

POSITIVE BEHAVIORAL INTERVENTIONS

Policy:

It is the policy of the North Santa Cruz County Special Education Local Plan Area (“SELPA”) that all children be provided educational opportunities that promote the development of each student's potential in a safe and healthy environment.

Further, it is the policy of the SELPA to ensure the rights of students with disabilities to have educational programs that provide for continuing growth and development in an atmosphere that respects their dignity and personal privacy.

Student patterns of pervasive and maladaptive behaviors which significantly hinder development and require systematic and frequent application of behavioral intervention shall be addressed by trained and qualified education staff taking into consideration the student's physical freedom and social interaction.

Behavioral intervention strategies shall be developed which promote sustained positive changes. No intervention method shall be employed that causes pain or trauma. When writing a Behavior Intervention Plan (“BIP”), each IEP team shall include practices and procedures which motivate and support positive ways of working with students with disabilities.

The vast majority of behavioral difficulties can be prevented with implementation of appropriate classroom management techniques. For individual students who develop mild to moderate behavioral patterns that do not respond to typical classroom management strategies, behavioral goals and/or informal behavior plans are indicated. Students who exhibit serious behavioral concerns may require more formal intervention. Both informal and formal behavior intervention must be included in the IEP for students whose behavior impedes their learning or that of others (E.C. §56341.1(b)(1)).

References:

California Education Code §56520 – 56524

California Code of Regulations 3001, 3052

PROCEDURES REGARDING POSITIVE BEHAVIORAL INTERVENTIONS

Introduction

Regulations, procedures and forms have been developed by the North Santa Cruz County SELPA in response to the requirement to provide positive behavior intervention for special education students. These procedures are meant to provide uniform implementation of Education Code §56520-56524.

Creating a Positive Classroom Environment

The most effective intervention is prevention. This level of intervention involves the use of effective instructional approaches and classroom management systems. Interventions are either preventative or employ typical classroom techniques for encouraging and teaching appropriate behavior. The classroom teacher may need to seek the assistance of colleagues, administrators, mentor teachers, the school psychologist, or a program specialist for assistance in developing a positive classroom environment.

Behavioral Interventions, Supports, and Strategies

Creating a positive classroom environment promotes and encourages appropriate behavior for most students. Individual students, however, may develop problematic behaviors that impede their learning and/or the learning of others. In this case, the IEP team must consider the use of positive behavioral interventions, supports, and strategies to address that behavior (E.C. § 56520(b)(1); 20 U.S.C. § 1414 (d)(3)(B)(i); and 20 U.S.C. § 1414(d)(4)). The IEP Team shall consider these matters when reviewing an IEP. The IEP Team may address the behavior through annual goals in the IEP, program modifications, support for teachers, and any related services necessary to achieve behavioral goals in the IEP.

The student's case manager consults with the school psychologist or other qualified staff to determine if these behaviors are serious. If they are not serious but could become serious, behavioral goals may be written to assist the student in learning more appropriate behaviors. If it is determined that the behaviors are serious, a behavioral assessment may be considered and/or conducted and a Behavior Intervention Plan (BIP) developed. Alternately, a student may exhibit sudden, unpredictable behavior that poses a clear and present danger of serious property damage or physical harm to the student or others. An interim BIP must be developed while further assessment is considered and/or conducted to determine whether a systematic BIP is necessary. Any type of behavioral intervention, support, or strategy that is used, should consider the student's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and ensures a student's right to placement in the least restrictive environment (E.C. § 56520(b)(3))

IEP Team Considerations for a Student Whose Behavior Impedes Learning

A. Behavioral Goals

When an IEP team has identified behavior as an area of need (even though it may not yet be serious), legal mandates require that present levels of academic achievement and functional performance along with a corresponding goal be developed. The purpose of a behavioral goal is to achieve general positive behaviors, (e.g., turn in work, stay on task, etc.) or the reduction or elimination of a problem behavior (e.g., hitting, getting out of seat, fighting at recess, etc.).

Under IEP notes, consider describing the IEP team discussion. An example of such notes may be as follows: "The IEP team has concluded that John does not yet demonstrate behavior that impedes his learning or that of others, however, the team believes that the identified behavior should be addressed to prevent it from becoming more serious. Two behavioral goals were added to the IEP and John's progress in this area will be carefully monitored. If necessary, a behavior plan will be developed in the future."

B. Developing the Behavior Intervention Plan ("BIP")

When an IEP Team is developing a BIP, the following procedures should be followed:

1. The school psychologist or other qualified staff, in collaboration with the IEP team, assesses the student's behavioral needs through reviewing student records, conducting interviews, and conducting observations;
2. Using this information the IEP Team completes a draft of each section of the SELPA-approved BIP form in preparation for the development of the final BIP;
3. An IEP Team meeting is held and the plan is finalized;
4. The plan is attached to the initial, annual, triennial, amendment IEP as appropriate;
5. The plan is implemented and reviewed as agreed upon;
6. The plan is revised as necessary.

