

**POST-HUGHES BILL
POWERPOINT
ATTACHMENTS**

California Education Code

Behavior Emergency Report

Functional Behavior Assessment Report

Behavior Intervention Plan

Cal Ed Code § 56520

Deering's California Codes Annotated
Copyright © 2014 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

EDUCATION CODE
Title 2. ELEMENTARY AND SECONDARY EDUCATION
Division 4. Instruction and Services
Part 30. Special Education Programs
Chapter 5.5. Behavioral Interventions

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Ed Code § 56520 (2014)

§ 56520. Legislative findings and declarations; Intent

(a) The Legislature finds and declares all of the following:

(1) That the state has continually sought to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental, or emotionally disabling conditions.

(2) That some schoolage individuals with exceptional needs have significant behavioral challenges that have an adverse impact on their learning or the learning of other pupils, or both.

(3) Section 1400(c)(5)(F) of Title 20 of the United States Code states that research and experience demonstrate that the education of children with disabilities can be made more effective by providing incentives for positive behavioral interventions and supports to address the learning and behavioral needs of those children.

(4) That procedures for the elimination of maladaptive behaviors shall not include those deemed unacceptable under Section 49001 or those that cause pain or trauma.

(b) It is the intent of the Legislature:

(1) That children exhibiting serious behavioral challenges receive timely and appropriate assessments and positive supports and interventions in accordance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing regulations.

(2) That assessments and positive behavioral interventions and supports be developed and implemented in a manner informed by guidance from the United States Department of Education and technical assistance centers sponsored by the Office of Special Education Programs of the United States Department of Education.

(3) That when behavioral interventions, supports, and other strategies are used, they be

used in consideration of the pupil's physical freedom and social interaction, be administered in a manner that respects human dignity and personal privacy, and that ensure a pupil's right to placement in the least restrictive educational environment.

(4) That behavioral intervention plans be developed and used, to the extent possible, in a consistent manner when the pupil is also the responsibility of another agency for residential care or related services.

(5) That training programs be developed and implemented in institutions of higher education that train teachers and that in-service training programs be made available as necessary in school districts and county offices of education to ensure that adequately trained staff are available to work effectively with the behavioral intervention needs of individuals with exceptional needs.

History:

Added Stats 1990 ch 959 § 1 (AB 2586). Amended Stats 1992 ch 759 § 37 (AB 1248), e

Cal Ed Code § 56521
Deering's California Codes Annotated
Copyright © 2014 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

EDUCATION CODE
Title 2. ELEMENTARY AND SECONDARY EDUCATION
Division 4. Instruction and Services
Part 30. Special Education Programs
Chapter 5.5. Behavioral Interventions

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Ed Code § 56521 (2014)

§ 56521. Application of chapter

(a) This chapter applies to any individual with exceptional needs who is in a public school program, including a state school for the disabled pursuant to Part 32 (commencing with Section 59000), or who is placed in a nonpublic school program pursuant to Sections 56365 to 56366.5, inclusive.

(b) The Superintendent of Public Instruction shall monitor and supervise the implementation of this chapter.

†History:

Added Stats 1990 ch 959 § 1 (AB 2586). Amended Stats 1992 ch 759 § 38 (AB 1248), effective September 19, 1992.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

EDUCATION CODE
Title 2. ELEMENTARY AND SECONDARY EDUCATION
Division 4. Instruction and Services
Part 30. Special Education Programs
Chapter 5.5. Behavioral Interventions

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Ed Code § 56521.1 (2014)

§ 56521.1. Emergency interventions

(a) Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs, 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.

(b) Emergency interventions shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.

(c) No emergency intervention 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 schoolsite administrator or law enforcement agency, as applicable to the situation.

(d) Emergency interventions shall not include:

(1) Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.

(2) Employment of a device, material, or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in those procedures.

(3) An amount of force that exceeds that which is reasonable and necessary under the circumstances.

