

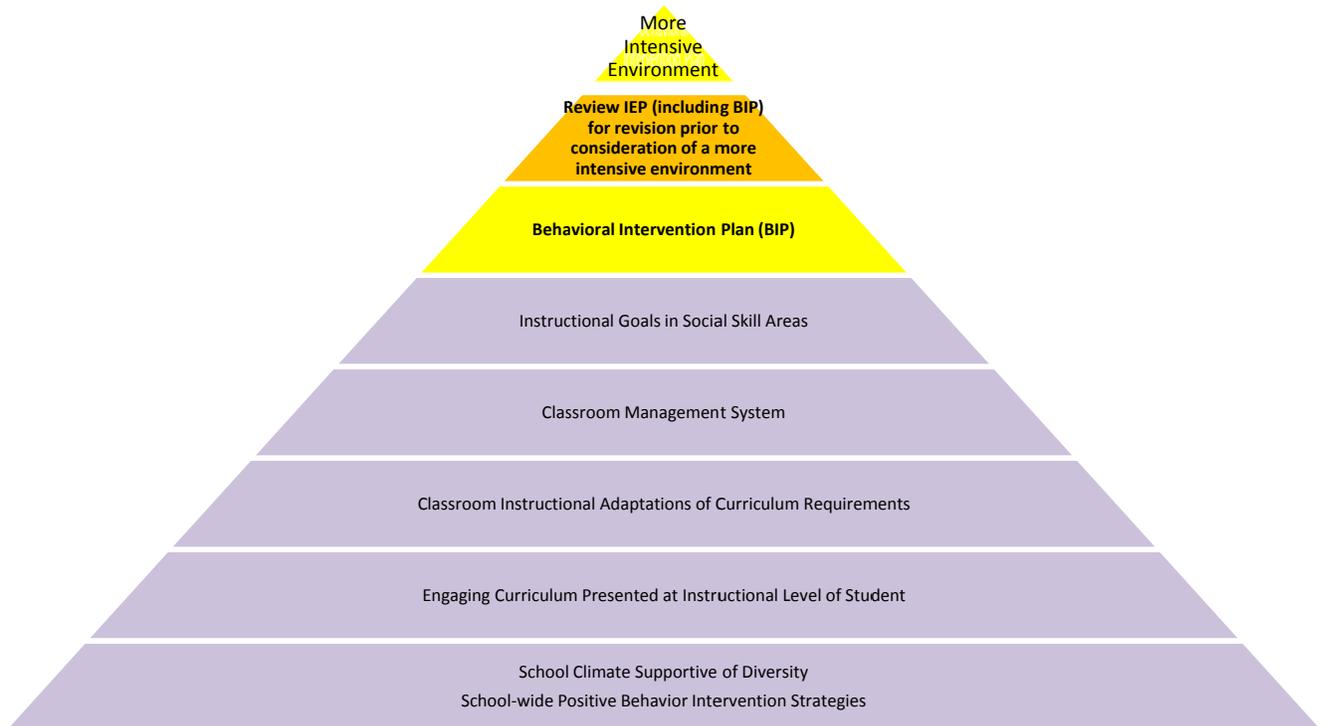
POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS FOR SIGNIFICANT BEHAVIORAL CHALLENGES

The Hughes Bill was enacted in 1991 and created mandates for positive behavioral intervention programs for students exhibiting serious behavioral problems. Current Federal law requires districts to address student behavior when it impedes the student’s learning or the learning of others. On July 1, 2013, AB 86 was implemented, effectively resulting in the repeal of the Hughes Bill as of that date. This is a change in law that will result in the alignment of federal and state law while maintaining important protections for students with disabilities.

Federal law refers to providing behavior intervention plans (BIPS). In order to avoid confusion school districts in California have historically referred to any non-Hughes Bill BIP as a Behavior Support Plan or BSP. With the repeal of the Hughes Bill, BIP will now be used in reference to any behavior plan.

When should we begin a Behavioral Intervention Plan?

The law 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. It requires that IEP teams address behaviors that impede the student’s learning and/or the learning of others through the use of positive behavioral interventions, supports, and other strategies. If universal interventions at a school site and selected interventions for students with repeated difficulties (i.e., annual behavioral goals) are ineffective, the move toward the implementation of individual Behavioral Intervention Plans must be considered.



What is the IEP Team's Role?

When a special education student's behavior impedes the student's learning or the learning of others, including serious property damage, the student's Individualized Education Program (IEP) team, determines appropriate positive behavioral interventions to address inappropriate behavior. The general education teacher, to the extent appropriate, shall participate in the development, review, and revision of the pupils' IEP, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the pupil, and the determination of supplementary aides and services, program modifications, and supports for school personnel that will be provided for the pupil.

The IEP team will examine any existing plan and decide whether it needs to be revised or continued using the *Behavioral Intervention Checklist Form*. They meet to determine if a Functional Behavioral Assessment is required, and to determine if an interim plan is necessary for the student. The IEP Team will document the reasons for conducting the functional behavioral assessment, not developing an interim plan or both. If the IEP team needs additional formal data, or IEP eligibility is in question an Assessment Plan must be generated. Changes to the BIP shall be documented through the IEP process and may be implemented upon parent/guardian consent.

What is Included in the Behavioral Intervention Plan?