Prohibitions

The following interventions or any other interventions similar to them are prohibited, unless otherwise permitted by law:

- Any intervention designed to, or likely to, cause physical pain;
- Noxious, toxic or otherwise unpleasant sprays, mists, or substances released in proximity to the student's face;
- Denial of adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities;
- Verbal abuse, ridicule, sarcasm, humiliation, or negative comments that can be expected to cause excessive emotional trauma;
- Use of a device, material, or objects which simultaneously immobilize all four extremities, including the procedure known as prone containment, (except that

prone containment may be used by trained personnel as a limited emergency intervention);

- Locked seclusion;
- Any intervention that precludes adequate supervision of the student; and
- Deprivation of one or more of the student's senses.

C. Functional Behavior Assessment (“FBA”)

The term Functional Behavior Assessment (FBA) was first added to the IDEA in 1997 but was not defined. An FBA is generally understood to be a systematic observation of a student to determine antecedents and consequences of a behavior. An FBA is not required prior to the development and implementation of an informal behavior plan.

An FBA must be conducted when school authorities seek to change the placement of a student with a disability because of a violation of a code of student conduct, **and** the IEP Team determines that the conduct was a manifestation of the student’s disability, **and** the LEA has not conducted an FBA prior to such determination before the behavior that resulted in the change of placement (i.e., possible expulsion or suspensions beyond 10 days in a school year) (34 C.C.R. § 300.530(f)(1)).

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 student’s disability.

An FBA should be considered and/or conducted if additional data is needed to develop a BIP or the IEP Team determines it would be appropriate for the student. Parental consent is required before an FBA may be conducted.

Personnel conducting the FBA shall gather information from multiple sources which may include:

- Direct observation;
- Interviews with significant others;
- Review of available data, such as assessment reports prepared by other professionals and other individual records.

To maintain evidence-based alignment, an FBA may include the following:

- Systematic observation of the occurrence of the targeted behavior for an accurate definition and description of the frequency, duration, and intensity;
- Systematic observation of the immediate antecedent events associated with each instance of the display of the targeted inappropriate behavior;
- Systematic observation and analysis of the consequences following the display of the behavior to determine the function the behavior serves for the student, i.e., to identify the specific environmental or physiological outcomes produced by the behavior, or the communicative intent of the behavior;
- Identification and analysis of the settings where the behavior(s) occurs;

- Identification of the function the behavior serves for the student, (i.e.; sensory, escape, attention, social, tangible, etc.);
- Ecological analysis of the settings in which the behavior occurs most frequently. Factors to consider include the physical setting, social setting, activities and nature of instruction, scheduling, quality of communication between the pupil and staff and other students, degree of independence, degree of participation, amount and quality of social interaction, degree of choice, and variety of activities;
- Review of records for health and medical factors which may influence behaviors (e.g. medication levels, sleep cycles, health, diet);
- Review of the history of the behavior to include the effectiveness of previously used behavior interventions;
- Identification of one or more replacement behaviors and its current frequency.

D. Functional Behavioral Assessment Report

Following the assessment, a written report of the assessment results shall be prepared and a copy provided to the parent.. The report shall include all of the following:

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

E. Behavior Intervention Plan as a Result of an FBA

A Behavior Intervention Plan as a result of an FBA shall include all of the following:

1. A summary of relevant and determinative information from the FBA report;
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 BIP; and
4. A detailed description of the behavioral interventions to be used and the circumstances for their use. Based upon the results of the FBA, positive programming for behavioral intervention may include the following strategies:
 - Altering the identified antecedent event to prevent the occurrence of behavior (e.g., providing choice, changing the setting, offering variety and a meaningful curriculum, removing environmental pollutants such as excessive noise or crowding, establishing a predictable routine for the student);
 - Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior (e.g., teaching the student to make requests or protests using socially acceptable behavior, teaching the student to participate with

alternative communication modes as a substitution for socially unacceptable attention-getting behaviors providing the students with activities which are physically stimulating as alternatives to stereotypic, self-stimulatory behaviors);

- Teaching the student adaptive behaviors (e.g., choice-making self-management, relaxation techniques, and general skill development) which ameliorate negative conditions that promote the display of inappropriate behaviors;
- Manipulating the consequences for the display of targeted inappropriate behaviors and alternative, acceptable behaviors so that it is the alternative behaviors that more effectively produce desired outcomes (i.e. "positively reinforcing alternative and other acceptable behaviors and ignoring or redirecting unacceptable behaviors).

