

# UTAH SCHOOLS FOR THE DEAF AND THE BLIND

## LEAST RESTRICTIVE BEHAVIORAL INTERVENTION POLICY

### 1 PHILOSOPHY

It is the intent of the Utah Schools for the Deaf and the Blind (USDB) to comply with the provisions of Appendix F to the Utah State Board of Education Special Education Rules Selection of Least Restrictive Behavioral Interventions for use with Students with Disabilities (LRBI Policy). The purpose of this policy is to provide state-of-the-art guidelines to IEP teams, Human Rights Committees, teachers, and others dealing with behavior problems and interventions. The goal is to protect the students' rights as individuals and to provide an effective education for all students in our agency.

### 2 DEFINITIONS

- 2.1 **Behavioral Intervention:** The systematic application of any validated procedure (antecedent and/or consequence) which has the potential for changing behavior.
- 2.2 **Reinforcement:** Any stimulus (positive or negative) which increases or maintains behavior over time.
- 2.3 **Intrusive:** Any procedure that limits an individual's access to community, resources, and settings; limits the ability to make choices; or restricts personal freedoms and civil rights.
- 2.4 **Continuum:** A range of behavioral interventions, within levels, that are hierarchial in nature.
- 2.5 **Human Rights Review:** The procedure used to guarantee that a student's rights to life, liberty, and privacy are not violated.
- 2.6 **Intrusive Behavioral Intervention:** Those behavior interventions requiring written parental consent prior to implementation as defined in the Appendix F of the State Rules.
- 2.7 **Committee:** The USDB Human Rights Committee as specified in section 3.2.1 of this document.
- 2.8 **Superintendent:** The Superintendent of the Utah Schools for the Deaf and the Blind.

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- 2.9 **Committee Chairperson:** The chairperson of the committee as defined in section 3.2.1.1 in this document.
- 2.10 **Function Analysis:** A formally recognized analysis of behavior that is supported by documented empirical evidence.

### 3 THE USDB HUMAN RIGHTS COMMITTEE

- 3.1 Functions: The functions of the USDB Human Rights Committees are as follows:
  - 3.1.1 Monitor, recommend, and assure inservice activities for appropriate staff training.
  - 3.1.2 Audit Level III and IV interventions for compliance with human rights procedures.
  - 3.1.3 Serve as the first line of appeal for parents and professionals when conflict arises concerning recommended behavioral interventions.
  - 3.1.4 Recommend changes or modifications of these policies and procedures to the State Human Rights Committee.
- 3.2 Composition: The USDB Human Rights Committee shall be comprised of members that shall be assembled as needed to perform the functions as stated in section 3.1 and meeting the minimum participation as outlined below. They shall be selected from a pool of pre-approved membership.
  - 3.2.1 The minimum composition of the Committee shall consist of the following:
    - 3.2.1.1 A USDB Program Director who holds a degree in Special Education. This person will function as the Chairperson and will serve a minimum of three years or until a successor is appointed by the Superintendent.
    - 3.2.1.2 A member who has expertise in the use of behavior intervention procedures. If necessary this position may be filled by a member of a local school district staff or by an expert recommended by the State Office of Education.

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- 3.2.1.3 A parent of a student with a disability appointed by the Committee Chairperson.
- 3.2.1.4 A minimum of two additional professionals who are not providing direct services to the student concerned. These professionals will be appointed by the Committee Chairperson.
- 3.2.1.5 A quorum shall consist of the five members as outlined above.
- 3.2.2 The following may also serve on the USDB Human Rights Committee at the request of the chairperson:
  - 3.2.2.1 A member of a parent advocacy group.
  - 3.2.2.2 A member of the deaf or the blind adult community.
  - 3.2.2.3 A physician or nurse knowledgeable in the medications being administered to a student in question.
  - 3.2.2.4 Any other person who would have meaningful knowledge to contribute and who would not be responsible to implement the intervention being discussed or have a conflict of interest.
- 3.3 Procedures of the USDB Human Rights Committee:
  - 3.3.1 The length of membership on the Committee will be for three years. The appointments to this Committee will be staggered so that one third of the Committee is due for reappointment or reassignment every year.
  - 3.3.2 All decisions shall be determined by a majority vote of the members present when the quorum is present.
  - 3.3.3 Any member who has a conflict of interest in a particular case must so state and will be excused from hearing the case.
  - 3.3.4 Committee meetings will be determined by the Committee on a monthly basis or more often if needed.
  - 3.3.5 Written minutes will be kept of each Committee meeting and will be retained by the Committee Chairperson.

