

# PROCEDURAL HANDBOOK

## SECTION

### 6

#### *Positive Behavior Intervention For Special Education Students*

#### **BEHAVIOR EMERGENCY AND INCIDENT PROCEDURES**

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This section contains information you should know about...

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	Page
<b>Introduction/ Philosophy.....</b>	<b>6-2</b>
<b>Procedures for Systematic Use of Positive Behavioral Interventions and Emergency Interventions.....</b>	<b>6-4</b>
<b>Emergency Interventions.....</b>	<b>6-5</b>
<b>Prohibited Behavioral Interventions.....</b>	<b>6-6</b>
<b>Approved Behavioral Emergency Procedures.....</b>	<b>6-7</b>
<b>Behavioral Emergency Report (Writing a BER) .....</b>	<b>6-7</b>
<b>Follow-up IEP Meeting Requirements.....</b>	<b>6-8</b>
<b>Functional Behavioral Assessment.....</b>	<b>6-9</b>
<b>IEP Meeting Following Functional Behavioral Assessment.....</b>	<b>6-11</b>
<b>Behavioral Intervention Plan.....</b>	<b>6-11</b>
<b>Behavioral Intervention Plan Review.....</b>	<b>6-13</b>
<b>What Forms Should Be Used.....</b>	<b>6-14</b>

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## **INTRODUCTION**

California's 2013 Assembly Bill (AB) 2586 changed Education Code 56520 regarding emergency behavioral interventions. The state has continually sought to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental, or emotional disabilities. Students who exhibit serious behavioral challenges should receive timely and appropriate assessments and positive supports and interventions in accordance with the federal Individuals with Disabilities Act (IDEA) and its implementing regulations. Assessments and positive behavioral interventions and support (PBIS) should be developed and implemented in accordance with the United States Department of Education and technical assistance centers sponsored by the Office of Special Education (OSEP).

When behavioral interventions, supports, and other strategies are used, they must be used in consideration of the student's physical freedom and social interaction. Interventions, supports and strategies must be administered in a manner that respects human dignity, civil rights, and ensures a student's right to placement in the least restrictive educational environment. When the student is also the responsibility of another agency for residential care or related services, the behavioral intervention plans must be developed and implemented in a consistent manner.

## **PHILOSOPHY**

### *Core Beliefs*

- That all behavior is communicative.
- That all students are individuals with unique needs who are capable of growth and change.
- That all students must be treated with dignity and respect; and
- That all students deserve a chance to succeed.

### *Assumptions*

- The teacher views behaviors as having a communicative intent and has explored the use of positive strategies to teach more appropriate behavior prior to using restrictive emergency procedures.
- Effective teachers knowingly use behavior management procedures every day.
- Prior to consent for assessment, the school and parent/guardian will have discussed the student's needs.
- School expectations will have been clearly communicated to student and parent.

AB 2586, authored by Assemblywoman Theresa Hughes, was enacted by the California State Legislature in January 1991, and codified in California Education Code as Section 56520. The supporting regulations were revised January 1, 1995, (CCR Title 5 3001 and 3052). AB 86, a budget omnibus trailer bill, repealed the “Hughes Bill,” which was a California behavior intervention program mandate for special education students who exhibited serious behavioral problems. AB 86 now requires behavior interventions for special education students to align more closely with federal law, as identified in the Individuals with Disabilities Education Act (“IDEA”) and its regulations. AB 86 revises Education Code sections 56520-56525 and requires the Superintendent of Public Instruction to repeal Sections 3052 and 3001(d)-(g) and (ab) of Title 5 of the California Regulations.

Federal legislation was developed to provide a way to assess, analyze and provide positive behavioral intervention and monitoring for special education students exhibiting serious behavior problems that significantly interfere with the implementation of goals and objectives of the IEP. Serious behaviors are defined as:

“...behaviors which are self-injurious, assaultive or cause serious property damage for which instructional/behavioral approaches specified in the student’s IEP are found to be ineffective.”

This Procedural Handbook contains information regarding:

- SBCSELPA approved emergency procedures.
- Evaluation of the Behavior Intervention Plan (BIP) effectiveness; and
- Requirements for those writing Behavior Intervention Plan.

