

## **SECTION 23 M**

### **POSITIVE BEHAVIORAL INTERVENTIONS**

#### **POLICY**

It is the policy that each participating LEA in the SELPA shall implement the procedures for systematic use of the behavioral interventions and emergency interventions described in this plan.

State Education Code reference: 56322, 56521.1(g) and (h), 56521.1(c) & (d)(3), 56521.1(a) & (b), 56521.2, 56525(a) (b), 56341.1(b)(1); 34 CFR 300.324, 300.15, 300.530(b)(2) & (d)(1)(ii) & (d)(5) & (f); 20 USC 1414(d)(3)(B)(i); 1414(d)(3)(C); 1414(d)(4), 1415(k)(1)(D)(ii), 1415(k)(91)(F)(i); 5CCR 3065(d) & (e)

## **SECTION 23 M**

### **POSITIVE BEHAVIORAL INTERVENTION**

#### **PROCEDURES**

The participating LEAs will consider the use of Positive Behavioral Interventions and Supports and other strategies to address behaviors.

#### **23.A. QUALIFICATIONS AND TRAINING OF BEHAVIORAL INTERVENTION PLAN PERSONNEL**

##### **23.A.1. Functional Behavioral Assessor:**

Education Code Section 56320(b)(3) establishes that assessments of students with exceptional needs are administered by trained and knowledgeable personnel. Assessments must be conducted by persons competent to perform the assessment, as determined by the local educational agency.

##### **23.A.2. Behavior Intervention Plan (BIP) Developer:**

According to California Code of Regulations, Title 5, Section 3065(d), a behavioral intervention plan shall be designed or planned by personnel who hold one of the following:

- Pupil Personnel Services Credential in School Counseling or School Psychology (issued by the California Commission on Teacher Credentialing (CTC))
- Credential authorizing the holder to deliver special education instruction (issued by the CTC)
- License as a Marriage and Family Therapist (MFT) (issued by the Board of Behavioral Sciences (BBS) within the Department of Consumer Affairs)
- License as a Clinical Social Worker (issued by the BBS)
- License as an Educational Psychologist (issued by the BBS)
- License in Psychology (issued by the California Board of Psychology within the Department of Consumer Affairs)
- Master's Degree in Education, Psychology, Counseling, Behavior Analyst, Behavior Science, Human Development, Social Work, Rehabilitation, or in a related field, issued by a regionally accredited post-secondary institution of higher education (or)
- Board Certified Behavior Analyst certification

##### **23.A.3. Behavior Intervention Plan Implementers:**

According to 5 CCR 3065(e) to implement a behavior plan staff shall:

- \* Possess qualifications listed under Behavior Intervention Plan Developer.
- \* A person who is under the supervision of personnel qualified to develop a BIP (listed above).

#### **23.B. FUNCTIONAL BEHAVIORAL ASSESSMENT**

A functional behavior assessment (FBA) must be conducted when school authorities seek to change the placement of an individual with exceptional needs because of a violation of a code of student conduct, and the IEP team determines that the conduct was a manifestation of the child's disability and the LEA had not conducted an FBA prior to such determination before the behavior that resulted in the change of placement.

An FBA must be conducted as appropriate in cases of disciplinary removals involving a change in placement in which the IEP team determines that the conduct was not a manifestation of the child's disability.

An FBA must be conducted when the IEP team determines that it would be appropriate for the child. (20 USC sections 1415(k)(1)(D)(ii); 1415(k)(1)(F)(i); 34 CFR sections 300.530(b)(2); 300.530(d)(1)(ii); 300.530(d)(5); and 300.530(f).

### 23.C. BEHAVIORAL INTERVENTION PLAN (BIP)

Education Code Section 56521.1 (b) says: In the case of a child whose behavior impedes the child's learning or that of others, the individualized education program team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior, consistent with Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations.

If the IEP team determines that a BIP would be appropriate for the child, it must be included in the IEP. (20 USC sections 1415(k)(1)(D)(ii); 1415(k)(1)(F)(i) and(ii); 34 CFR sections 300.530(b)(2); 300.530 (d)(ii); 300.530 (d)(5); 300.530(f);

See Sections 56525-56520 of the California Ed Code for detailed information about the development and implementation of a behavioral intervention plan.

### 23.D. EMERGENCY BEHAVIORAL INTERVENTIONS

#### 23.D.1. Emergency Behavioral Interventions

Emergency interventions may only be used to control unpredictable, spontaneous behavior which poses a clear and present danger of serious physical harm to the student with exceptional needs or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a physical intervention used to contain the behavior.

Because emergency 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 intervention.