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3.3.6 The Committee will audit a random sample of Level III and IV interventions for compliance at least once per school year. The annual audit will begin with the first regularly scheduled meeting following the Christmas break.

### **3.4 Requesting the services of the USDB Human Rights Committee:**

3.4.1 Individuals using a Level III or IV intervention shall complete a Behavioral Intervention Summary and a Functional Analysis. These will be presented to the Committee Chairperson along with data and other relevant documentation.

3.4.2 The Committee Chairperson will create an agenda and schedule time and a place to discuss the intervention with at least the minimum composition of the Committee at the next regularly scheduled meeting, or will call a special meeting to deal with the issue. The individual requesting the intervention is required to attend this meeting.

3.4.3 The Committee will review the documentation presented and make recommendations to the individual seeking a Level III or IV intervention.

3.4.4 If the Committee has no further recommendations to make, they should designate a review date.

3.4.5 The Committee Chairperson shall complete the Summary of Committee Action form and submit one copy to the individual seeking the intervention and file one in the Committee ledger. This ledger will be kept on each student reviewed by the Committee.

### **3.5 Appeals Process to the USDB Human Rights Committee:**

3.5.1 Within five working days of receiving a request for an appeal, the Committee Chairperson shall initiate steps to conduct the Appeal Conference. The purpose of the Appeal Conference is to resolve the differences and, if possible, avoid a hearing.

3.5.2 The Appeal Conference shall be conducted by the current, appointed USDB Human Rights Committee, or upon the recommendation of the Chairperson, a Committee composed of third party evaluators and the Superintendent may be assembled to hear this appeal.

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- 3.5.3 When an appeal to the Committee is pending, the behavior interventions in question may not be utilized. If the intervention is currently being used, it must be discontinued until the resolution of the appeal.
  - 3.5.4 The appeal conference shall be in an informal process conducted in a nonadversarial atmosphere and shall be completed within fifteen working days of receiving the request. An extension can be granted by the Superintendent based on extenuating circumstances, but extension cannot exceed an additional five working days. Every effort shall be made by the Committee to complete the review process in as few days as possible.
  - 3.5.5 A copy of the written recommendation shall be mailed to each party within five calendar days following the conference. A copy shall also be filed in the ledger.
  - 3.5.6 The recommendations(s) made by the Committee shall not conflict with state or federal law.
- 3.6 Staff Training:
- 3.6.1 It is the responsibility of the Committee in conjunction with the Superintendent to make available and monitor appropriate inservice activities for the training of agency staff to carry out the behavior intervention.
  - 3.6.2 It is the responsibility of USDB staff to participate in available training which is relevant to their jobs and apply it as student needs dictate.
  - 3.6.3 Where USDB staff believe they do not have appropriate training to implement specific behavioral interventions appropriately, it is their responsibility to request needed training from the Committee Chairperson.
- 3.7 Follow-Up Monitoring: In reviewing individual cases, the Committee will establish and/or monitor procedures which address:
- 3.7.1 Inservice and training of staff.
  - 3.7.2 Fidelity of program implementation.
  - 3.7.3 Schedules for follow up review.

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## 4 IEP TEAM INVOLVEMENT

- 4.1 The IEP team shall consider interventions during the course of the IEP meeting for any student who is:
  - 4.1.1 Classified as Emotionally Disturbed, or
  - 4.1.2 Currently on a written intervention at Level III or IV, or
  - 4.1.3 Expected to need a written intervention at Level III or IV during the school year.
  