# PROCEDURES FOR SYSTEMATIC USE OF POSITIVE BEHAVIORAL INTERVENTIONS AND EMERGENCY INTERVENTIONS

## POSITIVE BEHAVIOR INTERVENTION DEFINITION:

Behavioral intervention: is the systematic implementation of procedures that result in lasting positive changes in the individual's behavior. They are designed to provide:

- Greater access to a variety of community settings.
- Greater access to social contacts and public events.
- Ensure the individual's rights to placement in the least restrictive environment; and
- An educational environment as outlined in the individual's IEP.

Such interventions shall only be used to replace specified maladaptive behavior(s) with alternative acceptable behavior(s) and shall never be used solely to eliminate maladaptive behaviors.

A referral for a Functional Behavior Assessment (FBA) and subsequent IEP team meeting at which a Behavior Intervention Plan may be written is mandated whenever:

1. The IEP team finds that instructional/behavioral approaches specified in the student's IEP have been ineffective, or
2. The IEP Team determines at an IEP meeting the necessity for a FBA after any Behavioral Emergency Report has been written regarding an individual who does not have a Behavior Intervention Plan.

Nothing in this section shall preclude a parent or legal guardian from requesting a FBA pursuant to provisions of Education Code Sections 56330, et. seq.

The criteria to be used to determine the possible need for special behavioral interventions include the following:

1. A pupil demonstrates a *continuous serious* behavior problem which poses a *threat of injury* to self, other pupils, and/or staff, AND/OR
2. A pupil demonstrates *continuous serious* property damage, AND/OR
3. A pupil demonstrates a *severe* behavior problem that is *pervasive and maladaptive* which *requires* the *systematic and frequent* application of *behavioral intervention* including special behavioral interventions, AND
4. The severe behavior *significantly interferes with* implementation of the *pupil's IEP goals and objectives*, AND
5. A behavioral program involving positive-only behavioral interventions has been unsuccessful in reducing the pupil's behavior to a safe level, OR
6. The IEP team determines that it would be unsafe to provide a trial of positive-only behavioral programming for a pupil based on research suggesting that the use of

special behavioral interventions (along with positive behavioral interventions) is more effective in quickly reducing dangerous behaviors (particularly self-injurious behaviors).

### **NOTE**

It is to be expected that in a significant majority of the cases where individuals with exceptional need are exhibiting inappropriate behavior, the behavior problem can be addressed appropriately through development of a Behavior Intervention Plan. *SIRAS IEP 6G-1: Behavior Intervention Plan (IEP6G:)*, or a district equivalent, should be used for this purpose. The IEP Team will record on this form the function of the student's behavior (i.e., what is the student attempting to achieve through his/her behavior), the replacement behavior that the Team has identified for the student to use instead, and the instructional approaches and interventions that will be used to assist the student to learn to utilize the more positive behavior.

## **EMERGENCY INTERVENTIONS**

### **Guiding Principles**

These emergency principles support revisions to Education Code 56521.1.

- Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student with disabilities, 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 the systematic behavioral intervention plans that designed to change, replace, modify, or eliminate a targeted behavior.
- No emergency intervention shall be employed for longer than is necessary to contain the behavior. Any situation that requires prolonged use of an emergency intervention shall require staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation.

### **Prohibitions**

Emergency interventions by LEA staff MAY NOT include:

1. Locked seclusion unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
2. Employment of a device, material, or objects that simultaneously immobilize all four extremities.
3. An amount of force that exceeds that which is reasonable and necessary under the circumstances.
4. Any form of physical intervention not taught by an LEA-approved, currently trained, CPI instructor.

## **PROHIBITED BEHAVIORAL INTERVENTIONS**

In addition, Education Code 56521.2 specifically prohibits a local education agency (LEA), nonpublic school or nonpublic agency (NPS/A) serving individuals with exceptional needs from authorizing, ordering, consenting to, or paying for the following interventions, or any other interventions like the following:

1. Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock.
2. An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
3. An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
4. An intervention that is designed to subject, used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.
5. Restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment.
6. Locked seclusion unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
7. An intervention that precludes adequate supervision of the individual.
8. An intervention that deprives the individual of one or more of his or her senses.

In the case of a child whose behavior impedes the child's learning or that of others, the individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports, and other strategies, to address the behavior of concern.

## **APPROVED BEHAVIORAL EMERGENCY PROCEDURES**

### **For** **Students and Staff Care, Welfare, Safety and Security**

A behavior emergency is the demonstration of a serious behavior problem which has not previously been observed and for which a Behavior Intervention Plan (BIP) has not been developed; or for which a previously designed behavior intervention is not effective or de-escalation procedures have not been effective.

