

POSITIVE BEHAVIORAL INTERVENTION POLICY

The member districts of the Shasta County SELPA follow behavioral intervention regulations according to Education Code Chapter 5.5 Behavioral Intervention, Sections 56520–56524. 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

A behavioral intervention plan will be developed whenever a student with an IEP demonstrates a serious behavior problem necessitating such supports.

When the IEP team determines that a functional assessment of the behavior is needed to develop a student's FAPE, a Functional Behavior Assessment will be offered and conducted. A Functional Behavior Assessment shall focus on identifying the function or purpose of the student's behavior. The IEP team will review the Functional Behavior Assessment report and develop a Behavioral Plan and/or other supports as 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 Behavior Assessment pursuant to Education Code Section 56321, and the development and implementation of a Behavioral Intervention Plan.

Training And Qualifications

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3051.23.

(a) Pursuant to Education Code section 56520, behavioral interventions shall be designed or planned only by personnel who have a:

1. Pupil Personnel Services Credential that authorizes school counseling or school psychology; or
2. credential authorizing the holder to deliver special education instruction; or

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3. license as a Marriage and Family Therapist certified by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
4. license as a Clinical Social Worker by the Board of Behavioral Sciences, within the Department of Consumer Affairs; or
5. license as an Educational Psychologist issued by a licensing agency within the Department of Consumer Affairs; or
6. license in psychology regulated by the Board of Psychology, within the Department of Consumer Affairs; or
7. Master's degree issued by a regionally accredited post-secondary institution in education, psychology, counseling, behavior analysis, behavior science, human development, social work, rehabilitation, or in a related field.

(b) To provide behavioral intervention, including implementation of behavior intervention plans, but not including development or modification of behavior intervention plans, an LEA shall deliver those services using personnel who:

1. possess the qualifications under subdivision (a); or
2. (A) are under the supervision of personnel qualified under subdivision (a); and
(B) possess a high school diploma or its equivalent; and
(C) receive the specific level of supervision required in the pupil's IEP.

Emergency Interventions

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

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior. (Education Code 56521.1)

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed by law. (Education Code 56521.1)

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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.
- 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

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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
 - 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 the SELPA adopted “Emergency Behavior Intervention Report” form; put one copy in the student’s file; and send one copy to the LEA designated administrator. This report shall include all of the following information:

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(Education Code 56521.1)

- The name and age of the student
- The setting and location of the incident
- The name of the staff or other persons involved
- A description of the incident and the emergency intervention used
- A statement of whether the student is currently engaged in a systematic BIP
- Details of any injuries sustained by the student or others, including staff, as a result of the incident

3. If the behavior emergency report is for a student who does not have a BIP, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting the FBA and/or not developing the interim BIP. (Education Code 56521.1)

4. If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (Education Code 56521.1)

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

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