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LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of the Senior Deputy Superintendent, Educational Services

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ROUTING

SUBJECT: BULLETIN NO. H-50 (Rev.)
BEHAVIOR INTERVENTION
REGULATIONS FOR STUDENTS
WITH DISABILITIES WITH
SERIOUS BEHAVIOR PROBLEMS

Local District Superintendents
Local District Directors
Local District Special
Education Coordinators
School Administrators
Special Education Department
Chairs/Elementary Designees
All Staff

DATE: February 17, 2003

OFFICE: Special Education

APPROVED: DONNALYN JAQUE-ANTÓN, Associate Superintendent

This revision replaces Bulletin No. 50 dated March 25, 1994. For further information, please call Gloria Lopez, Director, Instructional Initiatives, Division of Special Education, at (213) 241-8051.

I PURPOSE

The purpose of this bulletin is to provide information and procedures to implement requirements regarding behavior interventions for students with disabilities. The California Education Code Section 56520, et seq, and the California Code of Regulations, Title 5, mandate all the components described in this bulletin.

II. BACKGROUND

Legislative action in 1990 added California Education Code Section 56520, et seq, which, in part, authorized the development of regulations for behavior interventions. As a result, the California Code of Regulations, Title 5, was amended in 1993, to require the development of behavior intervention plans, under prescribed circumstances, for some students receiving special education services. The stated intent of the legislation, and its subsequent regulations, is to (1) insure a safe and healthy learning environment for students; (2) identify effective, and acceptable, as well as unacceptable, behavior interventions; (3) consider and respect the student's physical freedom, social interaction, human dignity and personal privacy when using behavior interventions; (4) ensure the student's right to placement in the least restrictive environment; and (5) train special education personnel in positive ways of teaching students with challenging behaviors. (See Attachment D.)

III. ROLE OF THE BEHAVIOR INTERVENTION CASE MANAGER (BICM)

The Behavior Intervention Case Manager (BICM) is a designated site-based certificated staff

member who has received training in behavior analysis with an emphasis on positive behavior interventions.

The role of the Behavior Intervention Case Manager (BICM) includes, but is not limited to:

- A. Conducting or supervising the Functional Analysis Assessment (FAA);
- B. Developing the proposed Behavior Intervention Plan (BIP), if appropriate, based on the assessment data, and presenting it to the Individualized Education Program (IEP) Team;
- C. Participating as a member of the Individualized Education Program (IEP) Team whenever the Behavior Intervention Plan (BIP) is discussed;
- D. Assisting in the implementation and evaluation of the Behavior Intervention Plan (BIP);
- E. Maintaining communication between the school and parent(s)/legal guardian(s) and, if applicable, other agencies for issues concerning the Behavior Intervention Plan (BIP); and
- F. Sending a copy of the Individualized Education Program (IEP) with the Functional Analysis Assessment (FAA) and Behavior Intervention Plan (BIP) attached, if appropriate, based on the assessment data, to the Division of Special Education, Behavior Support Office.

IV. FUNCTIONAL ANALYSIS ASSESSMENT (FAA)

- A. Parent consent is required for the Functional Analysis Assessment (FAA). The Special Education Assessment Plan must be completed. Check off “Social/Emotional” and write: “Functional Analysis Assessment to be conducted by Behavior Intervention Case Manager (BICM).”
- B. The Behavior Intervention Case Manager (BICM) shall complete a Functional Analysis Assessment (FAA) report that shall include, but not be limited to, the following:
 - 1. Referral information (reason for referral, person making referral, etc.);
 - 2. Background information (previous placement[s], onset of problem behaviors, behavior at home, etc.);
 - 3. Previous interventions (staff involved, description of intervention[s] and setting, duration of implementation, results, reason for discontinuance, etc.);
 - 4. Statement of the serious behavior problem (frequency, duration, intensity and

function of the problem behavior) which explains why the behavior may be occurring including:

- Antecedent events leading to the behavior;
- What the student may be trying to communicate;
- What the student may want as a result of the behavior; and
- What the actual consequence of the behavior is.

5. Other relevant factors (medical information, degree of independence and self-control, etc.).

V. DETERMINING WHEN A BEHAVIOR INTERVENTION (BIP) PLAN SHOULD BE DEVELOPED

Development of a Behavior Intervention Plan (BIP) shall be considered by the IEP team when previous behavioral approaches addressing behavior that impedes learning are found to be ineffective, or for a serious behavior where an emergency intervention was used. (See Attachment C.)