A Behavioral Intervention Plan (BIP) is used as a "proactive action plan to address behavior(s) that are impeding learning of the student or others. It is assumed that lesser interventions (accommodations/modifications, IEP goals) have not been successful in reducing the frequency, duration or intensity of the behavior(s). A BIP must be a consideration for a student on an IEP per the Individual Disabilities Education Act and becomes part of the IEP document if implemented. If a BIP is developed for a student with a 504 plan, the BIP becomes a part of those documents. Any BIP developed for a general education student is maintained per district policy.

A BIP includes "positive behavioral interventions and supports." Behavioral Intervention Plans should focus on understanding 'why' the behavior occurred (i.e. 'the function' or 'communicative intent') then focus on teaching an alternative behavior that meets the student's need in a more acceptable way. This includes making instructional and environmental changes, providing reinforcement, reactive strategies and effective communication between IEP implementers and utilizes existing data, current and past IEP's, classroom and IEP goal progress, etc. The BIP must contain the following elements:

- A concise description of the target behavior and its function.
- A description of the desired replacement behavior.
- Measurable goals for increasing the replacement behavior.
- Behavioral interventions to use when the target behavior occurs.
- Recommended techniques to alter the antecedent conditions that prompt the target behavior.
- Methods and materials to teach the desired replacement behavior.
- Methods to manipulate the consequences of the target behavior.

- A list or description of specific reinforcers to use when the replacement behavior occurs.

Interventions on a BIP may not include:

- Any intervention that is designed to, or likely to cause physical pain, including but not limited to electric shock.
- An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
- An intervention that denies adequate 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, or humiliation, or that can be expected to cause excessive emotional trauma.
- Restrictive interventions that employ a device, material or object 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. [Note that CPI does not include training in prone containment].
- Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room [Note that schools in California are not licensed or permitted to use a locked room].
- An intervention that precludes adequate supervision of the individual.
- An intervention that deprives the individual of one or more of his or her senses.

How is Implementation of the BIP Monitored?

The plan will include specific requirements for monitoring progress, including dates for future team meetings, how minor changes in the plan will be made, what types of documentation will be obtained and who will be notified of possible changes. Be sure to include the names of the people responsible for implementing the plan and how they will be notified if a subsequent behavioral emergency occurs. The BIP becomes part of the student's IEP and as such requires parental consent before changes may be implemented.

The use of Incident Reports

In addition to the data collection that is a part of the BIP your district policy may require documenting incidents that do not rise to the level of a behavioral emergency through the use of an Incident Report. The intent of this data collection is to assist staff in identifying emerging patterns of behavior that may require implementing additional behavioral interventions and supports. The Incident Report documents staff's reactive strategies that could have resulted in an emergency intervention. The Incident Report provides a format for tracking the reactive strategy that the adult provides and its effectiveness as a behavioral intervention/support or the student.

Emergency Intervention Procedures

An emergency intervention may only be used to control unpredictable and spontaneous behavior which:

Poses clear and present danger of serious physical harm to the individual with exceptional needs, or others,

Cannot be immediately prevented by a response less restrictive than temporary application of a technique used to contain the behavior.

- Emergency intervention shall not be used as a substitute for systematic Behavioral Intervention Plans that are designed to change, replace, modify or eliminate a target behavior.
- No emergency interventions shall be employed for longer than is necessary to contain the behavior.
 - A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the school site administrator or law enforcement agency as applicable to the situation.
- Emergency interventions shall-not include
 - Locked seclusion.
 - Employment of a device, material or objects that simultaneously immobilizes 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.
 - An amount of force that exceeds that which is reasonable and necessary under the circumstances.

What should we do when a behavioral emergency occurs?

If the student has an existing BIP:

- Implement an appropriate behavioral intervention.
- School staff must complete a Behavioral Emergency Report and file it immediately with the designated site and district program administrator.
- Notify the parent as soon as possible, but within one school day, that a behavioral emergency intervention was used.
- A copy of the Behavioral Emergency report must be placed in the student's file.
- When a behavioral emergency report is written regarding an individual with exceptional needs **who has a current behavioral intervention plan** that Behavioral Emergency Report shall be referred to the IEP team to review and determine
 - if the incident constitutes a need to modify the existing behavioral intervention plan, or
 - if this is an incident involving a previously unseen behavior problem, or
 - if the previously designed intervention are ineffective.
- Nonpublic school and nonpublic agency Incident Reports and/or Behavioral Emergency Reports shall be submitted to the appropriate local education agency within 24 hours by mail.

The student does not have a BIP:

- Implement an appropriate behavioral intervention.
- School staff must complete a Behavioral Emergency Report and file it immediately with the designated site and district program administrator.
- Notify the parent as soon as possible, but within one school day, that a behavioral emergency intervention was used.
- A copy of the Behavioral Emergency report must be placed in the student's file.
- The site designated responsible administrator shall **schedule** an IEP meeting within 2 days if a behavioral emergency report is written regarding an individual with exceptional needs **who does not have a behavioral intervention plan**. The intent of this meeting is to review the Behavior Emergency Report and determine if there is a need for a functional behavioral assessment (FBA) and/or an interim plan.
- If the team determines no FBA or interim plan is required, the IEP team shall document reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both.
- Behavioral Emergency data, Incident Reports and Behavioral Emergency Reports, shall be collected by the local education agency.

Nonpublic school and nonpublic agency Incident Reports and/or Behavioral Emergency Reports shall be submitted to the appropriate local education agency within 24 hours by mail.

References

20 United States Code Section 1400(5)(F)
California Education Code 56341(a)(b)(1)(2)
California Education Code 56521.1