(e) To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one schoolday if an emergency intervention is used or serious property damage occurs. A behavioral emergency report shall immediately be completed

and maintained in the file of the individual with exceptional needs. The behavioral emergency report shall include all of the following:

- (1)** The name and age of the individual with exceptional needs.
- (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, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.
- (5)** Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.
- (f)** All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.
- (g)** If a behavioral emergency report is written regarding an individual with exceptional needs who does not have a behavioral intervention plan, the designated responsible administrator shall, within two days, schedule an individualized education program (IEP) team meeting to review the emergency report, to determine the necessity for a functional behavioral assessment, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the functional behavioral assessment, not developing an interim plan, or both.
- (h)** If a behavioral emergency report is written regarding an individual with exceptional needs who has a positive behavioral intervention plan, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the positive behavioral intervention plan.

History:

Added Stats 2013 ch 48 § 42 (AB 86), effective July 1, 2013.

Cal Ed Code § 56521.2
Deering's California Codes Annotated
Copyright © 2014 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.
EDUCATION CODE
Title 2. ELEMENTARY AND SECONDARY EDUCATION
Division 4. Instruction and Services
Part 30. Special Education Programs
Chapter 5.5. Behavioral Interventions
Cal Ed Code § 56521.2 (2014)

§ 56521.2. Specified interventions prohibited

(a) A local educational agency or nonpublic, nonsectarian school or agency serving individuals with exceptional needs pursuant to Sections 56365 and 56366, shall not authorize, order, consent to, or pay for the following interventions, or any other interventions similar to or like the following:

- (1)** Any intervention that is designed to, or likely to, cause physical pain, including, but not limited to, electric shock.
- (2)** An intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
- (3)** An intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities.
- (4)** 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.
- (5)** Restrictive interventions that employ a device, material, or objects 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.
- (6)** Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
- (7)** An intervention that precludes adequate supervision of the individual.
- (8)** An intervention that deprives the individual of one or more of his or her senses.

(b) In the case of a child whose behavior impedes the child's learning or that of others, the individualized education program team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior, consistent with Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations.

History:

Added Stats 2013 ch 48 § 43 (AB 86), effective July 1, 2013.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

EDUCATION CODE
Title 2. ELEMENTARY AND SECONDARY EDUCATION
Division 4. Instruction and Services
Part 30. Special Education Programs
Chapter 5.5. Behavioral Interventions

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Ed Code § 56523 (2014)

§ 56523. Repeal of regulations governing use of behavioral interventions no longer supported by statute; Necessity of chapter

(a) The Superintendent shall repeal those regulations governing the use of behavioral interventions with individuals with exceptional needs receiving special education and related services that are no longer supported by statute, including Section 3052 and subdivisions (d), (e), (f), (g), and (ab) of Section 3001 of Title 5 of the California Code of Regulations, as those provisions existed on January 10, 2013.

(b) This chapter is necessary to implement the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and associated federal regulations. This chapter is intended to provide the clarity, definition, and specificity necessary for local educational agencies to comply with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and shall be implemented by local educational agencies without the development by the Superintendent and adoption by the state board of any additional regulations.

(c) Pursuant to Section 1401(9) of Title 20 of the United States Code, special education and related services must meet the standards of the department.

(d) As a condition of receiving funding from the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), a local educational agency shall agree to adhere to this chapter and implementing federal regulations set forth in this chapter.

(e) The Superintendent may monitor local educational agency compliance with this chapter and may take appropriate action, including fiscal repercussions, if either of the following is found:

(1) The local educational agency failed to comply with this chapter and failed to comply substantially with corrective action orders issued by the department resulting from monitoring findings or complaint investigations.

(2) The local educational agency failed to implement the decision of a due process hearing officer based on noncompliance with this part, provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or the federal implementing regulations, wherein noncompliance resulted in the denial of, or impeded the delivery of, a free appropriate public education for an individual with exceptional needs.

(f) Commencing with the 2010-11 fiscal year, if any activities authorized pursuant to this chapter and implementing regulations are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, state funding provided for purposes of special education pursuant to Item 6110-161-0001 of Section 2.00 of the annual Budget Act shall first be used to directly offset any mandated costs.