1. Applies to unpredictable and spontaneous behavior. Aggressive behavior which is part of a student's regular pattern of behavior must be addressed in a BIP.
2. Applies ONLY if less restrictive techniques are not successful e.g., if a student is throwing chairs and you are able to provide him/her with physical space and she/he does not stabilize.

Only emergency procedures that have been approved by the SBCSELPA may be used. Only staff who have been trained in utilizing these procedures may implement them. Correct use of these procedures is taught in trainings offered by the SBCSELPA multiple times annually.

SBCSELPA utilizes NCPI: Nonviolent Crisis Prevention ~~and~~ Intervention certification for emergency procedures. Staff must renew certification every two years.

Key points to remember about emergency interventions:

1. Emergency procedures should protect the safety and personal dignity of all parties.
2. Emergency procedures should be applied only when safety requires them and may not be used in lieu of a systematic positive BIP.
3. Emergency procedures should only be applied at the last resort, when all other less restrictive interventions have been exhausted.
4. Opportunities for establishing safety and rapport are considered as part of the emergency procedures.

## **BEHAVIORAL EMERGENCY REPORT**

### **Writing a Behavioral Emergency Report**

To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider shall be notified within one school day if an emergency intervention is used, or serious property damage occurs.

A "Behavioral Emergency Report" (BER) shall immediately be completed and maintained in the student's file. Those involved will meet to jointly complete the attached report form. The BER and the Incident Report must include all the following:

1. The Name / SSID and DOB of the student.
2. The setting and location of the incident.
3. The name(s) of the staff or other persons involved.

4. A description of the antecedent behavior that student was engaged in as well as the staff's response with the student during this time.
5. A description of the behaviors the student engaged in as well as the response of the staff member.
6. If the student engaged in behaviors that posed a clear and present danger of physical harm to the student or others, that cannot be immediately prevented by a response less restrictive than a temporary CPI application used to contain the behavior, staff will complete the crisis section and describe the student's behavior and the response of staff members.
7. Whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.
8. Details of any injuries sustained by the individual with exceptional needs, or others, including staff, because of the incident 30521.1 (e).

All BERs and Incident Reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator. If the individual with exceptional needs is receiving services from a nonpublic school, nonpublic agency, and/or a residential treatment center, a copy of the report must be sent to the SELPA per the Master Contract. The SELPA Behavioral Emergency and Incident Report Form is included with this document.

### **Follow-up IEP Meeting Requirements**

Anytime a "Behavioral Emergency and Incident Report" is written regarding an individual with exceptional needs who does not have a positive behavioral intervention plan to address the documented behaviors, the designated responsible administrator shall:

1. Within one Day: Contact parent.
2. Within two (2) Days: Schedule an IEP team meeting to review the emergency report and determine the need for a Functional Behavioral Assessment (FBA) and/or need for an interim plan within 30 calendar days.
3. At the IEP meeting: The IEP team shall document in the IEP Team Meeting, in the notes page, the reasons for either conducting or not conducting an FBA and/or not developing an interim tier II behavior plan OR initiate an FBA.
4. Ensure that the FBA is completed as soon as possible so that results and recommendations for development or modification of a positive behavioral intervention plan are available for review by the IEP team.

Anytime a Behavioral Emergency and Incident Report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan (PBIP), an incident involving a previously unseen serious behavior problem, or where a previously designated intervention is ineffective, the administrator shall refer the incident to the IEP team to review and determine if the incident constitutes a need to modify the PBIP.

An IEP team or behavioral intervention planning team capitalizes on the experience and expertise of all its members. The individual's parents, general education teachers, school psychologist, program specialist, or other interested staff, all have an integral part in the planning and intervention process.



SBCSELPA will review all BERS submitted to [BER@sbcselfpa.org](mailto:BER@sbcselfpa.org) and offer support when requested by LEA staff.

### **Compliance Requirements**

AB 86 was signed to ensure that California implements the federal Individuals with Disabilities in Education Act (20 U.S.C. Sec. 1400 et seq.) and associated federal regulations. This procedure is intended to prove the clarity, definition, and specificity necessary for LEAs to comply with these requirements. The state Superintendent may monitor the LEA compliance with these Education Code sections and may take appropriate action, including fiscal repercussions, if either of the following is found:

1. The LEA failed to comply with this chapter and failed to comply substantially with corrective action orders issued by the California Department of Education resulting from monitoring findings or compliant investigations.
2. The LEA failed to implement the decision of a due process hearing officer based on noncompliance with this part wherein noncompliance resulted in the partial denial of, or impeded the delivery of, a free and appropriate education for an individual with exceptional needs.

