

Shasta County Special Education Local Plan Area
Positive Behavioral Intervention Policy & Procedures

POSITIVE BEHAVIORAL INTERVENTION POLICY

SP 6164.202

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The member districts of the Shasta County SELPA follow behavioral intervention regulations according to Education Code Chapter 5.5 Behavioral Intervention, Sections 56520–56524 and Sections 3001 and 3052 of Title 5 of the California Code of Regulations. Believing that all students have a right to a safe and secure environment, when behavioral interventions are used, they are used in consideration of the student's physical freedom and social interaction, and are administered in a manner that respects human dignity and personal privacy. Behavioral interventions should be developed collaboratively and should be minimally intrusive and efficient in terms of time, labor and complexity. Interventions should focus on teaching appropriate behavior to replace maladaptive behavior.

POSITIVE BEHAVIORAL INTERVENTION PROCEDURES

AR 6164.202

A behavioral intervention plan will be developed whenever a student with an IEP demonstrates a serious behavior problem. A serious behavior problem is defined as:

1. Maladaptive,
2. Pervasive,
3. Self injurious,
4. Assaultive,
5. Causing property damage which could lead to suspension or expulsion, and
6. Significantly interferes with the attainment of the individual's goals and objectives of his/her Individual Education Plan (IEP). (5 CCR 3001 9(y))

When the IEP team determines that a functional assessment of the behavior is needed, a Functional Analysis Assessment Report will be developed. The IEP team will review the Functional Analysis Assessment report and develop a Behavioral Plan, if necessary, for the individual student. The Behavioral Intervention Plan becomes part of the IEP. The Behavioral Plan will be reviewed according to the timelines specified in the plan.

Due process protection as specified in Education Code Section 56501 et. seq., shall be followed, including parent notice and consent to assessment, prior to conducting a Functional Analysis Assessment pursuant to Education Code Section 56321, and the development and implementation of a Behavioral Intervention Plan.

Training And Qualifications

A staff member may serve in more than one role.

1. **Functional Analysis Assessor:** Must have training in the Hughes Bill components and requirements; training in the components of a functional assessment; and training in behavior analysis including positive behavioral interventions. Such training may be through accredited college/university course work, or conference/workshop attendance, including SELPA sponsored training. Demonstrated competencies may substitute for specific training. Any certificated staff member, including psychologist, SDC teacher, RSP teacher, DIS teacher, administrator or program specialist, may, as appropriate to case demands, serve as a functional analysis assessor.
2. **Case Manager:** Must have training in the Hughes Bill components and requirements; training in behavior analysis including positive behavioral interventions; and ability to monitor and evaluate the appropriateness and efficacy of an implemented Behavior Intervention Plan. Such training may be through accredited college/university course work, or conference/workshop attendance, including SELPA sponsored training.

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Demonstrated competencies may substitute for specific training. Any certificated staff member, including psychologist, SDC teacher, RSP teacher, DIS teacher, administrator or program specialist, may serve as a case manager.

3. *Plan Implementor(s)*: In most cases the plan implementor will include the teacher, instructional aide, parent and/or others. Training of the implementor(s) will take place prior to implementing the plan. Training will include specific needs of the specific plan, including appropriate record keeping and documentation. Training will be provided by the case manager. Frequency of consultation with support staff will be indicated in the student's behavior plan.

Emergency Interventions

Definition: A temporary application of a physical intervention used to contain behavior.

“Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses a clear and present danger of serious physical harm to the individual or others or cause serious property damage and which cannot be immediately prevented by a response less restrictive than the temporary application of a physical intervention used to contain the behavior.” (Title 5 CCR 3052(I))

A “behavior emergency” is a demonstration of a serious behavior problem:

1. Which has not previously been observed and for which a behavior intervention plan has not been developed; or
2. For which a previously designed behavioral intervention is not effective. (Title 5 CCR 3001(c))

Because emergency physical interventions pose risk of injury to students and others involved, only procedures that are designed to provide maximum safety during emergency interventions shall be permitted. Only staff members who have received training in such procedures and have demonstrated competence in their use during simulated emergency interventions shall be permitted to conduct an emergency physical intervention.

Procedures taught by the ProACT (Professional Assault Crisis Training) procedures taught as a component or other such recognized training in emergency physical intervention including procedures designed by LEAs shall be permitted, if their design and implementation emphasizes the safety of the student and the staff. In all instances, the use of emergency interventions shall be guided by the following:

- Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans that are designed to change, replace, modify, or eliminate a targeted behavior.
- Whenever a behavioral emergency occurs, only behavioral interventions approved in writing by the Special Education Local Plan Area (SELPA) may be used.

