

**EL DORADO UNION HIGH SCHOOL DISTRICT
ADMINISTRATIVE REGULATION**

Instruction

**BEHAVIORAL INTERVENTIONS
FOR SPECIAL EDUCATION STUDENTS
AR 6159.4**

A special education student's minor behavioral problems shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

(cf. 5131 - Conduct)
(cf. 5144 - Discipline)

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

DEFINITIONS

Serious behavioral problems are self-injurious or assaultive or cause property damage, which could lead to suspension or expulsion, or are other pervasive and maladaptive severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. *(5 CCR 3001)*

Behavioral intervention is a 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 greater access to community settings, social contacts, and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction, and individual choice. *(5 CCR 3001)*

Behavioral intervention plan is a written document which is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.

Behavioral intervention case manager is a designated certificated school/district/county staff member or other qualified personnel contracted by the district or county officer, and trained in behavior analysis with emphasis on positive behavioral interventions. *(5 CCR 3001)*

Behavioral emergency is the demonstration of a serious behavior problem which has not

**BEHAVIORAL INTERVENTIONS
FOR SPECIAL EDUCATION STUDENTS** (continued)

AR 6159.4

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. (5 CCR 3001)

FUNCTIONAL ANALYSIS ASSESSMENT

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of 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. (5 CCR 3052)

(cf. 6159 - Individualized Education Program)

Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. No such assessment shall preclude a parent/guardian from requesting a functional analysis assessment on the basis of language and speech disorders or specific learning disabilities. (5 CCR 3052)

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. This staff shall: (5 CCR 3052)

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 student.
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.

BEHAVIORAL INTERVENTION PLAN

**BEHAVIORAL INTERVENTIONS
FOR SPECIAL EDUCATION STUDENTS** (continued)

AR 6159.4

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 district shall implement a behavioral intervention plan in accordance with 34 CFR 300.520, Board policy and administrative regulation.

(cf. 5144.2 - Suspension and Expulsion / Due Process (Students with Disabilities))

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, 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: *(5 CCR 3001)*

1. A summary of relevant and determinative information gathered from the functional analysis assessment.
2. An objective and measurable 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 diminished or less intensive/restrictive intervention schedules or techniques used.
7. The extent to which the behavioral interventions will be used in the home, residential facility, work site, or other noneducational settings.
8. Specific dates when the IEP team will periodically review the efficacy of the program.
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.

**BEHAVIORAL INTERVENTIONS
FOR SPECIAL EDUCATION STUDENTS** (continued)

AR 6159.4

Based on the results of the functional analysis assessment, interventions specified in the plan may include: *(5 CCR 3052)*

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 which ameliorate negative conditions that promote the display of inappropriate behaviors.
4. Manipulating the consequences of inappropriate and alternative, acceptable 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: *(5 CCR 3052)*

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

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. *(5 CCR 3052)*

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in noneducational settings. *(5 CCR 3001)*

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. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team. *(5 CCR 3052)*

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. *(5 CCR 3052)*

**BEHAVIORAL INTERVENTIONS
FOR SPECIAL EDUCATION STUDENTS** (continued)

AR 6159.4

The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program e valuation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures.

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. *(5 CCR 3052)*

EMERGENCY INTERVENTIONS

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 to the student or others and which cannot be immediately prevented by a less restrictive response than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans. *(5 CCR 3052)*

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. *(5 CCR 3052)*

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student’s file, and forwarded to the superintendent or designee for review. This report shall include: *(5 CCR 3052)*

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.
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.

If the behavior emergency report is for a student who does not have a behavioral intervention

**BEHAVIORAL INTERVENTIONS
FOR SPECIAL EDUCATION STUDENTS** (continued)

AR 6159.4

plan, the Superintendent or designee shall, within 2 days, schedule an IEP team meeting to review the emergency report, to determine the necessity for a functional analysis assessment, and to determine the necessity for an interim behavioral intervention plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan. (5 CCR 3052)

If the behavior emergency report is for a student who has a behavioral intervention plan, 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. (5 CCR 3052)

PROHIBITED INTERVENTIONS

The district prohibits any use of the following: (5 CCR 3052)

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

**BEHAVIORAL INTERVENTIONS
FOR SPECIAL EDUCATION STUDENTS (continued)**

AR 6159.4

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, 2006, Vol. 71, Number 156, page 46539-46845