### **FUNCTIONAL BEHAVIORAL ASSESSEMENT**

When the use of special behavioral interventions is considered for a pupil with a continuous serious behavior problem, a proposed assessment plan will be developed by the Case Manager which describes the components to be included in the Functional Behavioral Assessment of the pupil's behavior *PWN and Assessment Plan (NC 3)*. A Functional Behavioral Assessment (FBA) is an analytical process based on observations, review of records, interviews, and data analysis to determine the function the behavior serves for the student, how that function can be met more appropriately and how the environment can be altered to better support general positive behaviors, and functionally equivalent replacement behaviors. The FBA will include data from direct observation, interviews with significant others, environmental analysis, and review of available data. Prior to conducting the assessment, parent notice and consent shall be given and obtained. The FBA must be conducted by, or under the supervision of a person who has documented training in behavioral analysis with an emphasis on positive behavioral interventions.

Where a student does not have a Behavior Intervention Plan (BIP) in place following a Behavioral Emergency Report (BER), school districts are required to schedule IEP meeting within two school days. The IEP team must review the BER to determine the necessity for a FBA and an interim plan, pending development of a BIP, if needed.

The FBA procedures shall include all the following:

1. Systematic observation of the occurrence of the targeted behavior for an accurate definition and description of the frequency, duration, and intensity.
2. Systematic observation of the immediate antecedent events associated with each instance of the display of the targeted inappropriate behavior.

3. Systematic observation and analysis of the consequences following the display of the behavior to determine the function the behavior serves for the individual, i.e., to identify the specific environmental or physiological outcomes produced by the behavior. The communicative intent of the behavior is identified in terms of what the individual is either requesting or protesting through the display of the behavior.
4. Ecological analysis of the settings in which the behavior occurs most frequently. Factors to consider should include the physical setting, the social setting, the activities and the nature of instruction, scheduling, the quality of communication between the individual and staff and other students, the degree of independence, the degree of participation, the amount and quality of social interaction, the degree of choice, and the variety of activities.
5. Review of records for health and medical factors which may influence behaviors (e.g., medication levels, sleep cycles, health, diet); and
6. Review of the history of the behavior to include the effectiveness of previously used behavioral interventions.

Following the assessment, a *Functional Behavior Assessment Report* (SELPA42) shall be prepared, and a copy shall be provided to the parent. The report shall include all the following components:

1. Identifying student information.
2. A description of the nature and severity of the targeted behavior(s) in clear, measurable, and observable terms.
3. A description of the targeted behavior(s) frequency, intensity, and/or duration that includes baseline data and an analysis of the antecedents and consequences that maintain the targeted behavior, and a functional analysis of the behavior across all appropriate settings in which it occurs.
4. Determination and rationale of whether the behavior is impeding the learning of the student or peers.
5. A review of Tier II Strategies or other positive behavioral interventions and strategies. If strategies have been utilized, then include the results of the interventions and/or strategies.
6. A review of environmental factors, including reported and observed predictors and what supports the student's use of these behaviors; and
7. Hypothesis of the function of the behavior based on data collection and a description of the suggested functionally equivalent replacement behaviors.
8. Recommended behavior interventions and teaching strategies.

## **IEP MEETING FOLLOWING THE FUNCTIONAL BEHAVIORAL ASSESSMENT**

Upon completion of the Functional Behavioral Assessment (FBA), an IEP team meeting shall be held to review results and, if necessary, to develop the Behavior Intervention Plan (BIP). The IEP team shall review the Functional Behavior Assessment Report (Form SELPA42) and determine whether special behavioral interventions are needed to reduce the target behavior(s).

The BIP is a written document which is developed whenever an individual exhibits a serious behavioral problem that significantly interferes with implementation of the goals and objectives of the individual's IEP. When it is determined that special behavioral interventions are needed, the BIP will be developed based on the FBA which emphasized the use of positive behavioral interventions and describes a hierarchy of interventions.

When special behavioral interventions are included as part of the BIP, they will be used in consideration of the pupil's physical freedom, social interaction, and individual choice. Further, special behavioral interventions will be administered in a manner which respects the pupil's human dignity and personal privacy.

