



LOS ANGELES UNIFIED SCHOOL DISTRICT

REFERENCE GUIDE

TITLE: Clarification of School Site Responsibilities for Students Receiving Behavior Intervention Development (BID) and Behavior Intervention Implementation (BII) Services from Contracting Nonpublic Agencies (NPA)

NUMBER: REF-043780.0

ISSUER: Beth Kauffman, Associate Superintendent
Division of Special Education

DATE: December 4, 2017

ROUTING

All Locations
Local District Superintendents
Instructional Directors
Special Education
Administrators
School Site Administrators
Teachers
Sp. Ed. Office Technicians

PURPOSE: The purpose of this Reference Guide is to inform school sites of their responsibilities when students are receiving Behavior Intervention Development (BID) and/or Behavior Intervention Implementation (BII) services from a contracting Nonpublic Agency (NPA) on a public school campus and to clarify the relationship between the NPA, the school site, and the student.

MAJOR CHANGES: This is a new policy document.

BACKGROUND: California Education Code section 56520 states: “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.” Nonpublic agencies that contract with the District must be certified by the California Department of Education (CDE) and must meet all state and LAUSD requirements.

INSTRUCTIONS: As outlined in Bulletin 6269.1 and California Education Code section 56520, Behavior Intervention Development (BID) is a Tier III, data-driven behavior related service, delivered by CDE qualified staff members. BID includes the ongoing design, implementation, and evaluation of the behavior programs and environmental accommodations and/or modifications. Through collaboration and consultation with the student’s educational team, the BID provider develops a plan based on appropriate assessment [i.e., Functional Behavior Assessment (FBA)]. It is the BID provider’s responsibility to train the educational team, which may include Behavior Intervention Implementation (BII) provider(s), on the implementation of the plan and the collection of data. BII is a Tier III, data-driven behavior related service that supports an individual student who exhibits significant problem behaviors in his/her educational environment which require



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an intensive and individualized plan and a change in the delivery of interventions and supports. This service supports the implementation of the Behavior Support Plan (BSP) and/or Behavior Treatment Plan. The BII provider also collects data in various forms (e.g., frequency, duration, scatterplot, and interval) pertaining to the target behavior(s), replacement behavior(s), and behavior goal(s). The teacher continues to be responsible for providing the primary instructional program to the student. The BII provider supports rather than supplants the academic program. NPA staff are required to follow all District policies and work under the supervision of both the school site administrator and classroom teacher while on campus. (Refer to Attachment A – Duties and Roles of Behavior Intervention Development (BID) and Behavior Intervention Implementation (BII) Providers).

Identification/Contact Information, Resolving Concerns, Sign In/Out Procedures, Absences, Breaks

A. Identification/Contact Information

All NPA staff must carry and display agency identification at all times while on public school campuses. It is recommended that the school site administrator meet with the NPA staff (BID/BII providers) upon initial arrival on campus and obtain contact information (i.e., BID and NPA director).

B. Resolving Concerns

School administrators should attempt to resolve any concerns regarding NPA assignment or performance at the school-site level. School administrators may initially address any concerns regarding the NPA BII provider(s) to the BID provider. If concerns persist or there are concerns regarding the BID provider, school administrators may contact the agency director. District special education staff may be contacted for support as well should these attempts fail to adequately resolve the situation.

As per Bulletin 6612: “Non-Discrimination and Anti-Harassment (Including Sexual Harassment) Policy and Complaint Procedure,” the District is committed to the provision and enforcement of a safe and discrimination free workplace, including harassment and retaliation, in accordance with federal and state laws, rules and regulations.

C. Sign In/Out Procedures

Per California Education Code sections 44810, 44811, and 51101, as well as District policies and procedures, NPA staff (BID and BII providers)



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must indicate dates and times of campus arrival and departure on a sign in/out document that shall be maintained by the school site. Schools shall utilize a sign in/out document specific to both BID and BII providers that includes the names of the NPA on which providers record their actual times in/out. The sign in/out document should be kept separate from the usual visitor log but providers should sign in and out on both documents.

D. Absences and Breaks

In the event of an absence on the part of the BII provider, agency personnel shall notify the school office of the absence in addition to notifying the NPA. The NPA will provide a substitute, if possible. However, if no substitute is available, the NPA will contact the school office to inform them of the need for coverage. It is then the school's responsibility to cover the provider absence using District resources from the school site.

