

Mt. Diablo USD

Administrative Regulation

Behavioral Interventions For Special Education Students

AR 6159.4

Instruction

~~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 as defined below. Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of his/her disability.~~

~~More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.~~

However, when the behavior of a student with a disability impedes his/her learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. (Education Code 56521.2; 34 CFR 300.324)

If, pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior. (Education Code 56520; 34 CFR 300.324, 300.530)

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur. (34 CFR 300.530)

(cf. [5131](#) - Conduct)

(cf. [5144](#) - Discipline)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

Definitions

~~Serious behavioral problems are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which~~

instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. (5 CCR [3001](#))

Behavioral intervention is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means 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. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. 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](#))

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

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 is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR [3001](#))

Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with implementing 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 have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted. (5 CCR [3052](#))

(cf. [6159](#)—Individualized Education Program)

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](#))

(cf. [6159.1](#)—Procedural Safeguards and Complaints for Special Education)

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff 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 that includes baseline data and 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.

Functional Behavioral Assessment (FBA)

Any FBA to be conducted for a student with a disability shall focus on identifying the function or purpose of the student's behavior.

Before any FBA is conducted, the Superintendent of designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent. (Education Code 56321; 34 CFR 300.324)

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

If the parent/guardian disagrees with the result of an FBA, he/she has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34

CFR 300.502.

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

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, 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 which 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 which 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

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 which 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 or verbally and 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 so as 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](#))~~

~~At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon 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)~~

~~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 also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team. (5 CCR 3052)

Behavioral Intervention Plan (BIP) and Services

When a child's behavior impedes the child's learning or that of others, the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. Additionally, the Team may address the behavior through annual goals in the IEP. The child's IEP may include modifications in his or her program, support for his or her teachers, and any related services necessary to achieve those behavioral goals. If the child needs a BIP to improve learning and socialization, the BIP can be included in the IEP and aligned with the goals in the IEP. (34 CFR §300.324(a)(2)(i)) (34 CFR §300.320(a)(4))

When any behavioral intervention, support, or other strategy is to be used by the district, the Superintendent or designee shall consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment. (Education Code 56520)

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner. (Education Code 56520)

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3065.

Emergency Interventions

Emergency interventions ~~not specified in a student's behavioral intervention plan~~ shall be used only ~~when necessary~~ to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans. ~~(5 CCR 3052)~~ (Education Code 56521.2)

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. ~~(5 CCR 3052)~~ (Education Code 56521.1)

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed by law. (Education Code 56521.1)

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include: ~~(5 CCR 3052)~~ (Education Code 56521.1)

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
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. Details of any injuries sustained by students or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional analysis assessment, and determine the necessity for an 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)~~ (Education Code 56521.1)

If the behavior emergency report is for 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 shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. ~~(5 CCR 3052)~~ (Education Code 56521.1).

Prohibited Interventions

The district prohibits any use of the following: ~~(5 CCR 3052)~~ (Education Code 56521.1)

1. Any intervention designed or likely to cause physical pain, including but not limited to electric shock
2. Any intervention that involves the release of ~~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 material or objects which simultaneously immobilize all hands and feet, except that 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

Legal Reference:

EDUCATION CODE

[49001](#) Prohibition of corporal punishment

[56321](#) Notice of parental rights; consent of parents

[56500-56508](#) Procedural safeguards, including due process rights

[56520-56524](#) Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

[3001](#) Definitions

3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20

[1412](#) State eligibility

[1415](#) Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

[300.1-300.818](#) Assistance to states for the education of students with disabilities

Management Resources:

FEDERAL REGISTER

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