BIPs shall only be implemented by, or be under the supervision of, staff with documented training in behavior analysis, including the use of positive behavioral interventions.

### **BEHAVIOR INTERVENTION PLAN**

The *Behavior Intervention Plan (IEP 6G-1, 6G)* shall become part of the IEP. A copy of the plan shall be provided to the person or agency responsible for implementation in non-educational settings. The plan shall include the following components:

1. A summary of relevant and determinative information gathered from a Functional Behavioral Assessment.
2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s).
3. The individual's goals and objectives specific to the Behavior Intervention Plan for the target and replacement behavior(s).
4. A detailed description of the behavioral interventions to be used and the circumstances for their use.
5. Specific schedules for recording the frequency of the use of the interventions and the frequency of the targeted and replacement behaviors; including specific criteria for discontinuing the use of the intervention for lack of effectiveness or replacing it with an identified and specific alternative.
6. Criteria for referral back to the IEP team when designated special behavioral interventions appear ineffective.

7. Criteria by which the use of special behavioral interventions will be reduced and/or less intensive/frequent special behavioral interventions will be used.
8. A description of the extent to which special behavioral interventions will be used across settings in which the IEP is being implemented (playgrounds, integrated classroom settings, work sites, etc.) and (to the extent known) a description of the use of special behavioral interventions in settings for which the LEA does not have responsibility (home, residential facility, etc.).
9. Specific dates for periodic review by the IEP team of the "efficacy" of the Behavior Intervention Plan; and
10. The frequency of consultation to be provided by School Psychologist, BCBA, and/or Mental Health Specialist to staff and parents responsible for implementing the plans.

Positive programming to include in a Behavior Intervention Plan may include the following:

1. Altering the identified antecedent event to prevent the occurrence of the behavior.
2. Teaching the individual alternative behaviors that produce the same consequences as the inappropriate behavior.
3. Teaching the individual adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors.
4. Manipulating the consequences for the display of targeted inappropriate behavior and alternative, acceptable behaviors, so that it is the alternative behaviors that more effectively produce the desired outcomes.
5. Teaching the individual underlying skills to ameliorate existing skill deficits and reducing the display of inappropriate behavior.

When the targeted behavior(s) occur(s), acceptable responses shall include but are not limited to one or more of the following:

1. The behavior is ignored, but not the individuals.
2. The individual is verbally, or verbally and physically, redirected to an activity.
3. The individual is provided with feedback.
4. The message of the behavior is acknowledged; and
5. A brief, physical prompt is provided to interrupt or prevent aggression, self-abuse, or property destruction.

## **BEHAVIORAL INTERVENTION REVIEW**

Program effectiveness will be reviewed by the teacher, school psychologist, parent or care provider, and others as appropriate at scheduled intervals determined by the IEP team. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team.

The review shall include:

1. A review of the Behavior Intervention Plan (BIP) effectiveness including effect on the target behavior(s) and the replacement behavior(s).
  
2. Recommendations for continuing, discontinuing, or modifying the BIP, or recommendation for additional Functional Behavior Assessment with possible modification to the BIP.

Each modification or change shall be addressed in the BIP provided that the parent, or parent representative, is notified of the need and is able to review the existing program evaluation data prior to implementing the modification or change. Parents shall be informed of their right to question any modification to the plan through the IEP process.

To promote the systematic use of Behavioral and Emergency Interventions, trainings developed by SBCSELPA staff shall be made available for staff who are writing Functional Behavior Assessments and Behavior Intervention Plans, including teachers, school psychologists, related service providers, and instructional assistants.

## **WHAT FORMS SHOULD BE USED**

The following forms should be used with positive behavior intervention procedures:

- IEP 6G: Behavior Intervention Plan 6 page to accompany FBA
- IEP 6G-1: Behavior Intervention Plan 2 page
- SELPA 13: Environmental Analysis Summary of Observations
- SELPA34: Behavioral Emergency Report (E)
- SELPA42: Functional Behavioral Assessment Report (E)
- SELPA47: Functional Behavioral Assessment Summary (E)
- SELPA60: Functional Assessment Observation Form (E)
- SELPA62: Behavioral Intervention Plan Data Collection (E)

### NOTE

E = ENGLISH and S = SPANISH

SELPA and Supplemental IEP forms can be found on SBCSELPA's on-line SIRAS Systems, [www.sirassystems.org](http://www.sirassystems.org).