- 4.2 Prior to selecting a Level III or IV intervention, the IEP team shall:
  - 4.2.1 Classroom personnel must carefully assess and analyze the target behaviors and factors associated with their occurrence before initiating any behavior interventions. A Functional Analysis must be completed which includes:
    - 4.2.1.1 The target behaviors which are specifically defined in observable, measurable terms.
    - 4.2.1.2 For every target behavior to be decreased, the appropriate replacement behavior which has been defined in observable, measurable terms and an appropriate positive intervention plan which is written and implemented.
    - 4.2.1.3 The antecedent situations and environments in which the behavior occurs must be identified and documented.
    - 4.2.1.4 The consequences and other factors associated with the behavior must be examined for possible functions or intent of the behavior.
    - 4.2.1.5 Particular attention must be focused on the communicative ability of the student to indicate needs and wants.
  - 4.2.2 Classroom personnel must provide quantitative or anecdotal data which document that procedures in Level I and II were correctly implemented and were not successful prior to implementing Level III or IV interventions.

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- 4.2.3 Review the Preliminary Strategies (as specified in Section IV: Behavioral Interventions of the State LRBI Rule) and determine if appropriate effective teaching methods identified as preliminary strategies in the behavioral interventions have been implemented.
- 4.2.4 Review previous, less intrusive interventions as well as possible new alternative procedures.
- 4.2.5 Review potential effectiveness and possible side effects of the intervention.
- 4.2.6 Develop and write a detailed intervention through negotiation with the entire team.
- 4.2.7 Obtain the signature of the parent/guardian on the completed permission form for all Level III and IV interventions and for all Level II interventions that require parental permission.
- 4.2.8 Submit all proposed Level III and IV behavioral intervention to the USDB Human Rights Committee.

### **5 EMERGENCY PROCEDURES**

- 5.1 An emergency is any situation that does not exceed the limitations prescribed below which, because of its intensity or duration, creates a danger to others, to self, or to property.
- 5.2 Definitions:
  - 5.2.1 Emergency strategies: The strategies used to protect others, self, or property, to the extent that they are necessary, with the least intrusive strategies attempted first. Only after less intrusive strategies have been attempted may more intrusive strategies be used.
  - 5.2.2 Danger to others: Physical violence toward others with sufficient force to cause bodily harm.
  - 5.2.3 Danger to self: Self abuse of sufficient force to cause bodily harm.
  - 5.2.4 Destruction of property: Severe destruction or physical abuse of property.

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- 5.2.5 Threatened abuse: If there is evidence of past threats leading to the above mentioned behaviors, this may constitute an emergency situation.
- 5.3 Limitations: A behavior may be considered an "emergency" only if it occurs no more than once per week, two times in a month, or a total of four times in a year. If the behavior occurs more frequently than this, it must be addressed in the IEP and through the USDB Human Rights Committee.
- 5.4 Only staff who are properly trained and competent in their use may use the emergency strategies.
- 5.5 After the emergency has passed, a copy of the Emergency Contact form must be completed and sent to the Superintendent and the Chairperson of the Committee within 24 hours of the incident.

### 6 BEHAVIOR STRATEGIES

- 6.1 Preliminary strategies: All preliminary strategies listed in Appendix H of the State Rules must be considered before level II, III, or IV strategies may be used. All appropriate preliminary strategies should be attempted. Additional preliminary strategies that involve proactive planning and problem avoidance and which do not involve intrusive procedures may be used at this stage. If the Committee feels that untried preliminary strategies may be helpful, the person requesting assistance will be referred back to attempt these strategies first.
- 6.2 Level Strategies: Strategies are listed in Appendix F of the Utah State Board of Education Special Education Rules. These strategies may be used consistent with the rules that govern their use. Additional strategies may be recommended to the Committee who must first present them to the State Human Rights Committee before they may be used.

Title: LEAST RESTRICTIVE BEHAVIOR INTERVENTION POLICY	
Authority: Administrative Staff Institutional Council	Effective Date: 11/09/94  Revisions: 11/25/02