A. When There Is a Serious Behavior Problem

A serious behavior problem is one which significantly interferes with the implementation of IEP goals and objectives and:

1. Is self-injurious, assaultive or causes property damage, which, if allowed to continue, could lead to suspension or expulsion;

OR

2. Is severe, pervasive, and maladaptive and requires frequent and systematic application of behavioral interventions.

B. When There Is a Behavioral Emergency

A behavioral emergency is the demonstration of a serious behavior problem which has not been exhibited previously, which poses a clear and present danger for serious bodily harm to the individual or others, and which cannot be immediately prevented by a less restrictive response than the temporary use of an emergency intervention.

When the IEP team determines that a Behavior Intervention Plan (BIP) is needed, Title 5 Regulations require that (a) the student is assigned a Behavior Intervention Case Manager (BICM); (b) a Functional Analysis Assessment (FAA) is completed; and (c) an IEP meeting is held to develop the Behavior Intervention Plan (BIP).

VI. THE BEHAVIOR INTERVENTION PLAN (BIP)

A. The Behavior Intervention Plan (BIP) shall include, but not be limited to all of the following:

1. A behavioral goal and objectives related to the assessment information;
2. Behavior intervention strategies. (See Attachment B, "Proactive Classroom Management");
3. Evaluation procedures. The evaluation must include planned documentation, criteria for measuring success and for modifying the plan, and dates for periodic review no later than one year. A review for minor modifications to the plan may be conducted in meetings, by telephone conferences, or by other means as agreed upon by the IEP team.

Possible modifications may include use of a less restrictive intervention, use of the intervention in a different setting, methods to alter or discontinue the current intervention, etc.

B. After the Plan is implemented, any modifications shall be the result of an agreement between the Behavior Intervention Case Manager (BICM), the teacher implementing the Plan and the parent as documented in the IEP. Modifications may result in the need for additional assessment and/or a revision of the Behavior Intervention Plan (BIP). The parent must give consent prior to the implementation of any modification to the Behavior Intervention Plan (BIP). In addition, the parent has the right to question any modification through the IEP process.

C. An effective Behavior Intervention Plan (BIP) will:

1. Involve a team approach;
2. Enable the student to achieve a better quality of life through improved self-determination and self-control;
3. Augment current classroom management best practices;
4. Reflect the strategies in Attachment B, "Proactive Classroom Management";
5. Be implemented consistently in appropriate settings;
6. Consider any risks that might be involved in the use of a particular intervention as well as ways to ensure the safety of the student and others.

VII. PROHIBITED INTERVENTIONS

A Behavior Intervention Plan shall not include interventions that:

- A. Are likely to cause physical pain or trauma to the student;
- B. Deny the student adequate sleep, food, water, shelter, bedding, physical comfort, and/or access to bathroom facilities;
- C. Release sprays or substances in proximity to the student's face;
- D. Subject the student to verbal abuse, ridicule and/or humiliation;
- E. Simultaneously immobilize all four extremities, including the procedure known as "prone containment";
- F. Use locked seclusion;
- G. Leave a student without adequate supervision; or
- H. Deprive the student of one or more of his/her senses for a substantial amount of time.

VIII. THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETING

- A. The parent shall be invited to participate in an IEP meeting, which shall be conducted within 50 days following receipt of the parent's signed consent to conduct the Functional Analysis Assessment (FAA).
- B. Members of the IEP team shall include, but not be limited to all of the following:
 - 1. The Administrator/Administrative Designee;
 - 2. The student's teacher(s);
 - 3. The Behavior Intervention Case Manager (BICM);
 - 4. The parent(s)/legal guardian(s); and
 - 5. The student (if appropriate).
- C. The IEP Administrator/Administrative Designee shall review the special education procedural safeguards and due process rights with the parent and provide the parent with a copy of "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)."
- D. The Behavior Intervention Case Manager (BICM) shall present the Functional Analysis Assessment (FAA) report summary with recommendations and the proposed

Behavior Intervention Plan (BIP), if appropriate based on the assessment data, to the IEP Team. Input shall be sought from all team members, including the parent(s) and the team members who will implement the Plan.

E. Completing the IEP form:

When an amendment to an IEP is being held only to address the serious behavior problem, Sections A, B, E, G, N, O, Q, and R on the IEP must be completed. Other sections should be completed as appropriate. A copy of this amendment must be attached to the front of the current IEP.

Section A: Meeting Information: Fill in all information.

Section B: Student Information: Fill in all information.

Section E: Present Level of Performance: Write “See attached copy of the Functional Analysis Assessment (FAA) report.”