(g) The Legislature hereby requests the Department of Finance on or before December 31, 2013, to exercise its authority pursuant to subdivision (d) of Section 17557 of the Government Code to file a request with the Commission on State Mandates for the purpose of amending the parameters and guidelines of CSM-4464 to delete any reimbursable activities that have been repealed by statute or executive order and to update offsetting revenues that apply to the mandated program.

History:

Added Stats 1990 ch 959 § 1 (AB 2586). Amended Stats 2010 ch 724 § 27 (AB 1610), effective October 19, 2010; Stats 2013 ch 48 § 44 (AB 86), effective July 1, 2013.

Cal Ed Code § 56524
Deering's California Codes Annotated
Copyright © 2014 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

EDUCATION CODE
Title 2. ELEMENTARY AND SECONDARY EDUCATION
Division 4. Instruction and Services
Part 30. Special Education Programs
Chapter 5.5. Behavioral Interventions

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Ed Code § 56524 (2014)

§ 56524. Training requirements

The superintendent shall explore with representatives of institutions of higher education and the Commission on Teacher Credentialing, the current training requirements for teachers to ensure that sufficient training is available in appropriate behavioral interventions for people entering the field of education.

History:

Added Stats 1990 ch 959 § 1 (AB 2586).

Cal Ed Code § 56525
Deering's California Codes Annotated
Copyright © 2014 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

EDUCATION CODE
Title 2. ELEMENTARY AND SECONDARY EDUCATION
Division 4. Instruction and Services
Part 30. Special Education Programs
Chapter 5.5. Behavioral Interventions

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Ed Code § 56525 (2014)

§ 56525. Use of Board Certified Behavior Analyst

(a) A person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst may conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

(b) This section does not require a district, special education local plan area, or county office to use a Board Certified Behavior Analyst to conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

History:

Added Stats 2004 ch 174 § 1 (AB 2845). Amended Stats 2013 ch 48 § 45 (AB 86), effective July 1, 2013.

Emergency Intervention:
 Assaultive behavior
 Self-Injury
 Dangerous running
 Serious Property Damage

KERN County Consortium SELPA Behavior Emergency Report

Student: _____ DOB: _____ Date: _____ Time: _____

District: _____ School: _____ Setting/Location: _____

Staff/Other Persons Involved: _____

Date/Time Parent/caregiver was notified: _____

(Notification required within 1 school day)

Staff member who notified parent/caregiver: _____

	Describe Student Behavior/Incident	Staff Response
Escalation Stages	<p>Anxiety:</p> <input type="checkbox"/> Signs of sadness: <input type="checkbox"/> Signs of frustration: <input type="checkbox"/> Other: _____ <hr/> <p>Defensive:</p> <input type="checkbox"/> Increase in questioning of adult directives <input type="checkbox"/> Refusal to follow instructions <input type="checkbox"/> Shouting, foul language <input type="checkbox"/> Increase in physical gestures and movement <input type="checkbox"/> Threats against persons or property <input type="checkbox"/> Other: _____	<input type="checkbox"/> Calmed by giving space <input type="checkbox"/> Calmed student through counseling <input type="checkbox"/> Calmed student through restructuring the routine or environment to reduce stress <input type="checkbox"/> Calmed student by modifying the materials/expectations <input type="checkbox"/> Other: _____ <hr/> <input type="checkbox"/> Ignored challenge, redirected <input type="checkbox"/> Offered structured choices <input type="checkbox"/> Removed the audience <input type="checkbox"/> Separated student from group <input type="checkbox"/> Allowed student to vent <input type="checkbox"/> Other: _____
Intervention	<p>Acting Out:</p> <input type="checkbox"/> Student physically attacked staff <input type="checkbox"/> Student physically attacked peer <input type="checkbox"/> Student endangered him/herself (describe): _____ <p><input type="checkbox"/> Student destroyed the environment (describe): _____</p>	<p>Personal Safety Strategies</p> <input type="checkbox"/> Block <input type="checkbox"/> Release: grab, ___ choke, ___ hair pull, ___ bite <input type="checkbox"/> Clear area <p>Emergency Intervention:</p> <input type="checkbox"/> Child control Position <input type="checkbox"/> Team control position <input type="checkbox"/> Transport position
Debriefing	<p>Tension Reduction:</p> <input type="checkbox"/> Decrease in physical output <input type="checkbox"/> Decrease in verbal output <input type="checkbox"/> Increase in self-control	<input type="checkbox"/> Debriefed with student <input type="checkbox"/> Debriefed with crisis response team <input type="checkbox"/> Created plan to address team or student challenges: <input type="checkbox"/> Other: _____
	<p>Student Injury? Yes ___ No ___ Describe injuries/medical follow up: <input type="checkbox"/> sent to nurse <input type="checkbox"/> first aid <input type="checkbox"/> 911 Paramedics <input type="checkbox"/> CPR</p>	<p>Staff Injury? Yes ___ No ___ Describe injuries/medical follow up: <input type="checkbox"/> sent to nurse <input type="checkbox"/> first aid <input type="checkbox"/> 911 Paramedics <input type="checkbox"/> CPR</p>

