

SELPA POLICY 14

**POSITIVE BEHAVIORAL INTERVENTIONS
IMPLEMENTATION GUIDELINES
FOR THE HUGHES BILL**

*Adopted by Superintendents' Council 11/23/94
Revised 12/4/00, 6/4/07, 12/1/08, 12/7/09, 3/1/10*

SONOMA COUNTY SELPA

POSITIVE BEHAVIORAL INTERVENTIONS IMPLEMENTATION GUIDELINES FOR THE HUGHES BILL

I. Overview

- A. Effective May 20, 1993, any student with an IEP who exhibits a serious behavior problem (see Section II A) that significantly interferes with the implementation of the goals and objectives on the student's Individualized Education Plan (IEP) must have a behavioral intervention plan (see Section II E) developed by an IEP team with a behavioral intervention case manager (see Section II C). The behavioral intervention plan must now become a part of the IEP under sections 3001 and 3052 in Title 5, California Code of Regulations. These sections mandate that attempts to change serious and pervasive behavior problems result in lasting positive changes; provide greater access to community, social, and public events; that the behavioral interventions (see Section II B) do not cause pain or trauma (see definition below), and that the interventions respect the dignity and privacy of the individual. Moreover, in the event of a behavioral emergency (see Section II F), defined procedures that govern the range of responses to that emergency are clearly specified.
- B. Following are the Sonoma County SELPA guidelines for the implementation of these code sections (referred to as "Positive Behavioral Interventions"). These guidelines and the corresponding code sections apply only to be identified special education students who have current IEPs.

II. Definitions

- A. Serious Behavior Problem: "Behaviors which are self-injurious or causing property damage which could lead to suspension or expulsion, and other severe behavior problems that are pervasive and are maladaptive that require a systematic and frequent application of behavioral interventions."

Commentary: Behaviors which are self-injurious or which cause property damage are clear and obvious, however they must be viewed within the context of the student's total school history, and other needs for behavior management. A one-time incident which involves breaking school rules would not necessarily be considered a serious behavior problem, as opposed to an incident involving a student who has had repeated behavioral problems. Threatening assault such that the teacher is

concerned would also be a serious behavior problem. Behaviors, which are pervasive and maladaptive, are defined by the Sonoma County SELPA as lasting over time (one month with informal interventions, less if the problem involves actual or potential harm to self or others), occurring more than 2-3 times daily (pervasive), and interfering with learning and/or building relationships with others (maladaptive). These definitions are to be considered by the educational staff in making a request for behavioral assessment, or can be considered by the IEP team in determining if such an assessment is necessary. Furthermore, if the individual is at risk of a change in placement because of his/her behaviors, then those behaviors can be considered pervasive and maladaptive.

- B. Behavioral Intervention: “The systematic implementation of procedures that result in lasting positive changes in behavior and provide greater access to community, social, and public events. The interventions do not cause pain or trauma. The interventions do respect the individual’s dignity and privacy.”

Commentary: A behavioral intervention is not required for every behavior, but is required for every behavior that meets the definition of a serious behavior problem. The Sonoma County SELPA defines trauma as anything more or other than what a reasonable person would allow to be done to him/herself. Specifically prohibited under the regulations are, for example, yelling, insults, public humiliation, denial of food, water, sleep, shelter, or access to bathroom facilities, release of noxious, unpleasant, or toxic sprays in or near the individual’s face, locked seclusion, and/or application of physical pain. Behavioral interventions shall be developmentally and age appropriate for the individual with whom they are used. For example, a behavioral intervention for a three-year old having a tantrum would be different from that for a 13-year old throwing classroom furniture.

- C. Behavioral intervention case manager: “a person trained in behavior analysis with emphasis on positive behavioral interventions who has specific duties to plan and implement the behavioral intervention plan.”

Commentary: According to the California Department of Education, this is not to be a new position/person, but rather a function of an on-going job responsibility. The appropriate qualifications for a person functioning as a behavioral intervention case manager in the Sonoma County SELPA are either a Pupil Personnel Services Credential, preferably with a school psychologist authorization, or a California Teaching Credential with any Special Education teaching authorization. The behavioral case manager

and the educational staff who will use the intervention plan are not to be the same person. For the purposes of a behavioral intervention plan, the behavioral case manager supervises the implementation of the plan.