Section G: Annual Goals and Objectives: If a Behavior Intervention Plan (BIP) has been developed, write: “See attached copy of the Behavior Intervention Plan (BIP)” or if a Behavior Support Plan (BSP) has been developed, write: “See attached copy of the Behavior Support Plan (BSP).”

Section N: Procedural Safeguards and Follow-up Actions: Check the box marked “A Parent’s Guide to Special Education Services including Procedural Rights & Safeguards,” and the box marked “Copies of the following assessment reports were given to the parent,” and the box marked “Functional Analysis.”

Section O: Actions Required Following the IEP: Specify all personnel responsible for the implementation of the Plan, the interventions for which they will be responsible, and the Plan review date.

Section Q: Consent for Special Education: The parent checks the appropriate box and signs.

Section R: Names and Signatures: All present at the IEP meeting sign this section.

ATTACH A COPY OF THE FUNCTIONAL ANALYSIS ASSESSMENT (FAA) AND, IF APPLICABLE, THE BEHAVIOR INTERVENTION PLAN (BIP) TO THE IEP AND PLACE IT IN THE GREEN FOLDER. ALL COPIES OF THE IEP SHALL INCLUDE THE FUNCTIONAL ANALYSIS ASSESSMENT (FAA) AND, IF APPLICABLE, THE BEHAVIOR INTERVENTION PLAN (BIP). FORWARD A COPY TO THE DIVISION OF SPECIAL EDUCATION, BEHAVIOR SUPPORT OFFICE.

IX. EMERGENCY BEHAVIOR INTERVENTIONS

A. District approved emergency behavior interventions, including the temporary use of techniques to physically contain a behavior (i.e., physical restraint of one or more limbs), may be used only by trained personnel when absolutely necessary and as a last resort, to control unpredictable, spontaneous behavior which:

1. Poses a clear and present danger of serious physical harm to the individual or others or considerable property damage which, if allowed to continue, could lead to suspension or expulsion;

AND

2. Cannot be immediately prevented by a less restrictive response (i.e., a brief physical prompt).

B. Physical intervention shall not:

1. Involve force which exceeds what is reasonable and necessary under the circumstances;
2. Be used longer than necessary to contain the behavior;
3. Be punitive in nature;
4. Be used as a substitute for a systematic behavioral intervention plan that is designed to change, replace, or eliminate a targeted behavior (Title 5, California Code of Regulations, Section 3052 [i]). (See Attachment E.)

C. When an emergency behavior intervention is used:

1. Notify the parent of the use of the emergency intervention within 24 hours;
2. Within one (1) day, the Behavior Intervention Case Manager (BICM) and/or responsible person(s) shall complete the Behavior Emergency Report For Individuals with Disabilities (see Attachment A) and give it to the designated responsible school site administrator for review;
3. Following the administrator's review and signature, file one copy of the report in the student's green folder, forward one copy via school mail to the Local District Special Education Coordinator, and send a copy to the Division of Special Education, Behavior Support Office; and
4. Within 48 hours an IEP must be scheduled to discuss the behavioral emergency and determine the need to:
 - Review or revise the current Behavior Support Plan (see Attachment D)
 - Create a new Behavior Support Plan
 - Review and revise the current Behavior Intervention Plan (BIP)
 - Conduct a Functional Analysis Assessment (FAA)

XI. DUE PROCESS

All due process procedures apply.

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ATTACHMENT A

BEHAVIOR EMERGENCY REPORT FOR INDIVIDUALS WITH DISABILITIES
(Title 5, California Code of Regulations, Sections 3001 and 3052)

DIRECTIONS: Complete the following information within one day after an emergency behavior intervention is used for a student with disabilities.*

STUDENT: _____ D/B: ____/____/____

SCHOOL: _____ LOCAL DISTRICT _____
Eligibility/Placement

A. DATE/TIME/LOCATION OF INCIDENT: _____

B. DESCRIPTION OF INCIDENT AND PERSONNEL INVOLVED: _____

C. EMERGENCY INTERVENTION USED AND HOW LONG IT WAS USED: _____

D. COMMENTS: _____

E. PARENTS NOTIFIED BY: _____ DATE: _____
(within 24 hours) Name Title

[] REPORT REVIEWED BY ADMINISTRATOR _____
Signature Date

[] AN IEP WILL BE SCHEDULED WITHIN 48 HOURS

[] FUNCTIONAL ANALYSIS ASSESSMENT INITIATED: ____ Yes ____ No
IF Yes, _____, Behavior Intervention Case Manager (BICM)

