

GBP 2 Behavior Intervention Policy for Special Education Students

Legal Requirements

When a student exhibits behavior that impedes his or her learning and/or the learning of others, 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.

A functional behavioral assessment shall be conducted under the following circumstances:

1. The student's behavior has resulted in disciplinary suspension beyond 10 cumulative days in a school year.
2. An interim alternative educational setting or involuntary change in placement is being considered in a disciplinary context.
3. A manifestation determination in response to a violation of a rule or code of conduct is occurring. (See SELPA Procedural Manual for more information on manifestation determination timelines and procedures).

Local Procedures

An IEP Team shall facilitate and supervise all assessment, intervention, and evaluation activities related to a student's Behavioral Intervention Plan (BIP). Behavior Intervention Plans shall be used to substitute acceptable behavior for specified maladaptive behaviors, be based on functional behavior assessment (FBA), and be used in a systematic manner.

The following behavioral interventions are prohibited from use under any circumstances:

1. Interventions designed to, or likely to, cause pain or trauma;
2. Locked seclusion;
3. Devices, materials, or objects that simultaneously immobilize all four extremities;
4. Release of noxious, toxic or unpleasant sprays in proximity to the individual's face;
5. Denial of sleep, food, water, shelter, bedding, physical comfort, or bathroom facilities;
6. Use of verbal abuse, ridicule, humiliation;
7. Denial of adequate supervision;
8. Deprivation of his or her senses.

Functional Behavior Assessment

A functional behavior assessment (FBA) shall gather information from multiple sources, which may include direct observation, interviews and record reviews. Prior to conducting the assessment, parent notice shall be given and parental consent obtained.

The FBA may include:

- A systematic observation of the occurrence of the targeted behavior across all school settings;
- A systematic observation and analysis of the antecedent events;
- A systematic observation and analysis of the consequences of the behavior to determine the function of the behavior;

- An ecological analysis of the environment in which the behavior occurs;
- A review of the health and medical records;
- A review of the history of the behavior; and
- A determination of possible reinforcements.

Functional Behavior Assessment Report

An FBA report may include the following (see Recommended Forms below):

- A description of the nature and severity of the targeted behaviors in objective and measurable terms;
- A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the targeted behavior;
- A description of the hypothesized function of the targeted behavior;
- A description of the rate of alternative behaviors including the antecedent and consequences that maintain the alternative behaviors;
- Recommendations for consideration by the IEP team which may include
 - No BIP required (implement positive classroom supports)
 - A Behavior Intervention Plan
 - Complete a Direct Treatment Protocol (if it is determined the behavior is emotionally driven)

Positive programming for behavioral intervention may include the following:

- Altering the antecedent events to prevent the occurrence of the behavior;
- Teaching alternative replacement behaviors that serve the same function as the targeted behavior;
- Teaching adaptive behaviors to prevent inappropriate behaviors;
- Manipulating the consequences in order to have the alternative behaviors produce the desired outcome;
- Other positive interventions and supports and/or strategies to address behavior.

An IEP team meeting shall be held upon completion of the functional behavior assessment for the purpose of reviewing the assessment results and recommendations. A Behavioral Intervention Plan may be developed by the IEP team. Behavior Intervention Plans and/or positive behavioral programming/goals shall become part of the student's individual education plan.

Evaluation of the effectiveness of the plan shall be determined by:

- Comparison of baseline measure of frequency, duration, and intensity of targeted behavior and of measures of frequency, duration and intensity of the targeted behavior after utilizing the plan;
- Documentation of implementation of the plan;
- Documentation of skill acquisition of the functionally equivalent replacement behavior.

The effectiveness of the plan shall be reviewed by the IEP team at scheduled intervals determined at the IEP meeting. The IEP team shall collect additional data and, based on the outcomes, may

propose changes to the Behavioral Intervention Plan. The IEP team may develop the plan to include provisions for altering specified procedures without the necessity for reconvening the IEP team.

Emergency Interventions

The Butte County SELPA approves only those Behavior Emergency Interventions that comport with the language of Education Code § 56121.1 and Education Code § 49005 and § 49006, pursuant to the passage of Assembly Bill 2657, which became effective January 2019.

Emergency interventions may be used only to control unpredictable, spontaneous behavior, which poses clear and present danger of serious physical harm to the individual or others, which cannot be immediately prevented by a less restrictive response.

Emergency interventions shall not substitute for Behavior Intervention Plans and may consist only of those approved by the Butte County SELPA.

No emergency intervention shall be employed for longer than is necessary to contain the behavior. If the situation requires prolonged use of an emergency intervention, or the safety of both staff and students cannot be effectively maintained, staff shall seek the assistance of the school site administrator or law enforcement agency as appropriate.

Emergency interventions may not include:

- Locked seclusion;
- Any device, materials or objects to immobilize all four extremities;
- Force that exceeds that which is necessary.

Emergency interventions may include:

- SELPA-approved physical intervention containment strategies by a trained individual;
- Intervention by the police;
- Intervention by Butte County Behavioral Health;
- Physical intervention containment strategies by staff on hand only sufficient to prevent harm to self or others in the absence of other alternatives noted;
- Removal from classroom or school by staff or parent as may be appropriate to protect student, other students, and staff.

Pursuant to Education Code § 49005.8, which applies to general and special education students, an educational provider shall not do any of the following:

- 1) Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.
- 2) Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
- 3) Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.

- 4) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil's face.
- 5) Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil's back.
- 6) Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the pupil or others.
 - a. An educational provider shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation required pursuant to this subdivision shall not be through indirect means, including through a security camera or a closed-circuit television.
 - b. An educational provider shall afford to pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.
 - c. If prone restraint techniques are used, a staff member shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil.

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

A Behavioral Emergency Report (BER) shall be completed when an emergency intervention is used and shall be maintained in the student's file. The report shall include:

- The name and age of the student;
- The setting and location of the incident;
- The name of the staff or other persons involved;
- A description of the incident and the emergency intervention used;
- Whether there is a current behavior intervention plan for the student;
- Description of any injuries sustained by the student, other students, the staff or others.

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