

**STUDENT IDENTIFICATION –
ASSESSMENT -- REFERRAL
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Adopted:

Revised:

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Procedures For the Use of Positive Behavioral Interventions and Emergency Interventions

In the case of a child whose behavior impedes the child's learning or the learning of others, the District must consider positive behavioral interventions and supports, and other strategies, to address that behavior.

It is the intent of the California legislature that states continually seek to provide an appropriate and meaningful education program in a safe and healthy environment for all children regardless of possible physical, mental or emotionally disabling conditions. It is further the intent of the legislature that procedures for the elimination of maladaptive behavior not include those that cause pain or trauma and that children experiencing serious behavioral challenges receive timely and appropriate assessments and positive supports and intervention in accordance with the Individuals with Disabilities in Education Act ("IDEA").

Student's with exceptional needs are 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.

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 to address the student's behavior. **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.

Although no longer defined by statute, a behavioral intervention plan is a systematic plan developed based upon information related specifically to the identified maladaptive behaviors of the child, with reference to the antecedents of the behavior, the function of the behavior and the consequence the child

achieves by engaging in the maladaptive behavior. The behavior intervention plan shall identify the intensity of the behaviors, the environments the behavior is most likely to occur and the positive strategies and/or supports deemed appropriate to teach the child to replace the maladaptive behaviors with positive, appropriate behaviors.

A positive behavior intervention plan shall be developed for a child when the child's IEP team determines that it is necessary for the child to receive a free appropriate public education.

When the District, parent/guardian, and relevant members of a child's IEP team determine that a child's conduct that lead to a change in placement for behavioral purposes, was a manifestation of the child's disability, the child's IEP team shall conduct a functional behavior analysis ("FBA"), unless the District had conducted an FBA prior to the behavior that resulted in the change of placement occurred, and implement a positive behavioral intervention plan; or, if a positive behavioral intervention plan is already in place, review the plan and modify it, as necessary, to address the behavior.

If an emergency intervention report is written regarding a student with exceptional needs who does not have a positive behavioral intervention plan, the District shall, within two days, schedule an IEP team meeting to review the emergency report, to determine the necessity for an FBA, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the FBA, not developing an interim plan, or both.

If an emergency intervention report is written regarding a student with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavioral problem, or where a previously designated intervention is ineffective, the incident shall be referred to the IEP team to review and determine whether the incident constitutes a need to modify the currently existing positive behavior intervention plan.

Once developed, the positive behavior plan shall be implemented with fidelity by all individuals working with the student, as deemed appropriate by the IEP team.

When a student for whom a behavioral intervention plan (BIP) is to be developed is also the responsibility of another agency for residential care or related services, the District shall cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner. Districts may use Board Certified Behavioral Analysts who are certified by the national Behavior Analyst Certification Board to conduct the behavior assessment and/or provide behavioral intervention services for students with exceptional needs, or another qualified individual with specific knowledge and/or expertise in the use of positive behavioral interventions.

Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious harm to the student 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. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior.

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation.

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.

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 all of the following information: 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 BIP.
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident.

For students attending programs outside the District, a copy of the behavior emergency report shall be provided to the District of residence within one (1) business day of the incident.

Prohibited Interventions

The Tulare County SELPA prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the Tulare County SELPA prohibits all of the following:

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 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 bathroom facilities.
4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma.
5. Any restrictive intervention that uses a 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 state 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.

References:

EC 49001
EC 56520,
EC 56521.1
EC 56525

20 U.S.C. 1400
20 U.S.C. 1412
20 U.S.C. 1414