The procedures taught by the Crisis Prevention Institute (CPI), the procedures taught as a component of Professional Assault Crisis Training (PRO-ACT), the procedures taught as a component of Management of Assaultive Behavior (MAB), and procedures designed by

LEAs shall be permitted, if their design and implementation emphasize the safety of the student and the staff (see SELPA Positive Behavior Intervention Handbook). 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 developed under SELPA guidelines (Section 23M and SELPA Positive Behavior Intervention Handbook) may be used.
- \* No emergency intervention shall be employed for longer than is necessary or 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.

#### 23.D.2. Responses to an Emergency

- \* Possible suspension/containment
- \* Contact special education administrator/designee to do the following activities:
  - Contact the parent within 24 hours
  - Assign a case manager within 24 hours
- \* Anytime a Behavioral Emergency Report is written regarding an individual who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, secure a date for an IEP team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim positive behavioral intervention plan. The IEP team shall document the reasons for not conducting the assessment and/or not developing an interim plan. (EC 56521.1 (g))
- \* Anytime a Behavioral Emergency Report is written regarding an individual with exceptional needs who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective, the student shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavior intervention plan. (EC 56521.1 (g) and (h))
- \* If needed, the functional behavioral assessment may be completed as soon as possible so that results and a recommended behavioral intervention plan are available for review by the IEP team.

- \* IEP teams will review the positive behavior intervention plan of an individual with exceptional needs when a behavior emergency report is completed.
  - to address the emergence of a new serious behavior
  - in response to the apparent ineffectiveness of the plan on a previously identified serious behavior

23.D.3. Approved Emergency Interventions

Trained staff can utilize approved emergency interventions, included in safe management of assaultive behavior training, when a behavior emergency arises. There must exist a clear and present danger of serious physical harm to the individual with exceptional needs or others. The behavior cannot be prevented by a response measure less restrictive than the temporary application of a technique specifically designed to contain such behavior.

Techniques include:

- a. Escape/evasive maneuvers
- b. One-person brief capture
- c. Escort
- d. Upright team containment
- e. CPI children's control position

**EMERGENCY INTERVENTIONS MAY NOT INCLUDE: (EC56521.2)**

A local educational agency or nonpublic, nonsectarian school or agency serving individuals with exceptional needs pursuant to Sections 56365 and 56366, shall not authorize, order, consent to, or pay for the following interventions, or any other interventions similar to or like the following:

- a. Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock.
- b. An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
- c. An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
- d. 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.
- e. Restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention.
- f. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.

- g. An intervention that precludes adequate supervision of the individual.
- h. An intervention that deprives the individual of one or more of his or her senses.
- i. Single person basket hold other than CPI version.

Emergency interventions shall not include an amount of force that exceeds that which is reasonable and necessary under the circumstances. Further, no emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation. (Education Code Section 56521.1(c) and (d)(3))

#### 23.D.4. Behavior Emergency Report (EC56521.1)

To prevent emergency interventions from being used in lieu of planned, systematic positive behavioral interventions, the parent/care provider shall be notified within one school day whenever an emergency intervention is used. A Behavior Emergency Report (SELPA 12.9) shall be completed as soon as practicable and maintained in the pupil's file.

- I. The Behavior Emergency Report shall include:
  - a. The name and age of the pupil
  - b. The setting and location of the incident
  - c. Name(s) of the staff or other persons involved
  - d. A description of the incident including what actions were taken to prevent the emergency, the emergency intervention used, and whether the pupil is currently engaged in any systematic Behavioral Intervention Plan
  - e. Details of any injuries sustained by the pupil or others, including staff, as a result of the incident
  
- II. Submitting and filing a Behavior Emergency Report
  - a. All Behavior Emergency Reports shall immediately be forwarded to and reviewed by a designated responsible administrator.
  - b. If a Behavior Emergency Report is written regarding a pupil who does not have a Behavioral Intervention Plan, the administrator shall, within two days, secure an IEP date to determine the necessity for a functional behavioral assessment, or for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, or not developing an interim plan, or both.
  - c. Behavior Emergency Reports should be referred to the IEP team to consider modifications.
  - d. A copy of the report must be placed in the student's file. The parent/care provider shall be notified of the incident within one day.

#### 23.E. BEHAVIORAL EMERGENCY SUMMARY REPORT

The responsible administrator shall compile the summary report.

Behavioral Emergency Summary Report data will continue to be collected by the SELPA and any patterns noted will be reported to the LEAs.

If a behavioral emergency report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, the student shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.

NOTE: Nonpublic, nonsectarian schools shall forward copies of all Behavioral Emergency Reports to the special education administrator of the contracting SELPA. The NPS is also responsible for the scheduling of the functional behavior assessments and/or IEP team meetings within established time lines.