

6000 INSTRUCTION

6300 INSTRUCTION OF STUDENTS WITH EXCEPTIONAL NEEDS

6321 BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION
STUDENTS

A special education student's minor behavioral problems shall be subject to the disciplinary measures applicable to all students for such infractions.

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her individualized education program, a functional analysis assessment shall be conducted with parental consent and a written behavioral intervention plan may be developed for the student in accordance with law and SELPA procedures.

The Superintendent or designee shall ensure that staff are informed of the SELPA's policy and regulations governing the systematic use of behavioral and emergency interventions (A Guide To The Hughes Statutes of 1990).

References: EC 49001, 56321, 56500-56507, 56520; Code of Regulations, Title 5 3001, 3052

Approved as to form:

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Approved by the
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MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

**BEHAVIORAL INTERVENTIONS FOR
SPECIAL EDUCATION STUDENTS**

(Board Policy 6321)

All assessment, intervention and evaluation activities related to a special education student's behavioral intervention plan shall be authorized, facilitated and supervised by the IEP team. Qualified staff, trained in behavior analysis with an emphasis on positive behavioral interventions, shall participate in developing and implementing the plan.

Definitions

“Serious behavior problems” means the individual’s behaviors which are self-injurious, assaultive, or cause serious property damage and other severe behavior problems that are pervasive and maladaptive for which instructional behavioral approaches specified in the student’s IEP are found to be ineffective.

“Behavioral intervention” means the systematic implementation of procedures that result in lasting positive changes in the individual’s behavior. “Behavioral intervention” means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. “Behavioral interventions” are designed to provide the individual with greater access to a variety of community settings, social contacts and public events; and ensure the individual’s right to placement in the least restrictive educational environment as outlined in the individual’s IEP. “Behavioral interventions” do not include procedures which cause pain or trauma. “Behavioral interventions” respect the individual’s human dignity and personal privacy. Such interventions shall assure the individual’s physical freedom, social interaction and individual choice.

A behavioral intervention plan is a written document that is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student’s IEP.

A behavioral intervention case manager is a designated certificated school/county office staff member or other qualified personnel contracted by the county office, and trained in behavior analysis with emphasis on positive behavioral interventions.

A behavioral emergency is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective.

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Functional Analysis Assessment

If the student's behavior is significantly interfering with the implementation of the goals and objectives in his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective.

If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted.

Before assessment for a behavioral intervention plan begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321.

Qualified assessment staff shall:

1. Observe the targeted inappropriate behavior, its frequency, duration and intensity.
2. Observe events immediately preceding the behavior.
3. Observe the consequences of the behavior to determine the purpose it serves for the individual.
4. Analyze the environment in which the behavior most frequently occurs.
5. Analyze records for medical and health factors which may influence behavior.
6. Review the history of the behavior, including the effectiveness of interventions used in the past.

The parent/guardian shall receive a complete written report of the assessment including a description of the nature and severity of the targeted behavior(s) in objective and measurable terms, with baseline data and an analysis of the antecedents and consequences that maintain the behavior; a functional analysis of the behavior across all appropriate settings in which it occurs; a description of the rate of alternative behaviors, their antecedents and consequences; and a proposed behavioral intervention plan for consideration by the IEP team.

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Behavioral Intervention Plan

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the county office shall implement a behavioral intervention plan in accordance with 5 CCR 300.520(b). Suspension from school or removal from class with no provision of special education services constitutes removal.

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions.

Based on the functional analysis assessment, the IEP team, including a behavioral intervention case manager, shall meet to determine whether a behavioral intervention plan is needed. If a behavioral intervention plan is needed, the IEP team qualified staff knowledgeable of the student's health needs, and others with expertise as deemed necessary by the parent/guardian, district or Special Education Local Plan Area (SELPA). This team shall develop a written behavioral intervention plan which includes:

1. A summary of information gathered from the functional analysis assessment;
2. An objective description of the targeted maladaptive behavior(s) and replacement positive behavior(s);
3. The student's goals and objectives specific to the behavioral intervention plan;
4. A detailed description of interventions to be used and the circumstances for their use;
5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an ineffective intervention or replacing it with a specified alternative;
6. Criteria by which the procedure will be phased out or less frequent restrictive behavioral intervention schedules or techniques will be used;
7. The extent to which the behavioral interventions will be used in the home, residential facility, work site or other settings;
8. Specific dates when the IEP team will periodically review the efficacy of the program; and
9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan.

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation by, or under the supervision of, staff with documented training and qualifications in behavioral management techniques.

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Based on the results of the functional analysis assessment, interventions may include:

1. Altering the identified antecedent event to prevent the behavior from occurring;
2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior;
3. Teaching the student adaptive behaviors; or
4. Manipulating the consequences of behaviors so that the alternative behaviors more effectively produce desired outcomes.

Acceptable responses to targeted behavior may include, but are not limited to, one or more of the following:

1. Ignoring the behavior but not the student;
2. Redirecting the student to an activity;
3. Providing verbal feedback;
4. Acknowledging the message of the behavior; or
5. Providing a brief physical prompt to interrupt or prevent aggression, self-abuse or property destruction.

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law.

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If the IEP team determines that major changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and propose changes. The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications in accordance with law without an IEP team meeting. The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team.

Emergency Interventions

Only emergency interventions approved by the SELPA may be used (A Guide To The Hughes Statutes of 1990). Emergency interventions not specified in a student's behavioral intervention plan shall be used only as long as necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm or property damage and which cannot be prevented by a less restrictive response. Upon the prolonged use of an emergency intervention, staff shall seek the assistance of the principal or law enforcement agency as necessitated by the situation. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans.

Emergency interventions may not include:

1. Locked seclusion, unless otherwise licensed or permitted by law;
2. Use of any material or objects which simultaneously immobilize all hands and feet, except prone containment or similar techniques as a limited emergency intervention by trained staff; or
3. Force exceeding what is reasonable and necessary under the circumstances.

Parents/guardians shall be notified within one school day whenever emergency intervention is used. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review and determination of any disciplinary action that might be required. This report shall include:

1. The name and age of the student;
2. The setting and location of the incident;
3. The name of the staff or other persons involved;
4. A description of the incident and the emergency intervention used;

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5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan;
6. Details of any injuries sustained by the students or others, including staff, as a result of the incident (see below);

If the behavioral emergency report deals with a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days, make a determination of whether a plan is necessary or appropriate for the student. If so, a functional analysis assessment will be scheduled leading to an IEP review and meeting to develop an interim behavioral intervention plan. If not, the reasons will be documented in writing.

If the behavioral emergency report deals with a student who has a behavioral intervention plan, the IEP team shall review the incident and determine whether the student's plan needs to be modified.

7. Prohibited Interventions

The district prohibits any use of the following:

- A. Any intervention designed or likely to cause physical pain;
- B. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face;
- C. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom;
- D. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma;
- E. Use of any material or objects which simultaneously immobilize all hands and feet, except prone containment or similar techniques as a limited emergency intervention by trained staff;
- F. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room;
- G. Any intervention that precludes adequate supervision of the student;
- H. Any intervention that deprives the student of one or more of his/her senses; and
- I. Force, exceeding what is reasonable and necessary under the circumstances.