



## **Instruction**

### **Behavioral Interventions for Special Education Students**

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 district's code of conduct, as included in Board Policy 5144.1, except when the student's behavior is determined to be a manifestation of his/her disability.

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)

#### **Functional Behavioral Assessment**

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)

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.

#### **Behavioral Intervention Plan and Services**

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 3051.23.

### 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 that is designed to change, replace, modify or eliminate targeted behavior. (Education Code 56521.1)

Only emergency interventions consistent with state law as approved by the SELPA may be used. (Education Code 49005-49006, 56520-56523) Only staff trained in emergency intervention techniques shall use behavioral restraints, including physical restraint techniques. (Education Code 49500.1)

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. (Education Code 56521.1)

The use of either a locked seclusion or of any device, material, or object that simultaneously immobilize all hands and feet, shall not be allowed as emergency interventions except as otherwise allowed by law. (Education Code 56521.1)

Parents/guardians 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: (Education Code 56521.1))

1. The name and age of the student
2. The date, 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, including the length of time the emergency intervention was 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 behavioral 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. (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. (Education Code 56521.1)

Behavior emergency reports shall be reviewed by Special Education Department staff on a monthly basis to determine if certain administrators or staff are utilizing physical restraint techniques disproportionately with respect to students of color and/or in violation of the Education Code. If either disproportionality or a violation of the Education Code is found, the district shall immediately develop an individual remediation plan for the staff member(s) and/or school site.

In addition to the monthly review of behavior emergency reports by the Special Education Department, the district shall annually complete the report on the use of physical restraints and file it with CDE. (Education Code 49006)

#### Prohibited Interventions

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. The district also prohibits any use of the following: (Education Code 56521.2)

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock
2. 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 is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
5. Use of any device, material or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment, 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



## BOARD POLICY

AR 6159.4

Approved: 8-25-20

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9. Force exceeding what is reasonable and necessary under the circumstances

### Legal Reference:

#### EDUCATION CODE

49001 Prohibition of corporal punishment

49005-49006.4 Seclusion and restraint

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56525 Behavioral Interventions

#### CODE OF REGULATIONS, TITLE 5

3065 Staff qualifications- related services

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

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

34 CFR 300.a1 Appendix A to Part 300 - Notice of Interpretation

Replaces BP 6159.4 and AR 6159.4 (7/96)