- D. Functional analysis assessment: an assessment of specific behavior (s) to determine strategies for teaching and maintaining adaptive behavior and reducing or eliminating behavior problems. This analysis provides information to guide decisions about the types of environmental modifications and support features, as well as skill enhancement and instruction that must be put into place to provide effective support to students who demonstrate a serious behavior problem.

Commentary: Refer to Section III C of this document for details of what the assessment will include.

- E. Behavioral intervention plan: “a written document which includes (a) information from the functional analysis assessment, (b) a description of the challenging behaviors, (c) goals and objectives, (d) a description of the behavioral interventions, (e) schedules for recording information about the behaviors and interventions and when changes in interventions might be made, (f) criteria for changes in implementing the interventions, (g) plans for using the interventions in other settings, (h) dates for review by the IEP team.”

Commentary: The behavioral intervention case manager (BICM) who conducts the functional analysis of behavior is responsible for drafting the behavioral intervention plan with input from all relevant stakeholders. This team of stakeholders should consist of the parent(s), the BICM, and the classroom teacher(s), and may include DIS providers, and an administrator. This can be conducted before or during the IEP meeting. It is important to note the plan must specify all personnel to implement, monitor and exchange information. Communication procedures must delineate: (1) the communication participants; (2) under what conditions; (3) manner; (4) expected frequency; (5) content; and (6) two-way specification (between home and school). The plan must also include an evaluation component for determining the effectiveness of the interventions.

- F. Behavioral emergency: “The demonstration of a serious behavior problem, previously unobserved and for which no behavioral intervention plan has been written, or for which a previously designed behavioral intervention is not effective.”

Commentary: Behaviors, which are “dangerous to self or others,” are considered to be behavioral emergencies, and are to be accorded an immediate response. This definition does not include behaviors, which may be disruptive or annoying. Approved procedures for responding to behavioral emergencies are detailed below in Section IV.

- G. Behavioral emergency report: "Any time a behavioral emergency intervention is used, a behavioral report shall immediately be completed and maintained in the individual's file." The report shall include:
1. Name and age of individual.
 2. The setting and location and date of the incident.
 3. Name of staff or other persons involved.
 4. Description of the incident and emergency intervention used, and whether the individual currently has a behavioral intervention plan.
 5. Details of any injuries sustained by the individual or others, including staff, as a result of the incident. Student accident report filed if necessary.
 6. Documentation of law enforcement involvement.

III. Procedures

- A. The following sequence of events outlines the implementation of positive behavioral intervention:
1. Student is identified as having a serious behavior problem by:
 - a. Exhibiting a behavior which meets criteria for serious behavior problem, as determined by an IEP team or by educational staff per Section II A above, or
 - b. Engaging in a behavior that results in a behavioral emergency report being completed.
 2. Designated administrator identifies behavioral intervention case manager and requests an assessment be completed.
 3. Consent for assessment is obtained (50 day timeline begins).

4. Functional analysis assessment is completed.
 5. IEP team is convened, assessment report is presented, behavioral intervention plan is proposed.
 6. Agreed upon plan is implemented.
 7. Scheduled reviews occur and revisions are agreed upon and implemented (timelines for reviews determined at original IEP).
- B. The IEP team, including the behavioral intervention case manager, facilitates and supervises all assessment, intervention, and evaluation activities.
1. Emphasis is on developing more adaptive skills for a student. Therefore, the goal is to replace maladaptive behavior with alternative acceptable behavior.
 2. The elimination of maladaptive behavior does not require the use of intrusive behavioral interventions that cause pain and trauma. Rather, the IEP team shall consider the motivating variables that cause maladaptive behavior, and endeavor to alter these variables to produce adaptive behavioral results.
- C. Functional analysis assessment of behavior is carried out by, or under the supervision of, the behavioral intervention case manager. This assessment shall occur after the IEP team finds that instructional and behavioral approaches specified in the student's IEP have been ineffective and includes the following components:
1. Systematic observation of the occurrence of the targeted behavior to define and describe the frequency, duration, and intensity.
 2. Systematic observation of immediate antecedent events.
 3. Systematic observation and analysis of consequences following the behavior to determine the function the behavior serves for the individual (e.g., the communicative intent of the behavior).
 4. Ecological analysis of the settings in which the behavior occurs most frequently (e.g., physical setting, social setting, activities).
 5. Review of health and medical factors that may influence behaviors (e.g., medication, sleep).