In addition to covering absences, schools are responsible for covering all ten (10) minute rest and thirty (30) minute lunch breaks taken by the BII provider. Though NPA staff are not mandated to take breaks at specific intervals, California Labor Law does state that rest breaks must not be taken adjacent to meal breaks. Determination of break times should be done in collaboration between the school site and agency staff with an emphasis on ensuring scheduling meets the student's needs.

Nonpublic service delivery is payable for actual student attendance only. Providers may not document or bill for times when students are tardy or absent. In the event of a student's chronic tardiness or absences, the Individualized Education Program (IEP) team may wish to convene an IEP team meeting in order to examine the students' needs and formulate a plan to encourage regular attendance.

Development of Treatment Plans/IEP Preparation, Progress Reporting

A. Treatment Plans

A behavioral treatment plan is to be developed by the NPA BID provider within thirty (30) days of initiation of service provision and/or within thirty (30) days of the signature date on the subsequent IEP in which NPA BID/BII services are continued.

The NPA BID provider shall:

1. Provide a hard copy of the Behavioral Treatment Plan to the school site administrator and case-carrying teacher.



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2. Provide an electronic copy to the school site administrator and case-carrying teacher via Welligent email.
3. Upload the Behavioral Treatment Plan as an attachment to the student's active IEP in Welligent (in the *Services* section, in active BID Service Tracking Record under the *Events/Referral/Notes* tab).

Treatment plans should not be password protected by the NPA as Welligent is a secure system.

The school site shall then upload the treatment plan under the most current active IEP under the section *Attached Documents* in the *Management Screen*.

B. IEP Preparatory Activities

As part of the IEP preparatory activities, the NPA BID provider shall collaborate and consult with the school-site team in the development of IEP components related to behavior prior to the IEP team meeting. This should include a behavior present level of performance, proposed behavior goal(s), and a revision of the treatment plan that addresses a generalization of skills and fading of supports (building independence) based on data collection and analysis with a visual representation (i.e., graph) of the data. The NPA BID provider shall provide a hard copy and electronic version of the *Nonpublic Agency Behavior Intervention Report of Student Performance* (Attachment B) to the case-carrying teacher two (2) weeks prior to the IEP team meeting.

Recommendations for all behavior services and prescribed minutes made during the IEP team meeting are IEP team decisions that shall be based on data and shall be individualized for each student. The names of specific agencies or providers may not be included within the IEP document.

The NPA BID provider currently assigned to a student shall be added as an IEP participant in Welligent in order to remain informed of the status of assigned students' IEPs.

C. Progress Reporting

Both a hard copy and electronic version of the *Nonpublic Agency Behavior Intervention Report of Student Performance* (Attachment B) shall be provided to the school site administrator and case-carrying teacher for each IEP progress reporting period in order to document student progress on the *IEP Report of Progress and Achievement*. (The NPA may utilize its own version of this report as long as it contains the



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same components as required in the form). The form shall not include NPA recommendations regarding the student's need for continued services. Completed forms shall be uploaded by the NPA in the same location as the treatment plan, as detailed in section A, Treatment Plans, number 3.

Any direct correspondence from the NPA to the parent regarding student progress in the area of behavior must be authored or communicated by the BID provider. The school site (administrator/teacher) shall be included in this communication. The BII provider shall not communicate student progress directly to parents, either orally or in written form.

Welligent Tracking

All nonpublic agency behavior services must be documented in Welligent within five (5) school days of the scheduled event. It is the school site's responsibility to ensure that all providers have computer access in order to document their services in Welligent.

School site personnel shall not alter service tracking records that are affiliated with NPAs.

Behavior Emergency Reports

The California Education Code defines a behavioral emergency as a "spontaneous behavior that poses a 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." When staff determines that a student with NPA behavior services requires the application of an emergency intervention, a team approach must be used in accordance with the California Education Code and District policy. The school site administrator shall then be responsible for compiling all information provided by both school-site and NPA staff regarding the incident and documenting it on the Behavior Emergency Report (BER), available in Attachment F of BUL-6269: "Multi-Tiered System of Behavior Support for Students with Disabilities." Completion and submission of the BER is the responsibility of the school site administration.