[] COPY TO STUDENT'S FILE

[] COPY TO LOCAL DISTRICT SPECIAL EDUCATION COORDINATOR

[] COPY TO DIVISION OF SPECIAL EDUCATION, BEHAVIOR SUPPORT OFFICE,
333 South Beaudry Avenue, 17th Floor, Los Angeles, CA 90017

* Attach additional pages as needed

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ATTACHMENT B

PROACTIVE CLASSROOM MANAGEMENT

A behavior plan will be more effective if it includes interactive strategies and/or techniques from each of the following categories:

A. Instructional Methods:

1. Teach classroom limits;
2. Model behavior and use repetition;
3. Shape approximations of desired behavior;
4. Incorporate multi-modalities;
5. Offer choices from predetermined options;
6. Teach communication skills;
7. Teach desired behavior;
8. Teach self-management skills;
9. Teach social skills.

B. Responses that Enable Desired Behavior:

1. Purposeful rewarding of the desirable behavior;
2. Adult proximity;
3. Verbal redirection;
4. Physical prompts/assists;
5. Restating requests;
6. Rules clarification;
7. Stages and degrees of in-class "time-out";
8. Ecological manipulations.

C. Reinforcement Strategies:

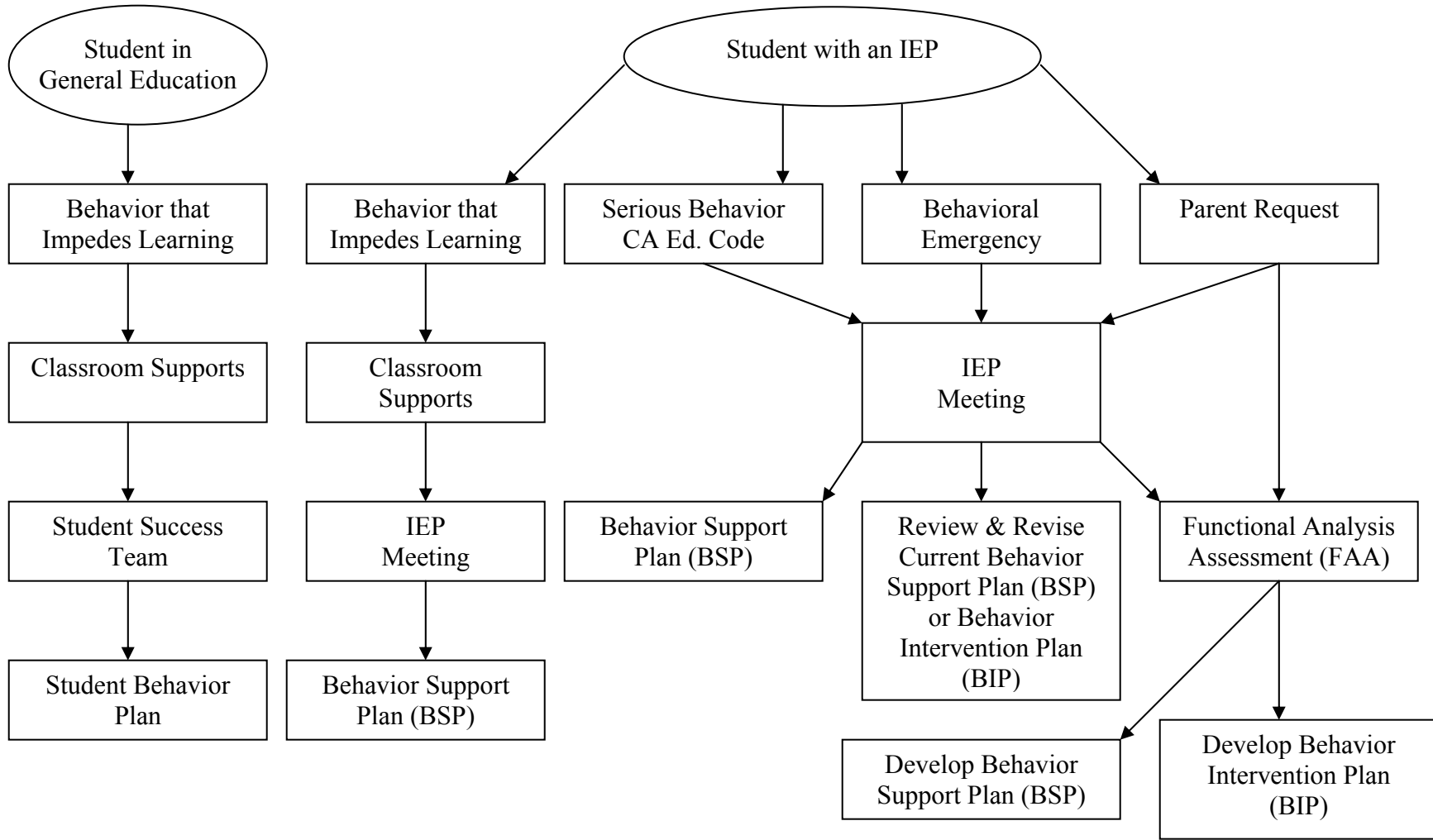
1. Self reinforcement;
2. Peer reinforcement;
3. Social reinforcement;
4. Activity reinforcement;
5. Tangible reinforcement;
6. Primary reinforcement.