6. Review of previous interventions and their effectiveness.
The assessment report, which is given to the parent, contains a description of the nature and severity of the targeted behavior (in objective and measurable terms), an analysis of the antecedents and consequences that maintain the targeted behavior as well as an analysis of the function of the behavior across the settings in which it occurs (environmental variables), a description of the rate of appropriate alternative behaviors with their antecedents and consequences, and the proposed intervention plan.
- D. The final behavioral intervention plan is developed within an IEP meeting, which includes the behavioral intervention case manager. Essential components of the behavioral intervention plan are:
1. Summary of the functional analysis assessment (report may be attached).
 2. Objective and measurable description of the targeted maladaptive behavior(s) and the replacement positive behavior(s) (part of the assessment report).
 3. Goals and objectives specific to the behavioral intervention plan.
 4. A detailed description of the behavioral interventions to be used and the circumstances for their use (e.g., reinforcers, ecological changes).
 5. Specific schedules for recording the frequency of the use of the interventions and the frequency of the targeted and replacement behaviors (data sheets).
 6. Criteria for discontinuing the intervention due to lack of effectiveness (how long will it be used to determine if it is working).
 7. Criteria for the phasing out procedure, or use of less intense/restrictive intervention schedules or techniques.
 8. Extent to which the specific behavioral interventions will be used in the home, residential facility, work site or other settings, including frequency of consultation to be provided by the case manager to the educational staff members and/or parents who are responsible for the implementation of the plan.

9. Specific dates for periodic review of efficacy of the intervention program by the IEP team.
- E. “Positive programming,” meaning the use of positive response options, is the mandate of this legislation (Sec. 3052). All behavioral intervention plans written within the Sonoma County SELPA will provide for positive responses to misbehavior, and will include alternative appropriate behaviors. Punishment or other negative interventions (e.g., over-correction, contingent exercise, confined time-out) are not to be used. Approved responses to misbehavior may include, but are not limited to:
1. Redirection - verbal or verbal and physical.
 2. Brief physical prompts may be used ONLY if student is able to disengage from the contact at any time.
 3. Temporary removal from work area but not from classroom, (length of time for removal based on the specific behavior - as soon as the behavior has stopped, the individual is to be immediately returned to the work area; students can monitor their own readiness to return to work).
 4. Ignoring the behavior but not the individual.
 5. Acknowledgement of the message of the behavior (e.g. verbalizing to student “Are you mad because you didn’t go to recess?”).
 6. Medication management.

IV. Behavior Emergencies

- A. Restrictive procedures are to be used ONLY in the case of a behavioral emergency; to control unpredictable, spontaneous behavior which poses a clear and present danger of serious physical harm to the individual, others or property, and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique to contain the behavior.
1. Normal disciplinary procedures, such as suspension and expulsion, may be utilized for incidents involving serious behavioral problems, as specified in Education Code 48900. Emergency interventions, such as those described below, are to be used only when a student is so physically uncontrollable that he/she is incapable of responding to other measures.

2. Emergency intervention techniques approved for use by the Sonoma County SELPA are assisted escorts and wall containment, and other professionally accepted intervention procedures, which are used to restrict self-injurious behavior while maintaining the safety and dignity of the student and others in the environment.
3. No emergency intervention shall be used for longer than is necessary to contain the behavior, that is, once the individual is calm. (Specific behavioral intervention plans may operationally define “calm”.)
4. Procedures for emergency interventions are as follows:
 - a. Educational staff member contains the individual if possible.
 - b. If necessary, educational staff member calls the trained emergency response team or calls law enforcement whenever a behavioral emergency occurs.
 - c. Emergency response team, or law enforcement officer, contains the individual.
 - d. Program administrator is notified immediately following the emergency response by the educational staff member in all cases where an emergency intervention is employed.
 - e. Parent is notified immediately (within one school day) by educational staff member or administrator in all cases where an emergency intervention is employed.
 - f. Pursuant to Education Code, law enforcement agency is notified at the discretion of the program administrator if assault/battery has occurred (if they haven’t already been involved and if the child is developmentally capable of understanding intentional assault/battery).
 - g. Behavioral emergency report is written immediately (by end of same school day) by educational staff member involved, report is forwarded at end of the school day to the program administrator, and a copy is forwarded to SELPA office.