Acceptable Responses

When the targeted behavior(s) occurs, positive response options shall include, but are not limited to, one or more of the following:

- The behavior is ignored, but not the student;
 - The student is verbally and/or physically redirected to an activity, or an acceptable behavior;
 - The student is provided with feedback (e.g., "You are talking too loudly.")
 - The message of the behavior is acknowledged" (e.g., "You are having a hard time with your work.");
 - A brief, physical prompt is provided to interrupt or prevent aggression, self-abuse, or property destruction;
 - Time-away may be used in anticipation of a targeted behaviors occurrence allowing for the student to regain the ability to participate in a group.
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 specified alternative;
 6. Criteria by which the procedure will be faded or phased out, or less intense/frequent restrictive behavioral intervention schedules or techniques will be used;
 7. Extent to which the behavioral interventions will be used in the home, residential facility, work site or other settings;
 8. Specific dates for periodic review by the IEP team of the efficacy of the program.
 - Baseline measure of the frequency, duration, and intensity of the targeted behavior, taken during the FBA. Baseline data shall be taken across activities, settings, people, and times of the day. The baseline data shall be used as a standard against which to evaluate intervention effectiveness;
 - Measures of the frequency, duration, and intensity of the targeted behavior shall be taken after the behavioral intervention plan is implemented at scheduled intervals determined by the IEP team. These measures shall also be taken across

activities, settings, people, and times of the day, and may record the data in terms of time spent acting appropriately rather than time spent engaging in the inappropriate behavior;

- Documentation of program implementation as specified in the behavioral intervention plan (e.g., written instructional programs and data, descriptions of environmental changes); and
- The teacher, the behavioral case manager, parent or care provider, and others as appropriate, will review measures of program effectiveness at scheduled intervals as 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.

BIPs must be implemented by, or be under the supervision of, staff with documented training and qualifications in behavioral management intervention techniques, including the use of positive behavior interventions. 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 behavior(s).

F. Requirements and Considerations Following the use of Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior that pose clear and current danger of serious physical harm to the student or others, or serious property damage, and which cannot be prevented immediately by a response less restrictive than the temporary application of a technique used to contain the behavior.

1. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans which are designed to change, replace, modify, or eliminate a targeted behavior.
2. Whenever a behavior emergency occurs, only behavioral emergency interventions approved by the Special Education Local Plan Area (SELPA) may be used.
3. No emergency intervention shall be employed for longer than is necessary to contain the behavior or an amount of force that exceeds that which is reasonable and necessary under the circumstances.
4. Any situation which requires prolonged use of an: emergency intervention shall require staff to seek assistance of the school site administrator or law enforcement agency, (i.e., call 911), as applicable to the situation.
5. Acceptable Emergency Response Options – shall include *but are not limited to*:
 - Immediate separation from the group (i.e. time out or removing the group from the student);
 - A brief, physical prompt is provided to interrupt or prevent aggression, self-abuse, or property destruction;
 - The restraint procedure known as Prone Containment may be used only by personnel trained in the procedure.
6. Unacceptable Emergency Response Options include the following or any other intervention similar to them, unless otherwise permitted by law:

- Any intervention designed to or likely to, cause physical pain;
- An intervention that involves the release of noxious, toxic or otherwise unpleasant sprays, mists, or substances released in proximity to the face of the individual;
- An intervention that denies of sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities;
- An intervention that is designed to subject, used to subject, or likely to subject the individual to verbal abuse, ridicule, sarcasm, humiliation, or negative comments that can be expected to cause excessive emotional trauma;
- Restrictive interventions that employ a device, material, or objects which 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;
- Locked seclusion;
- An intervention that precludes adequate supervision of the student; or
- An intervention that deprives one or more of the student's senses.

To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent/guardian, and/or residential care provider, shall be notified within one (1) school day if an emergency intervention is used or serious property damage occurs. A Behavior Emergency Report (BER) shall immediately be completed and forwarded to the designated administrator for review. A copy shall be maintained in the student's file and forwarded to the SELPA office.

G. Behavior Emergency Report (BER)

A Behavior Emergency Report includes all of the following:

- Name and age of the student;
- Setting and location of the incident;
- Name of the staff or other persons involved;
- Description of the incident, the emergency intervention used, and whether the student is currently engaged in any systematic behavioral intervention plan; and
- Details of any injuries sustained by the pupil or others, including staff, as a result of the incident.

Anytime a Behavior Emergency Report is written regarding a student who does not have a behavioral intervention plan, the administrator shall, within two (2) days, schedule an IEP Meeting.

The purpose of the meeting is to:

- Review the student's current IEP;
- Review the behavior emergency report;

- Determine the necessity for a functional behavior assessment;
- Determine the necessity for an interim behavior intervention plan; and
- The IEP Team shall document the reasons for not conducting a functional behavior assessment, not developing an interim plan, or both.

Anytime a Behavior Emergency Report is written regarding 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, a referral to the IEP team shall be made to review and determine if the incident constitutes a need to modify the BIP.

Copies of Behavior Emergency Reports are collected by the SELPA Administrator.