic behavior that is related to the disability, then your child is probably eligible to have a behavioral intervention plan added to his or her IEP.

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<sup>1</sup> Rule 51 sec. 003.08; 006.04E (2017)

<sup>2</sup> Rule 51 sec. 007.01 (2017)

## What is a Functional Behavior Assessment?

A functional behavior assessment is the process that the IEP Team completes to better a child's learning environment and to make sure that your child is getting enough behavioral support. The functional behavior assessment (FBA) must involve the gathering of information regarding your child's behavior; direct observation must be a part of this process of information gathering. An FBA must describe the problem behavior; identify the things that cause the behavior, the consequences that maintain the behavior, and the reasons why your child behaves in this manner; and propose alternative behaviors that your child can learn<sup>3</sup>. The information gathered through the FBA can then be used to formulate a behavioral intervention plan.

## What must be in a Behavioral Intervention Plan?

There are no strict guidelines for what must be included in a behavioral intervention plan. The plan should be based on your child's individual needs. Your child's IEP team can consider the use of positive behavioral interventions, behavioral supports, and other strategies to address the behavior<sup>4</sup>. Behavioral intervention plans may include:

- Skills training to increase appropriate behavior.
- Changes that will be made in classrooms or other environments to decrease behavior disorders.
- Strategies to replace bad behaviors with appropriate behaviors.
- Supports for your child to use the appropriate behaviors.<sup>5</sup>

## What happens if my child experiences a disciplinary removal from his or her placement?

Sometimes your child's disability may result in your child being removed from class if they break a school rule of conduct. This is also called a "change in placement" if your child is out of class for more than ten (10) consecutive school days or if your child is out of class a total of more than ten (10) days in a school year.<sup>6</sup>

After a child's change in placement due to his or her violation of a code of student conduct, the school will have a "manifestation determination."<sup>7</sup> This means that the school and relevant members of the IEP Team—including you—will review all

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<sup>3</sup> Rule 51 sec. 003.26 (2017)

<sup>4</sup> Rule 51 sec. 007.07B3 (2017)

<sup>5</sup> Rule 51 sec. 007.07B3 (2017)

<sup>6</sup> Rule 51 sec. 016.01 (2017)

<sup>7</sup> Rule 51 sec. 016.02E1 (2017)

information related to your child's conduct causing the removal to determine if the conduct was:

- Caused by or had a direct and substantial relationship to your child's disability, or
- A result of the school failing to follow your child's IEP<sup>8</sup>.

If the school district and members of the IEP team determine that your child's conduct was the manifestation of his or her disability, the IEP team must then perform a functional behavioral assessment and put a behavioral intervention plan in place. If your child already had a behavioral intervention plan in place, then the team must review the plan and modify it as needed.<sup>9</sup>

### **How do I request a Behavioral Intervention Plan?**

You may want to request an IEP meeting to discuss whether your child needs a behavioral intervention plan. It is a good idea to put all communications regarding your child's special education services between you and school administrators and staff in writing. Make sure to write down conversations and events that affect your child's schooling. Note the date, who was involved, what was said, and the resolution. You may want to create and maintain a file with all of your child's school information such as report cards, evaluation reports, and Individual Education Plans.

All requests for evaluations or meetings should be made in writing to your child's school principal. You should keep a copy for your own records. Send your written request to the school via certified, return receipt requested mail. Attach the return receipt to your copy of the request and keep this in your file.

### **Additional resources:**

- Individual Education Program - Disability Rights Nebraska
- Multidisciplinary Team Evaluation - Disability Rights Nebraska
- Center for Parent Information & Resources. This is a resource providing information created by Parent Centers that serve families of children with disabilities.
- IDEA Part B Parents' Rights in Special Education (Age 3-21) - Nebraska Department of Education, Office of Special Education (August 2018).

<sup>8</sup> Rule 51 sec. 016.02E1a; sec. 016.02E1b (2017)

<sup>9</sup> Rule 51 sec. 016.02F1 (2017)

## Sample Letter

You may wish to use similar language when requesting an Individual Education Program (IEP) meeting to discuss creating a behavioral intervention plan for your child:

[Principal's Name]  
[School's Name]  
[School Address]  
[City, State, Zip code]

Re: [Your child's name] – Request for an Individual Education Program meeting

Dear [Principal's Name]:

Please consider this letter as a formal request for an Individual Education Program (IEP) team meeting for my child, [Your child's name]. It is my understanding that I have a right to request an IEP meeting at any time, pursuant to the provisions of 92 NAC 51 (Nebraska Department of Education, Rule 51). I would like to specifically discuss creating a behavioral intervention plan for my child.

To prevent complications with my schedule, please notify me of the date and time of the meeting one week in advance. I appreciate your prompt attention to this request and ask that you respond in writing by [Insert a date two (2) weeks from the time mailed], and that the meeting be held by [Insert a date five to ten days later than the previous date]. Thank you.

Sincerely,

[Your Name]  
[Your Address]  
[Your City, State, Zip]  
[Your Phone Number]