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- No emergency physical intervention shall be employed for longer than is necessary nor with force greater than necessary to contain the behavior. Any situation which requires prolonged use of an emergency intervention shall require staff to seek the assistance of the school site administrator or law enforcement agency, as applicable in the situation.
- Procedures for emergency interventions are as follows:
 - a. Education staff member contains the individual if possible if in danger
 - b. If necessary, educational staff member calls the trained emergency response team or calls law enforcement whenever a behavioral emergency occurs
 - c. Emergency response team, or law enforcement officer, contains the individual
 - d. Program administrator is notified immediately following the emergency response by the educational staff member in all cases where an emergency intervention is employed
 - e. Parent is notified immediately (within one school day) by educational staff member, or administrator, in all cases where an emergency intervention is employed
 - f. Per Education Code, law enforcement agency is notified at the discretion of the program administrator if assault/battery has occurred (if they haven't already been involved and if the child is developmentally capable of understanding intentional assault/battery)
 - g. Behavioral emergency report is written immediately (by the end of the same school day) by educational staff member involved, report is forwarded at the end of the school day to the program administrator and a copy is forwarded to the SELPA Office
 - h. If student does not already have a positive behavioral intervention plan, the program administrator shall initiate the assessment/IEP process within two days, and schedule a meeting with parent to develop interim behavior intervention plan
 - i. If a student does have a positive behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective, should be referred to the IEP team for review to determine if the plan needs modification

Emergency interventions approved by the SELPA include:

- a. Non physical interventions including but not limited to:
 - redirection
 - query
 - set limits

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- provide choices
 - separate group from student
 - separate student from group
 - use of strong and firm verbal request for compliance
 - provide time limit for compliance
 - side by side physical proximity
 - restatement of consequences, including notification of
 - parent/guardian and intervention by
 - administration and/or police officers
- b. Physical containment, (example: a basket hold) of the student by staff, without the use of material restraints. NOTE: Physical intervention is not recommended for a “refusal to comply” incident. (Physical containment may only be used by personnel trained in the use of such interventions and only to protect the student or others.)
- c. Prone containment may be used only when necessary to protect the student or others. (Prone containment may only be used by personnel trained in the use of such intervention and only to protect the student or others.)

Procedures To Follow When An Emergency Physical Intervention Has Occurred:

1. NOTIFY parent/guardian within one school day.
2. IMMEDIATELY COMPLETE AND FORWARD the SELPA adopted “Emergency Behavior Intervention Report” form: one copy to the student’s file; one copy to the LEA designated administrator; and one copy to the SELPA office.
3. WITHIN TWO DAYS OF INCIDENT the LEA designated administrator shall review the emergency report form and determine the next step. Options include, but are not limited to:
 - In class consequences, example, loss of privileges, etc.
 - Suspension from class
 - Suspension from school
 - Expulsion
 - Report to police
 - Review of current behavior plan and/or class management plan
 - Consultation with case manager and or teacher if student has plan
 - Schedule review of student’s IEP
 - Recommend a functional analysis assessment

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- Develop an interim behavior plan

***Not all actions requiring an emergency intervention will necessitate a functional assessment or an interim behavior plan. The IEP Team, including the LEA designated administrator should, in most cases, determine the need of a functional analysis assessment.

Procedures to Follow If There Is a Need For a Functional Analysis Assessment: (Note - Each LEA will determine the personnel responsible for completing the required actions.)

1. SCHEDULE MEETING with parent/guardian to develop the interim behavior intervention plan.
2. OBTAIN PERMISSION from parent to conduct the Functional Analysis Assessment. Do not do the assessment without the parent written consent.
3. After completion of the Functional Analysis Assessment SCHEDULE IEP MEETING to review the findings and develop a Behavioral Plan, if necessary.

SELPA Report

The SELPA is required to gather information and data on any Emergency Behavior Intervention Reports for students with IEPs and forward the information to the state on request.

At the close of each school attendance month each LEA shall forward completed "Emergency Behavior Intervention Report" forms to the SELPA office along with the SELPA adopted monthly summary of data regarding district emergency reports on students with IEP form.

Legal Reference: EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities

Management Resources: FEDERAL REGISTER

Rules and Regulations, August 14, 20