

SANTA CLARA COUNTY
NORTH WEST SPECIAL EDUCATION LOCAL PLAN AREA

BEHAVIOR INTERVENTION

The SELPAs located within North West Santa Clara County fully support the concept that all students are capable of growth and change. This includes students with disabilities whose behaviors are problematic and may need positive behavior supports and interventions in order to be successful. When students do not respond to typical classroom management strategies, then individual behavioral interventions, supports and strategies must be developed and included in the IEP. The process for developing and implementing behavioral interventions has undergone changes within the legislative confines of the State of California.

In June 2013, Assembly Bill 86 was passed by the California State Legislation and approved by the Governor. This bill repealed sections of the Education Code known as the Hughes Bill. As a result of this legislation, there are significant changes in the process of behavior intervention for students with disabilities.

FUNCTIONAL BEHAVIOR ASSESSMENT

Under current law, a Functional Behavior Assessment (FBA) may be considered:

- In the case of a child whose behavior impedes the child's learning or that of others. (*Section 1414(d)(3)(B)(i) and (d)(4) of Title 20 of the United States Code and associated federal regulations*)

An FBA must be considered:

- In the case where a Behavioral Emergency report is written on a child with a disability who does not already have a behavioral intervention plan. (*California Education Code §56521.1*)

An FBA shall be conducted:

- In the case where a manifestation determination in response to a violation of a rule or code of conduct is occurring, the team determines that the conduct was a manifestation of the child's disability, and no FBA was conducted before the misconduct occurred.

FUNCTIONAL BEHAVIOR ASSESSMENT – DEFINITION

A functional behavioral assessment may utilize review of records, interviews, behavior assessment scales, and may include observation of pupil behavior and/or environmental conditions. Because it is a form of assessment, an FBA requires the parent/guardian to sign an Assessment Plan.

PERSONNEL REQUIREMENTS TO CONDUCT A FUNCTIONAL BEHAVIORAL ANALYSIS

California Education Code §56320(b)(3) states that assessments of students with exceptional needs “are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments”. The California Education Code establishes that assessments must “be conducted by persons competent to perform the assessment, as determined by the local educational agency”. (§56322) Further, California Education Code §56525(a) states that “a person recognized by the national Behavior Analyst Certification Board as a Board-Certified Behavior Analyst (BCBA) may conduct behavioral assessments”. However, it is noted that educational agencies are not required to employ BCBA's.

PERSONNEL REQUIREMENTS FOR *DEVELOPING* BEHAVIORAL INTERVENTION PLANS

The California Code of Regulations, Title 5, §3065(d) states that in order to design or plan a BIP, personnel must hold one of the following:

- Pupil Personnel Services Credential in School Counseling or School Psychology (issued by CTC)
- Credential authorizing the holder to deliver special education instruction (issued by CTC)
- License as a Marriage and Family Therapist (issued by BBS)
- License as a Clinical Social Worker (issued by BBS)
- License as an Educational Psychologist (issued by BBS)
- License in Psychology (issued by Calif. Board of Psychology)
- Master's Degree in Education, Psychology, Counseling, Behavior Analyst, Behavior Science, Human Development, Social Work, Rehabilitation, or in a related field, issued by a regionally accredited post-secondary institution of higher education.

PERSONNEL REQUIREMENTS FOR *IMPLEMENTING* BEHAVIORAL INTERVENTION PLANS

In order to implement a Behavioral Intervention Plan, the California Code of Regulations, Title 5, §3065(e) requires individuals be qualified to develop BIPs as listed in the previous section or be under the supervision of someone who is qualified to develop BIPs. Specifically, the individual must:

- Be qualified to design or plan behavioral intervention pursuant to 5 CCR 3065(d), *or*
- Be under the supervision of an individual qualified to design or plan behavioral intervention pursuant to 5 CCR 3065(d) *and*:
 - Possess a high school diploma or its equivalent, and
 - Receive the specific level of supervision required in the pupil's IEP.