Behavior Emergency Report

Description of Incident and Emergency Intervention:

Other Pertinent Information:

Must check one:

- Student **does not** have a current Behavior Intervention Plan (BIP). Within two days, an IEP meeting shall be scheduled to 1) review the Behavior Emergency Report, 2) determine the need for a functional behavioral assessment and 3) determine the need for an interim BIP pending completion of the BIP. If the IEP team determines that an interim behavior intervention plan and/or functional behavior assessment is not needed, the IEP team shall document their reasons for not conducting a FBA and/or developing an interim BIP.
- Student **does** have a current BIP. The incident involves a previously unseen serious behavior problem or a previously designed intervention is not effective. The IEP team shall review the Behavior Emergency Report and determine if the BIP needs to be modified or revised.
- Student **does** have a current BIP. The incident does not involve a previously unseen serious behavior problem and/or a previously designed intervention continues to be effective. Therefore, no IEP meeting is required to be scheduled.

COPIES OF BEHAVIOR EMERGENCY REPORTS WERE SENT TO:

Distribution	Name	Date
Site Administrator		
Special Education Administrator		
Student File		
Kern County Consortium SELPA	SELPA Office	

Note: Behavior Emergency Reports are to be sent within 24 hours of the incident

Signature of Person Completing the Report: _____

Signature of Administrator Reviewing the Report: _____

Date received by SELPA Office: _____

Functional Behavior Assessment Report (FBA)
--

Name:	School:
Birthdate:	Language Classification:
C.A.:	Eligibility:
Grade:	Ethnicity:
Gender:	Teacher:
Date of IEP/Report:	Report completed by:

Reason for Referral:

Review of Records:

- *Brief record review: include a statement of current medical information, current relevant discipline information, information related to identified challenging behavior, and other agency involvement including Mental Health referral/services.*
- Previous interventions and their effectiveness

Description of the Target Behavior (TarB):

- **Baseline data included with Graph (Frequency, intensity, and/or duration)**

Description of the Desired Replacement Behavior (DRB):

- **Baseline data included with Graph**

Interviews:

- *Summary of teacher interview*
- *Summary of parent interview*
- *Summary of student interview*

Environmental Analysis:

- *Using an environmental checklist, identify factors/concerns directly impacting behavior.*
- *Use the Environmental Factors Checklist to prepare an analysis describing what is in the environment or missing in the environment that needs changing to potentially remove or reduce the student's need to use the problem behavior*