- h. If student does not already have a behavioral intervention plan, the program administrator shall initiate the assessment/IEP process within two days, and schedule a meeting with parent to develop interim behavior intervention plan.
 - i. If a student does have a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective, should be referred to the IEP team for review to determine if the plan needs modification.
- B. Emergency interventions may NOT include locked seclusion, use of an amount of force that exceeds that which is reasonable and necessary under the circumstances, employment of any devices or materials which simultaneously immobilize all four extremities, e.g. soft ties, mats, rugs, use of handcuffs, restraints, ties, face masks, etc. This does not prohibit the use of prone containment.

V. Training

- A. Behavioral intervention case managers will be provided training by the Sonoma County SELPA in:
 - 1. Behavioral analysis and management.
 - 2. Functional assessments.
 - 3. Positive programming.
 - 4. Data analysis procedures.
 - 5. Behavioral emergencies.
 - 6. Other relevant areas. This training will be provided on an as-needed basis.
- B. Behavioral emergency intervention training be provided by the Sonoma County SELPA on an as-needed basis to all appropriate personnel.
- C. Training of the implementors of student specific behavioral intervention plans will be provided by the behavioral intervention case manager. The case manager will supervise the implementation of all behavioral intervention plans, and will train all applicable personnel.

- D. An individual who applies physical restraint shall use only techniques in which he or she has received such training within the preceding two years, as indicated by written evidence of participation in a professionally recognized, research based program such as Pro-Act, CPI, MAB, or Sonoma SELPA MSB (Managing Student Behavior).

Trainings, with respect to physical restraint, may be provided either by the employer or by an external entity and shall include, but need not be limited to:

- i. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
 - ii. A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
 - iii. The simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
 - iv. Instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - v. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
 - vi. Demonstration by participants of proficiency in administering physical restraint.
- E. Individuals may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training of trainers in that technique that meets the requirements of subsection D within the preceding two-year period.

VI. Transportation

- A. Student safety is the foremost issue dictating all transportation policies.
 - 1. At the request of either the bus driver or the parent, students who repeatedly unbuckle their seatbelts or students who lack sufficient upper body control and who need additional support, may need to wear a safety vest. Written parental permission is required for the use of these vests as a safety precaution. It should be noted that the safety vests are not used as specific behavioral interventions, but as safety measures only. (Refer to Transportation Policy Manual.)
- B. Non-emergency behavior problems (e.g., swearing) are reported immediately to school site staff via bus reports or bus citations.
- C. Behavioral emergencies occurring on the school bus which are self-injurious or which cause property damage are handled according to the following suggested procedures:
 - 1. Driver safely pulls out of traffic, parks the bus, and removes the keys.
 - 2. Driver checks on the students for continued danger.
 - 3. District operated buses follow district specified emergency procedures.
 - 4. On SELPA buses, if the emergency continues to such an extent that the driver cannot continue the route, SELPA transportation driver immediately radios a "911" to bus dispatch to alert them of emergency and to report location. Dispatch calls appropriate law enforcement agency and then notifies SELPA Transportation Department. Transportation office immediately notifies program administrator who then immediately notifies parent.
 - 5. Representative from bus company immediately proceeds to location of emergency.
 - 6. Driver intercedes as necessary to assure the safety of all students, and evacuates the bus of other students if possible to do so safely.
 - 7. When law enforcement officers arrive they take the self-injurious student to their sub-station; driver completes the route with other student.

8. Driver writes a behavioral emergency report upon returning to the bus yard. Dispatch forwards report to SELPA Transportation Department. Transportation sends (faxes) a copy to program administrator.
- D. Following behavioral emergency procedures delineated in Section IV above, program administrator requests a functional analysis assessment by behavioral intervention case manager immediately upon receipt of behavioral emergency report, leading to an IEP meeting to develop a behavioral intervention plan.
1. While the assessment is being completed prior to the IEP meeting, an interim behavioral plan that may include bus suspension will be designed by the program administrator, parent, and the SELPA transportation manager.
 2. If the proposed behavioral intervention plan includes interventions to be carried out on the bus, the IEP team shall include a representative from the SELPA Transportation Department and/or a representative from the bus company.
- E. Training in emergency response procedures will be provided by the SELPA to designated bus company trainers. These bus company trainers will then train all of the bus company drivers.

VII. Appendix

- A. Sample forms.
- Data sheets.
- Functional analysis assessment report.
- Behavioral intervention plan.
- Phone log, parent notice.
- B. Examples of positive programming, goals and objectives.