RELATED RESOURCES:

- *California Education Code*
- *California Labor Law*
- BUL-6269: "Multi-Tiered System of Behavior Support for Students with Disabilities"



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**RELATED
RESOURCES
(Continued):**

- BUL-6612: “Non-Discrimination and Anti-Harassment (Including Sexual Harassment) Policy and Complaint Procedure”

ASSISTANCE:

For assistance or further information please contact:

Deanna Peterson, Administrative Coordinator, Strategic Planning and Data Management, Nonpublic Services Support Branch at deanna.peterson@lausd.net or at 213-241-7001.

ATTACHMENTS:

Attachment A: Duties and Roles of Behavior Intervention Development (BID) and Behavior Intervention Implementation (BII) Providers

Attachment B: Nonpublic Agency Behavior Intervention Report of Student Performance

Los Angeles Unified School District
Division of Special Education

**Duties and Roles of Behavior Intervention
Development (BID) and Behavior Intervention
Implementation (BII) Providers**

Duties and Roles of the Nonpublic Behavior Intervention Development (BID) Provider:

- Develops and modifies treatment plans based on data in consultation and collaboration with the school site team
- Provides hard copies and electronic versions of treatment plans to the school-site administrator and case-carrying teacher within 30 days of either student enrollment or date of most current signed IEP in which BID/BII services are specified
- Provides the progress reports to the case-carrying teacher two (2) weeks prior to IEP team meetings
- Reviews data and analysis with the school site team on an ongoing basis
- Provides current behavior data sheets to school site and District staff upon request
- Collaborates with the school site team to develop IEP present levels of performance and behavior goal(s)
- May attend IEP team meetings although it is not a billable activity
- Participates in collaborative meetings regarding student behavior with District, school staff, and parents
- Provides progress reports based on weekly data collection and analysis to the case-carrying teacher at each progress reporting period so that student progress may be documented on the *IEP Report of Progress and Achievement*
- May communicate with families regarding student progress and concerns around behavior
- Directly supervises the NPA Behavior Intervention Implementation (BII) provider
- Supervises the implementation of the treatment plan
- Trains the educational team, which includes classroom teachers, assistants, administrators along with the BII provider, on the implementation of strategies within the treatment plan as well as on the collection of data
- Uses Welligent Service Tracking to document provision of service within five (5) school days of the scheduled event

Duties and Roles of the Nonpublic Behavior Intervention Implementation (BII) Provider:

- Works under the guidance and support of the classroom teacher and the BID provider to implement IEP behavior goals, the behavior support plan and the treatment plan. (Under no circumstances should the BII provider be left alone to supervise student(s) in the classroom or any other areas of the campus)
- Works directly with the student who is receiving BII services in order to implement positive behavior interventions/strategies as outlined in the treatment plan
- Collects data on target behaviors for analysis by BID provider, teacher, and other District staff
- Uses Welligent Service Tracking to document provision of service within five (5) school days of the scheduled event
- Directs parent inquiries to teacher and BID provider
- Makes available treatment plan and current behavior data to school site team and District staff upon request
- NPA BII providers' responsibilities do not include:
 - Attending IEP team meetings,
 - Supervision duty of common areas,
 - Providing toileting,
 - Developing curricular modifications,
 - Analyzing and interpreting data,
 - Implementing a behavior intervention with other students,
 - Traveling in either District or private transportation without completing and obtaining appropriate authorizing signatures on the Behavioral Aide Permit form issued by Risk Management & Insurance Services.

Attachment B

Student Name: _____ **Birthdate:** _____ **Report Date:** _____

Teacher: _____ Program: _____ Adult to Student Ratio: _____ : _____

School of Attendance : _____ **Eligibility:** _____

Service Prescription (time/freq./location): _____ **Nonpublic Agency:** _____

PROGRESS BASED ON IEP GOALS/OBJECTIVES:

Goal: _____ **Achieved:** ☐ Yes ☐ No

Objective 1: _____

Objective 2: _____ **Achieved:** ☐ Yes ☐ No

CURRENT LEVEL OF PERFORMANCE:

Summary of Treatment Plan including behaviors to be taught:

Analysis of Data (attach graph to indicate rate of progress, etc.):

Generalization of Skills
(name skills, include strategies):

Behavior Fading Plan
(increasing student independence):

Effectiveness of Treatment Plan:

Submitted by: _____

Print Name	Date	Signature
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Distribute Annually and for any IEP addressing Behavioral Services

Date Sent:

- Provide this document to the School of Attendance/Case Carrier for use at annual IEP team meeting. This document and any data of significance must be made available two weeks before the IEP team meeting.
- Parent