

Anyone who is a designated certificated school/district/county staff member or other qualified personnel contracted by the school district or county office who has been trained in behavior analysis with an emphasis on positive behavior interventions. Existing staff members can perform the responsibilities.

What are the responsibilities of the Behavior Intervention Case Manager?

The BICM's job is to coordinate and assist in conducting the Functional Analysis Assessments and to develop the subsequent Behavior Intervention Plan. The BICM also consults with staff members implementing the plan and with the parents of the student, as specified in the IEP. If the IEP team determines that the Behavior Intervention Plan is not effective, the BICM and the teacher will conduct additional Functional Analysis Assessments. Based on the outcome of those assessments, they will propose changes to the Behavior Intervention Plan.

What must be included in a Behavior Intervention Plan (BIP)?

The BIP must include the following information:

1. A summary of relevant and determinative information gathered from an FAA;
2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s);
3. The individual's goals and objectives specific to the BIP;
4. A detailed description of the behavior interventions to be used and the circumstances for their use;
5. Specific schedules for recording the frequency of the use of the interventions and the frequency of the targeted and replacement behaviors; including specific criteria for discontinuing the use of the intervention for lack of effectiveness or replacing it with an identified and specified alternative;

6. Criteria by which the procedures will be added or phased out, or less intense/frequent restrictive behavior intervention schedules or techniques will be used;
7. The extent to which the behavior interventions will be used in the home, residential facility, work site, or other setting; and
8. Specific dates for periodic review by the IEP team of the efficacy of the program.

How does the IEP team determine the effectiveness of the BIP?

Program effectiveness is determined through baseline measures of the targeted behavior across activities, settings, people, and times of the day during the Functional Analysis Assessment, which are then compared with similar measures of the targeted behavior after the plan is implemented. These measures may record the data in terms of time spent acting appropriately (thus focusing on the rate of replacement or adaptive behavior(s)) rather than time spent engaging in inappropriate behavior. Documentation of program implementation and periodic review are also required.

What is the role of the IEP team following an emergency intervention and what time lines apply?

Any time a behavior emergency report is written regarding a student who does not have a BIP, the designated responsible administrator shall, within two days, schedule an IEP meeting to review the behavior emergency report and determine the necessity for an interim behavior plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan.

Any time a behavior emergency report is written regarding an individual who has a BIP, any incident involving a previously unseen serious behavior problem, or where a previously designed intervention is not effective, should be referred to

the IEP team to review and determine if the incident constitutes a need to modify the plan. Parents and/or residential care providers shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs.

What is a "Behavior Emergency Report" and when is one required?

A behavior emergency report is a document that contains specific demographic information about the pupil and clear descriptions of the emergency intervention and any injuries. It must be written immediately following the application of an emergency intervention.

How can a BIP be modified by the IEP team?

The IEP team shall schedule appropriate intervals for the teacher, BICM, parent, or care provider, or other appropriate persons to measure and review program effectiveness. The teacher and BICM shall conduct additional Functional Analysis Assessments, and based on the outcomes, shall propose changes to the BIP.

Can minor modifications be made in a BIP without the need for an IEP team meeting?

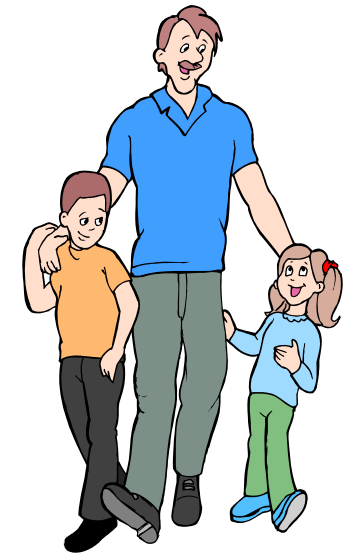
Yes. Working together, the BICM (or a qualified designee) and the parent, or parent representative, can make minor modifications to the plan, as long as the parent can review the data that any changes are based on, and the parent is informed of their right to question any modification to the plan through the IEP procedures. Additionally, the IEP team can initially develop the BIP in sufficient detail to include schedules for altering specified procedures, or the frequency, or duration of the procedures, without the necessity for reconvening the IEP team.

For more information, please contact your child's teacher, BICM, or director of special education.

PARENT'S GUIDE TO THE HUGHES BILL:

CALIFORNIA CODE OF REGULATIONS Title 5 – 3052

POSITIVE INTERVENTION FOR SERIOUS BEHAVIOR PROBLEMS



**SOLANO COUNTY SELPA
COMMUNITY ADVISORY COMMITTEE
FOR SPECIAL EDUCATION**

On September 12, 1990, Assembly Bill 2586 (Hughes, Behavioral Interventions) was chaptered into California law as Title 5-Section 3052, ensuring the rights of special education students to have behavioral intervention plans that are designed to bring lasting, positive changes in their behaviors without application of interventions that cause pain or trauma.