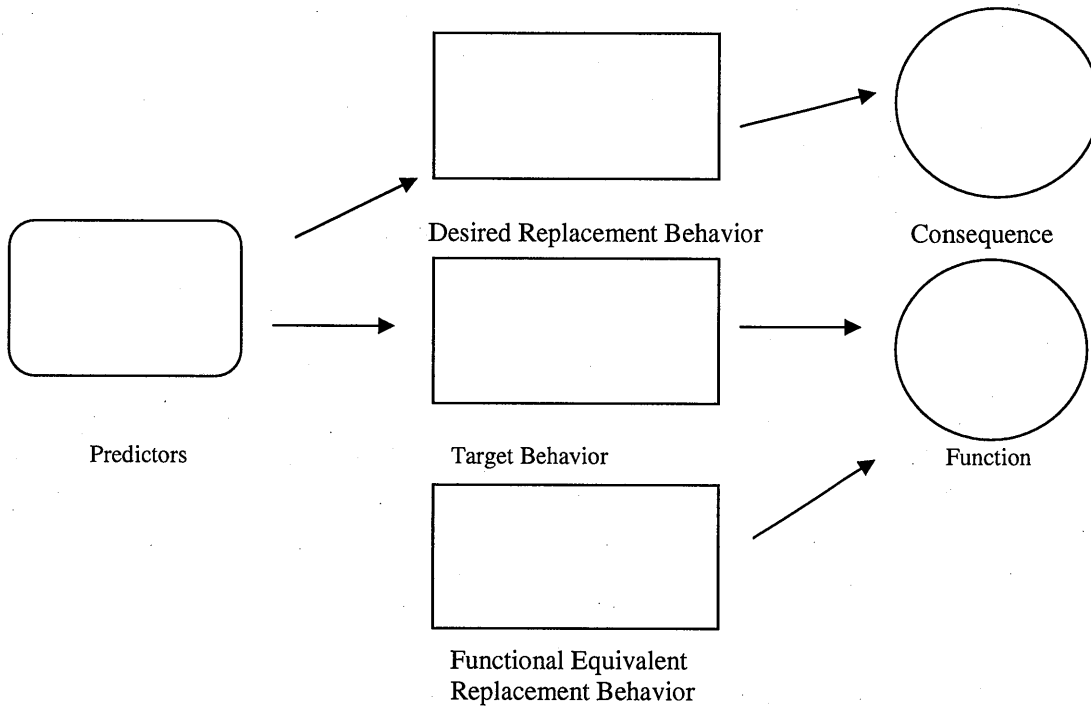
★ specific areas as described in the PENT BSP Desk Reference (select factors that apply to the challenging behavior—see BSP scoring rubric)

Direct Classroom Observation:

- Include dates, times, and location of observations related to the target behavior

Summary of Antecedents and Consequences (ABC):

- Should relate directly to specific conditions identified in the environmental analysis



Hypothesized Function of the Behavior:

Functional Equivalent Replacement Behavior (FERB):

Recommendations (check one):

- Develop Behavior Intervention Plan (BIP)
- No Behavior Intervention Plan (BIP) is needed at this time.

Additional Supports if no plan is to be developed

- Behavior goals
- Tier 2 interventions, such as _____
- Tier 1 support for environmental enrichment
- Other: _____

Behavior Goal Recommendations:

- 1. Target Behavior**
- 2. Desired Replacement Behavior**
- 3. Functional Equivalent Replacement Behavior, if applicable**

Report Author

Date

Note: Numbers correspond with the scoring system on the BIP Quality Evaluation Guide

CONFIDENTIAL - DO NOT DISPLAY

BEHAVIOR INTERVENTION PLAN

For Behavior Interfering with Student's Learning or the Learning of His/Her Peers

This BIP attaches to: IEP date: 504 plan date: Team meeting date:

Student Name Today's Date Next Review Date

- 1. The behavior impeding learning is (describe what it looks like)
2. It impedes learning because
3. The need for a Behavior Intervention Plan early stage intervention moderate serious extreme
4. Frequency or intensity or duration of behavior reported by and/or observed by

PREVENTION PART I: ENVIRONMENTAL FACTORS AND NECESSARY CHANGES

Observation & Analysis: What are the predictors for the behavior? (Situations in which the behavior is likely to occur: people, time, place, subject, etc.)
5. What supports the student using the problem behavior? (What is missing in the environment/curriculum or what is in the environment curriculum that needs changing?)
6.

