

**Michigan Department of Education**  
**Office of Special Education & Early Intervention Services**  
  
**Standards for Policy and Procedure Development in the Use of**  
**Behavioral Interventions - Behavior Modification Referent**  
**Group Document, March 1993**

PREFACE

This document titled "Standards for Policy and Procedure Development in the Use of Behavioral Interventions" replaces the earlier "Program Suggestions for Use of Behavior Modification Techniques Which Include Aversive Control or Punishment Procedures for the Autistic or Other Students Who Present Severe Behavior Disorders." This document establishes minimum professional standards of practice for agencies implementing behavioral intervention programs in educational settings.

Professional standards are continually evolving as educational goals change, as our knowledge of the effectiveness and effect of various educational and behavioral interventions grows and as community values and attitudes toward persons in need of professional services evolve.

Voluntary conformity to these Standards will help assure school employees, parents and especially students, receive the support and the protections available through implementation of well-designed policy and procedures.

Appropriate standards are only one aspect of an agency's efforts to properly use behavioral intervention procedures. The availability of trained and qualified staff to design and implement intervention programs cannot be over emphasized.

The Michigan Department of Education is compiling a list of educational resources and materials that may assist agencies developing policy and procedures in use of behavioral interventions. These resources should also prove helpful to staff, parents, and students involved in the design and implementation of behavioral intervention programs.

This document should serve as a standard to guide local and intermediate school districts in developing policy and procedures to enable students in changing their choice of behavior.

Behavior Modification Referent Group Committee Members

Ms. Rosemary Allen  
Assn. for Children's Mental Health  
Grand Rapids, Michigan

Mr. Michael Fosler  
Executive Director  
Autism Society of Michigan  
Lansing, Michigan

Ms. Gloria Gregory  
Mich. Assn. of School Social Workers  
Grand Rapids, Michigan

Mr. Thomas Harwood  
Mich. Assn. of Admin. of Spec. Ed.  
Oakland Schools  
Waterford, Michigan

Dr. James Kaye  
Mich. Assn. of School Psychologist  
Croyden Avenue School  
Kalamazoo, Michigan

Dr. Sandra Laham  
Macomb Intermediate School District  
Mt. Clemens, Michigan

Ms. Marjorie Mitchell  
Executive Director  
Assn. for Retarded Citizens/Michigan  
Lansing, Michigan

Ms. Cindy Warren  
Northwest Wayne Skill Center  
Westland, Michigan

## **Standards for Policy and Procedure Development in the Use of Behavioral Interventions**

### I. Purpose of this Document

The purpose of this document is to establish State standards for the development of behavioral intervention policy and procedures within special educational programs and services operated by the State agencies, intermediate school districts, and local education agencies. These standards should prompt the empowerment and dignity of each student, while conforming to the provisions of P.A. 6 of 1992 (Corporal Punishment Act) and the "Alternatives to Corporal Punishment" approved by the State Board of Education on August 19, 1992.

### II. Policy

Each agency operating special education programs and services within the State of Michigan should establish policy and procedures regarding the use of behavioral intervention programs within educational settings. Such policy and procedures should be approved by the agency's governing body and shall minimally comply with the contents of this document.

### III. Definition and Use of Behavioral Intervention

A. Behavior intervention is defined as the systematic application of the principles of learning theory to change behavior. The purpose of all behavioral interventions is to teach skills as alternative strategies that will enable students to function as independently as possible thereby releasing an individual from dependence on specialized and/or restrictive services or environments.

Behavioral interventions may be used to teach adaptive behavior, facilitate alternative communication systems, improve/maintain current positive functional skills, or expand an individual's ability to make choices and control their environment.

Behavioral programming should emphasize the importance of supportive classrooms, effective/appropriate curriculum, adaptive instruction, and therapeutic consequences. The individualized behavioral plan for a student should be incorporated into their entire instructional day.

1. Teaching and acquisition programming typically involves the use of a task analysis of the skill to be taught and the use of graduated methods of teaching a student to perform each step until the task or behavior is learned. Typically, teaching or acquisition programs do not require written behavioral intervention plans. When teaching plans utilize complex intervention strategies or reinforcement schedules, written plans are recommended.
2. Maintenance and generalization programming is designed to provide frequent opportunity for the practice of newly learned behaviors, to teach the student to generalize the behavior to appropriate situations/environments, or to ensure the durability of a behavior reduction program.
3. Reduction programming involves the use of specific procedures designed to eliminate or reduce a specific behavior. Reduction programming should always be implemented in tandem with programming to develop adaptive skills that will replace the functional intent of the targeted challenging behavior.