Which students are covered by the Hughes Bill and implementing regulations?

The law applies to any individual with exceptional needs who is in a public school program, including a state school for the disabled . . . or who is placed in a nonpublic school program.

What is the definition of behavioral intervention under the Hughes Bill?

Behavioral intervention means the systemic implementation of procedures that results in lasting positive changes in the individual's behavior. Behavior interventions are designed to provide the individual with greater access to a variety of community settings, social contacts, and public events; and ensure the individual's right to placement in the least restrictive educational environment as outlined in the individual's IEP. Behavioral interventions do not include procedures that cause pain or trauma. Behavioral interventions respect the individual's human dignity and personal privacy. Such interventions shall ensure the individual's physical freedom, social interaction, and individual choice.

What is the definition of a serious behavior problem under the Hughes Bill?

A serious behavior problem is defined by the regulations as the individual's behaviors that are self-injurious, assaultive, or causing property damage, which could lead to suspension or expulsion; and other severe behavior problems that are pervasive and maladaptive that require a systematic and frequent application or behavioral interventions.

Examples of serious behavior problems that require intervention are the following:

Self-injurious behaviors, such as: biting hands; banging head on walls; cutting, stabbing arms with pencils, paper clips.

Assaultive behaviors, such as: punching peers, throwing chairs at peers, stabbing peers with pencils.

Other pervasive maladaptive behaviors, such as: running out of classroom into street in front of vehicles, tearing clothing to shreds, prolonged screaming, taking off clothing and throwing it out of bus window, withdrawing into fetal posture during loud noises.

Behaviors causing property damage, such as: repeated, purposeful ripping of textbooks; repeated taking of classmates' possessions and stomping item until shattered or otherwise damaged.

What behavioral intervention techniques are expressly prohibited in the laws and regulations?

To protect the child from abusive physical or emotional trauma, the regulations specifically identify which types of techniques any public or nonpublic school or agency may not use. The interventions prohibited in the regulations are:

1. Any intervention that is designed to, or likely to, cause physical pain;
2. Releasing noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the student's face;
3. Denial of sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities;
4. Procedures such as verbal abuse, ridicule, or humiliation, or other that can be expected to cause excessive emotional trauma;
5. Physical restraint by a device, material, or object that simultaneously immobilizes all four extremities, including prone containment or similar techniques, unless it is used by personnel who are trained in the technique,

and it is used only as an emergency intervention;

6. Locked seclusion unless it is used as an emergency procedure and then only in a facility licensed or permitted by state law to use a locked room;
7. Any intervention that leaves a student without adequate supervision; and
8. Any intervention that deprives the individual of one or more of his or her senses.

What is a Behavior Intervention Plan (BIP) and when is it required?

The Behavior Intervention Plan (BIP) is a written document that is developed by the IEP team, including the Behavior Intervention Case Manager (BICM) and qualified personnel knowledgeable of the student's health needs. It is developed when the individual exhibits a serious behavior problem that significantly interferes with the implementation of the goals and objectives of the individual's IEP. These plans shall become part of the IEP.

What are the responsibilities of the IEP team regarding the Behavior Intervention Plan (BIP)?

The IEP team shall facilitate and supervise all assessment, intervention, and evaluation activities. After the Functional Analysis Assessment is completed, the IEP team is required to develop a BIP, which then becomes a part of the IEP and shall be written with sufficient details so as to direct the implementation of the plan.

FUNCTIONAL ANALYSIS ASSESSMENT Do special education due process procedures apply to Functional Analysis Assessments (FAA) and the development of Behavior Intervention Plans?

Yes. In addition, the regulations state that no hearing officer may order the implementation of a behavior intervention that is otherwise prohibited

by this section, by SELPA policy, or by any other applicable statute or regulation.

Is the IEP team required to meet to initiate the Functional Analysis Assessment (FAA)?

Not necessarily. An FAA can be started after informed parent consent is obtained. As with any other special education assessment of a student with an existing IEP, this can be accomplished with or without a formal IEP meeting.

When is a Functional Analysis Assessment required?

An FAA is required whenever the systematic use of behavior interventions in response to a serious behavior problem is proposed.

Who can conduct a Functional Analysis Assessment?

An FAA is conducted by, or under the supervision of a person who has documented training in behavior analysis with an emphasis on positive behavioral intervention. When the IEP team determines that changes are necessary to increase program effectiveness, the teacher and Behavior Intervention Case Manager shall conduct additional Function Analysis Assessments.

What are the required components of a Functional Analysis Report?

The written report of the assessment results shall include all the following: a description of the nature and severity of the target behavior(s), including baseline data and an analysis of the antecedents and consequences across all appropriate settings; the rate of alternative behaviors; their antecedents; and consequences and a proposed behavior intervention plan.

BEHAVIOR INTERVENTION CASE MANAGER

Who can serve as a Behavior Intervention Case Manger (BICM)?