Intervention: Remove student's need to use the problem behavior
What environmental changes, structure and supports are needed to remove the student's need to use this behavior? (Changes in Time/Space/Materials/Interactions to remove likelihood of behavior)
7. Who will establish? Who will monitor? Frequency?

ALTERNATIVES PART II: FUNCTIONAL FACTORS AND NEW BEHAVIORS TO TEACH AND SUPPORT

Observation & Analysis: Team believes the behavior occurs because: (Function of behavior in terms of getting, protest, or avoiding something)
8. Accept a replacement behavior that meets same need
What team believes the student should do INSTEAD of the problem behavior? (How should the student escape/protest/avoid or get his/her need met in an acceptable way?)
9.

Intervention: What teaching Strategies/Necessary Curriculum/Materials are needed? (List successive teaching steps for student to learn replacement behavior/s)
10. Who will establish? Who will monitor? Frequency?

Intervention: What are reinforcement procedures to use for establishing, maintaining, and generalizing the replacement behavior(s)?
11. Selection of reinforcer based on:
reinforcer for using replacement behavior reinforcer for general increase in positive behaviors
By whom? Frequency?

EFFECTIVE REACTION PART III: REACTIVE STRATEGIES

What strategies will be employed if the problem behavior occurs again?

12.

1. Prompt student to switch to the replacement behavior
2. Describe how staff should handle the problem behavior if it occurs again
3. Positive discussion with student after behavior ends

Optional:

4. Any necessary further classroom or school consequences
Personnel?

OUTCOME PART IV: BEHAVIORAL GOALS

Behavioral Goal(s)

13.

Required: Functionally Equivalent Replacement Behavior (FERB) Goal

By when	Who	Will do X behavior (line 9)	For the purpose of y (line 8)	Instead of Z behavior (line 1)	For the purpose of y (line 8)	Under what conditional conditions	At what level of proficiency	As measured by whom and how

Option 1: Increase General Positive or Decrease Problem Behavior

By when	Who	Will do what, or will NOT do what	At what level of proficiency	Under what conditions	Measured by whom and how

Option 2: Increase General Positive or Decrease Problem Behavior

By when	Who	Will do what, or will NOT do what	At what level of proficiency	Under what conditions	Measured by whom and how

The above behavioral goal(s) are to: Increase use of replacement behavior and may also include:

- Reduce frequency of problem behavior Develop new general skills that remove student's need to use the problem behavior

Observation and Analysis Conclusion:

- Are curriculum accommodations or modifications also necessary? Where described: yes no
- Are environmental supports/changes necessary? yes no
- Is reinforcement of replacement behavior alone enough (no new teaching is necessary)? yes no
- Are both teaching of new replacement behavior AND reinforcement needed? yes no
- This BIP to be coordinated with other agency's service plans? yes no
- Person responsible for contact between agencies yes no

COMMUNICATION PART V: COMMUNICATION PROVISIONS

Manner and content of communication

14.

1. Who?	2. Under what condition(s) (Contingent? Continuous?)	3. Delivery Manner	4. Expected Frequency?	5. Content?	6. How will this be two-way communication

1. Who?	2. Under what condition(s) (Contingent? Continuous?)	3. Delivery Manner	4. Expected Frequency?	5. Content?	6. How will this be two-way communication

1. Who?	2. Under what condition(s) (Contingent? Continuous?)	3. Delivery Manner	4. Expected Frequency?	5. Content?	6. How will this be two-way communication

PARTICIPATION PART VI: PARTICIPANTS IN PLAN DEVELOPMENT

- Student
- Parent/Guardian
- Parent/Guardian
- Educator and Title
- Educator and Title
- Educator and Title
- Administrator
- Other
- Other