B. Certain techniques used within an educational setting for all students to address specific problem behaviors are not considered behavioral intervention techniques. Some examples of such techniques which are not considered to be behavioral interventions include suspension, detention, and use of an adjusted or shortened school day. Procedures utilized on an emergency basis in the absence of a behavioral plan to prevent harm to a student, to other students or staff, or to prevent property damage are also not considered behavioral interventions. Systematic, routine, or frequent use of these procedures should prompt review of the strategy and evaluation of the need to develop a written behavioral intervention plan.

#### IV. Procedural Standards

##### A. Procedures for Deciding to Intervene

The agency should ensure that a thorough functional analysis of the problem behavior is carried out by a person(s) knowledgeable about the student and trained to perform such an analysis. Such an analysis should identify what the problem behavior accomplishes for the student. It should make clear the extent to which:

- a) Positive events or stimuli are obtained by the student as a function of the problem behavior (e.g., teacher/peer attention, increased interaction time, physical contact, transfer to a preferred environment or situation, intermittent reinforcement, etc.).
- b) Negative events or stimuli are terminated by the student through the problem behavior (e.g., escaping or avoiding academic or effortful work, boredom, environmental deprivation/satiation, etc.).
- c) Internal automatic reinforcement might be operating to maintain the problem behavior (e.g., self-stimulation).
- d) The positive and negative events or stimuli addressed above can be controlled by staff, and can be made contingent upon more appropriate alternative behaviors.

2. Once a functional analysis of the behavior has been carried out, the resulting data should support the decision to use the chosen behavioral strategy.

##### B. Procedural Approval

Each agency's policy should specify behavioral interventions that may be used within special education programs and services operated within the district. For each intervention, the agency should specify requirements for use and approval which may include informed consent, consideration for peer review, and consideration for human rights committee review.

##### C. Procedures for Initiation and Approval of Behavior

###### Intervention Plans

1. Whenever behavior intervention procedures are used to assist the student to change behavior, the following principles should apply:

- a) As stated previously in this document, the purpose of all behavioral interventions is to teach skills as alternative strategies that will enable students to function as independently as possible thereby releasing an individual from dependence on specialized and/or restrictive services or environments.
  - b) The decision to target a behavior for reduction requires that the behavior, if continued, will result in harm to the student, others, or the environment, or the behavior significantly impedes adaptation or healthy development.
  - c) Written plans should always be in place and results documented prior to development of plans utilizing restrictive procedures; as defined in agency policy.
  - d) All interventions resulting from written plans should be joint ventures conducted in an open manner between student, parent or guardian, and staff. Such proposed interventions should be presented to all parties in language understandable to each, to the extent possible.
  - e) Positive behavioral intervention techniques are always preferred. Criteria for selection of interventions should require that the least restrictive means of altering behavior that is likely to achieve the desired result will be tried first.
  - f) All plans should be individualized. Classwide or schoolwide plans (e.g., discipline codes, codes of conduct) must be implemented with attention to individual needs.
  - g) Implementation of written behavioral intervention plans may be done only by staff who have received training in the use of the specific behavioral intervention.
2. The development of a written behavioral plan should be a combined effort between the special education team or teaching staff, ancillary staff, or school staff, the administration, and the parent (s) or guardian.
3. Based on the level of complexity and on the level of intrusiveness, the chosen behavioral intervention strategy should be written in order to insure the effective implementation of the strategy. Such a written behavioral plan should include:
- a) An analysis of medical, environmental, and instructional factors which may contribute to a student's problem behaviors.
  - b) A representative sample of baseline data collected as a measure of preintervention levels.
  - c) A systematic, objective, and reliable method of data collection that allows evaluation of the intervention.
  - d) A rationale explaining the selection of the recommended behavioral intervention techniques including a written description of the benefits and the risks.
  - e) Clearly specified objectives and conditions under which the program is to be carried out, goals to be achieved, and performance required for successful goal achievement.

f) Clear delineation of staff, parent, or guardian, student, and building administration roles and responsibilities.

g) Time lines for review of the intervention plan for effectiveness or continued appropriateness. Such reviews should not be greater than 10 school days from the date of initiation of the program. Plans using complex techniques or that place students at risk of injury or harm should be reviewed more frequently.

4. The written behavior plan for each student should be made available to each staff member involved in the plan as well as to the student and/or parent or guardian. This plan should be written in language understandable to each, to the extent possible.

5. The written plan and objective data regarding progress or lack of progress toward goals and the effectiveness of the maintenance program shall be available for review by the student and/or parent or guardian upon request.

#### D. Limitations on Interventions

1. The following procedures are unlawful for use by staff in an educational setting:

a) the deliberate infliction of physical pain by hitting, paddling, spanking, slapping or any other physical force as a means of discipline.

b) confinement of a student in a secured area in any manner which would prevent a student from exiting the area should staff become incapacitated or leave that area.

c) denial of basic human needs, such as, scheduled meals, water, lavatory access, proper ventilation or illumination.

