

AR-6159.4 Behavioral Interventions for Special Education Students

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem which shall be addressed through the systematic use of behavioral and emergency interventions provided below.

Definitions

Serious Behavioral Problems

Serious behavioral problems are behaviors that are self-injurious, assaultive, cause property damage, or are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are ineffective. (5 CCR 3001)

Behavioral Intervention

Behavioral intervention is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. It is 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. It provides the individual greater access to a variety of community settings, social contacts and public events and ensures the individual's right to placement in the least restrictive environment. 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

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

Behavioral Intervention Case Manager

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

Behavioral Emergency

A behavioral emergency is a serious behavior problem which has not previously been observed and for that a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR 3001)

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Functional Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with 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 are ineffective, and if so, a functional analysis assessment shall be conducted. (5 CCR 3052)

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 or supervised by a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff member 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. The report shall include: (5 CCR 3052)

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms.
2. A description of the targeted behavior including baseline data, an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs
3. A description of the rate of alternative behaviors, their antecedents and consequences.
4. A proposed behavioral intervention plan for consideration by the IEP team.

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Within 10 business days after removing a student for 10 or more 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.

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If so, 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 that 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 intervention for lack of effectiveness or replacing it with a specified and identified alternative.
6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used.
7. Those behavioral interventions that 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.

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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 occurrence of the behavior.
2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior.
3. Teaching the student adaptive behaviors that ameliorate negative conditions that promote the display of inappropriate behaviors.
4. Manipulating the consequences for the display of inappropriate behaviors 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. The behavior is ignored, but not the student.
2. The student is verbally and/or physically redirected to an activity.
3. The student is provided with feedback.
4. The message of the behavior is acknowledged.
5. A brief physical prompt is provided 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 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)

The behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan at intervals scheduled by the IEP team. This review may be conducted in meetings, by telephone conference, or by other means, as deemed appropriate by the IEP team. (5 CCR 3052)

If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan. (5 CCR 3052)

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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 evaluation 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. (5 CCR 3052)

The IEP team 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 when necessary to temporarily control unpredictable, spontaneous behavior that poses an immediate threat of serious physical harm to the student or others and that cannot be contained by a less restrictive response. Emergency interventions shall not be used as substitutes for systematic behavioral intervention plans. (5 CCR 3052)

Only emergency interventions approved by the SELPA may be used and for no longer than is necessary to contain the behavior. If the situation requires prolonged use of an emergency intervention, staff shall seek appropriate assistance from the principal or law enforcement agency. (5 CCR 3052)

The student's parents/guardians shall be notified within one school day following emergency intervention or serious property damage caused by the student. A behavior emergency report shall immediately be completed, copied to 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 date, time and location of the incident.
3. The identity each person involved, including the person's name, job title or employment description and relationship to the student.
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. Identification of any person(s) injured in the incident and description of the injury the person(s) sustained, regardless of severity.

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If the behavior emergency report concerns a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days following the incident, schedule an IEP team meeting to review the emergency report, and determine the necessity for a functional analysis assessment and 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 concerns a student who has a behavioral intervention plan, the IEP team shall review any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective. The IEP team shall determine whether the student's plan needs modification. (5 CCR 3052)

Prohibited Interventions

The district prohibits 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 materials or objects to simultaneously immobilize all hands and feet, however 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.