

## **POLICY 6159.4**

### **YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

#### **POSITIVE BEHAVIORAL INTERVENTION**

##### **POLICY:**

It is the responsibility of each member Local Education Agency (LEA) in the Yolo County SELPA to follow behavioral intervention requirements according to both Education Code and Title 5 regulations, believing that all students have a right to a safe and secure learning environment. When behavioral interventions, supports, and other strategies are used, they are used in consideration of the pupil's physical freedom and social interaction and are administered in a manner that respects human dignity and personal privacy and that ensures a pupil's right to placement in the least restrictive educational environment.

Behavioral interventions will be developed collaboratively and will be minimally intrusive and efficient in terms of time, labor and complexity. The focus of positive interventions is on teaching appropriate replacement behaviors.

Reference: EC 56520–56525  
5 CCR 3001, 3052

Superintendents' Council  
Revised: January 18, 2012, June 12, 2014  
Adopted: January 16, 2008  
Second Reading: January 16, 2008  
First Reading: October 17, 2007

## **PROCEDURE 6159.4**

### **YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

#### **POSITIVE BEHAVIORAL INTERVENTION**

##### **PROCEDURES:**

The Yolo County SELPA member Local Education Agencies (LEAs) will follow the positive behavioral interventions as set forth in the SELPA “Positive Behavior Interventions and Support Guidelines and Procedures,” “Emergency Behavioral Intervention Procedures” and “Suspension and Expulsions Guidelines For Students with Disabilities” support manuals, as adopted by the Program Administrators Committee and developed by the Behavior Specialists/ SELPA Program Specialist workgroup. The manual includes forms, procedures, flow charts, strategies, legal references, and other support documents to guide staff through the Positive Behavioral Intervention Plan (PBIP) requirements.

EC 56520 recognizes that some school age individuals with exceptional needs have significant behavioral challenges that have an adverse impact on their learning or the learning of others pupils, or both. Section 1400 (c)(5)(f) of Title 10 of the United States Code states that research and experience demonstrate that the education of children with disabilities can be made more effective by providing incentives for positive behavioral interventions and supports to address the learning and behavioral needs of those children. Further, EC 56521.1 states that “emergency interventions shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.”

The SELPA shall provide local training opportunities for each LEA to expand the knowledge of strategies to address behavior in the three tiers of positive intervention and support. This training will include development of the Positive Behavior Intervention Plan (PBIS) and the Functional Behavior Analysis.

##### **Functional Behavioral Analysis/ Positive Behavior Intervention Plan**

To prevent emergency interventions from being used in lieu of systematic function based behavior intervention and planning processes, Tier 3 interventions may begin with consideration of a functional behavioral assessment (FBA) and development of a Positive Behavior Intervention and Support Plan (PBIP), if a plan is not currently in place. A FBA is a

specialized evaluation that identifies behaviors that impede a student's learning or affect the learning of others, resulting in an IEP team developing strategies to address the concerns. The function of the behavior is addressed in the PBIP with a description of positive changes to the environmental structure, instructional strategies, supports, materials and reinforcements to be provided. The PBIP must be created, or revised, during an IEP meeting and becomes part of the numbered pages of the IEP document. Required components and procedures, timelines and forms are included in the "Positive Behavior Interventions and Supports: A Tiered Approach" support manual. EC 56521.1 (g)(h)

### **Emergency Interventions**

Even in cases when the IEP team has developed a responsible PBIP, emergency intervention may be necessary. AB 86 codified in Education Code section 56521.1 states that emergency interventions "may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior" by properly trained personnel and should only be used as long as necessary to contain the behavior. The SELPA and member LEAs have approved two non-violent intervention formats: Crisis Prevention Institute (CPI) and Handle with Care to be used by trained personnel in an emergency intervention only.

In addition, Education Code §56521.2 specifically prohibits a Local Education Agency (LEA), nonpublic school or nonpublic agency (NPS/A) serving individuals with exceptional needs from authorizing, ordering, consenting to, or paying for the following interventions, or any other interventions similar to or like the following:

1. Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock.
2. An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
3. An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
4. 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.
5. 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.

6. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
7. An intervention that precludes adequate supervision of the individual.
8. An intervention that deprives the individual of one or more of his or her senses.

In the case of a child whose behavior impedes the child's learning or that of others, the individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

The SELPA shall provide ongoing staff training in the area of non-violent intervention and reporting requirements. Staff shall attend a refresher training every other year, subsequent to initial training, in the area of non-violent intervention.

Whenever an emergency intervention is used or serious property damage occurs, EC 56521.1 (e), the parents, guardian or residential care provider, if appropriate, shall be notified within one school day. The behavioral emergency report shall immediately be completed. All behavioral reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator. A copy of the emergency report will be maintained in the file of the individual with exceptional needs.

If a behavioral emergency report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (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 plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both. EC 56521.1 (g)

Superintendents' Council

Revised: January 18, 2012, June 12, 2014

Adopted: January 16, 2008

Second Reading: January 16, 2008

First Reading: October 17, 2007