2. The following procedures are considered inappropriate in an educational setting for use by staff as a punishment, or as a management tool for reducing unwanted behavior based upon:

- limited technical expertise of educational staff to effectively explore and exhaust less intrusive interventions prior to consideration of these interventions;

- limited technical expertise of educational staff to effectively implement and monitor these interventions;

- a recognition of community concerns regarding the moral and social acceptability of certain interventions within community programs;

- and a recognition of concerns expressed in the professional literature regarding the risks versus the benefits of certain intrusive or restrictive interventions.

a) electric shock,

b) the intentional application of noxious substances which result in physical pain,

c) methods which are not in compliance with the agency's policy and procedures.

3. The use of restraints cannot be for the convenience of staff or as a substitute for an educational program. The use of restraints in a written behavioral intervention plan may only be considered when the student is acting in a manner as to be a clear and present danger to himself/herself, or to others, or is engaging in severe destruction of property, and only when less restrictive measures and techniques are not deemed to be effective. In all programs and services, appropriate guidelines and restrictions on the use of restraint procedures should be adopted by the agency to assure the dignity and safety of the student.

4. Mechanical devices, which are used to control involuntary movement or lack of muscular control when due to organic causes or conditions, may be employed as determined by a professional qualified (e.g., physical therapist, occupational therapist, physician) to make such a determination, and as agreed to by the student (eligible), his/her parent or guardian. These mechanical devices and their use fall outside of these behavioral standards except where a behavioral component can be clearly established (e.g., when an involuntary movement is triggered by a student's own behavior).

#### E. Informed Consent

Informed consent means the individual, parent or guardian, or a legally authorized representative is informed that he/she is able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary to such consent include:

- a) An explanation of the procedures to be followed and their purposes, including identification of any procedures which are experimental.
- b) A description of any attendant discomforts or risks.
- c) A description of any benefits reasonably to be expected.
- d) A disclosure of any appropriate alternative with its advantages and disadvantages.
- e) An offer to answer any inquiries.
- f) The person authorized to provide consent be informed that he/she is free to withdraw his/her consent and to discontinue the student's participation in the behavior intervention at any time without prejudice to the student.

2. Behavioral intervention plans involving restrictive procedures as defined within the local agency's approved interventions require written informed consent from parents, guardians (or eligible students) that is separate from IEPC approval.

3. When there is reason to believe a person otherwise empowered to provide consent may not have the capacity to understand the proposed procedures for which consent is requested, the district shall initiate appropriate review to assure informed consent is obtained prior to implementation of the behavior plan.

#### F. Emergency Procedures

1. Emergency procedures as permitted by law (P.A. 6 of 1992) may be used in the absence of an established behavioral intervention plan in order to:

- a) restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.

- b) provide for self-defense or the defense of others.
- c) prevent a pupil from inflicting harm on himself or herself.
- d) quell a disturbance that threatens physical injury to any person.
- e) obtain possession of a weapon or other dangerous object upon or within the control of a pupil.
- f) protect property.

2. Such emergency procedures may not be used in place of appropriate treatment interventions. Other than as provided by law, emergency procedures should only be utilized when a student has not previously exhibited the behavior creating the emergency, the behavior creating the emergency occurs at a low frequency that programmatic attention is not warranted, or there has been insufficient time to develop an educational plan to reduce the behavior causing the emergency.

3. Each use of an emergency procedure should be documented and reported to building administration and the parent or guardian. Documentation should occur on the agency's incident report form and/or the accident report form.

4. Should a pattern of behavior which requires the use of an emergency procedure emerge or be anticipated, a review should be initiated to assess the appropriateness and effectiveness of current intervention efforts.

5. Use of suspension/expulsion as an emergency procedure should be in compliance with established Department of Education policy.

#### G. Process for Program and Policy Review

1. The agency should provide guidance and consultation to assist local staff in the development, implementation, and review of behavioral intervention plans. Such assistance may include two levels of review:

a) Peer review should be responsible for the review of all written behavior plans utilizing restrictive procedures or plans addressing high-risk behaviors (e.g., danger to self or others, property damage, etc.), as defined within agency policy. The Peer Review Committee would also be responsible to review revisions to the written behavior plans described previously.

b) Human Rights Committee review should minimally include a review of written behavioral intervention plans forwarded by the Peer Review Committee for approval or nonapproval based on the humanness of the proposed intervention plan.

2. Each committee should jointly or separately report to the agency's governing body on compliance of practice with policy and make recommendations for modification of policy or need for additional staff training. Annually, the committees should review the agency's staff training plan for assuring staff competence in the use of behavioral interventions.