NOTE: This list is intended to be illustrative and is by no means exhaustive.

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STUDENTS WITH CHALLENGING BEHAVIORS



ATTACHMENT C

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ATTACHMENT D

FLOWCHART FOR BEHAVIORAL PLANNING

The structures for addressing student behavior and creating positive, safe environments for students fall within the following continuum:

School Standards – Available for all students

- Those standards established for all students attending a school.

Classroom Plan – Available for all students

- A Classroom Plan includes standards established for a classroom that have been developed for all students in that classroom to create a positive environment
- Focuses on teaching appropriate social skill development to all students
- Provides regular positive reinforcement
- Provides consistent consultation with parents/guardians on a regular basis
- Focuses on teaching behavior skills throughout the school through continual skill reinforcement
- Emphasizes Teamwork and Collaboration

Student Behavior Plan – Available for all students

- Provides support to a student who is having behavior problems that are not considered serious
- Identifies target behavior, and current levels of functioning
- Sets behavior goals and objectives
- Provides regular positive behavior reinforcement
- Consistently teaches new social skills
- Emphasizes *identifying, individualizing, and teaching new start skills*

Behavior Support Plan – Available for students with IEPs

- A Behavior Support Plan (BSP) provides support to a student who is having daily behavior problems that are not considered serious
- Identifies target behavior, and current levels of functioning
- Sets behavior goals and objectives, and is a part of the IEP
- Provides regular positive behavior reinforcement
- Consistently teaches new social skills
- Emphasizes *identifying, individualizing, and teaching new start skills*

Functional Analysis Assessment – Available for students with IEPs

When a Functional Analysis Assessment (FAA) is required, a Behavior Intervention Case Manager (BICM) is assigned to complete the assessment. An Assessment Plan must be signed by the parent/guardian before the Functional Analysis Assessment (FAA) is begun. The Behavior Intervention Case Manager (BICM) conducts or assists in the completion of the Functional Analysis Assessment (FAA) according to mandated guidelines, and presents the Functional Analysis Assessment (FAA) to the IEP Team along with a proposed Behavior Intervention Plan (BIP), if required, based on assessment data. The IEP Team develops the Behavior Intervention Plan (BIP).

Behavior Intervention Plan – Available for students with IEPs and a Functional Analysis Assessment (FAA)

The Behavior Intervention Plan (BIP) is based on a Functional Analysis Assessment (FAA), and is developed by the IEP Team, and includes:

- Behavior goals and objectives;
- Specific periodic review and monitoring procedures; and
- Planned follow through/implementation and informal (team) consultation when necessary.

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ATTACHMENT E

USE OF PHYSICAL INTERVENTIONS FOR EMERGENCY SITUATIONS

The purpose of any physical intervention is to:

1. Defuse or resolve the situation;
2. Prevent serious physical harm to student(s), staff, or to property;
3. Physically contain the behavior until help arrives by restricting the individual's use of the surrounding space and limiting the individual's mobility;
4. Prevent repeated attempts to harm self/others.

Staff should:

1. Use open, non-threatening gestures, with both hands in view, and speak in a calm, firm voice;
2. Use verbal/non-verbal cues and prompts to redirect the student to an alternative and less harmful behavior;
3. Restrict the student's mobility within a specific area/space that is out of the range of other students/staff and obvious property hazards. Remove other students if necessary;
4. Use brief physical prompts to keep the student in the designated space/area until he/she indicates self-control and relaxation;
5. Set limits on the use of the student's hands/feet/limbs by using verbal commands and available staff within close proximity;
6. As a last resort, consider physical restraint of the student's arms or legs. Containment of all four extremities at once is known as "prone containment." This technique should only be used by trained staff. Note that physical restraint of the student's arms or legs is considered an emergency behavior intervention for students with disabilities (see Section IX, "Emergency Behavior Interventions");
7. Transport the student to a safe area, if necessary, to prevent further serious injury to self/others.