



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: Liability for Special Education Staff Supporting Community Based Instruction (CBI) Activities

NUMBER: BUL-4438.0

ISSUER: Dr. Judy Elliott, Chief Academic Officer
Instructional Services

DATE: January 12, 2009

ROUTING

Secondary Schools
Local District Superintendents
Administrators of Instruction
Local District Directors
Support Unit Administrators
School Administrators
Bridge Coordinators
Special Education Teachers
Special Education Assistants

POLICY: It is the District’s policy that students with disabilities, age 16 and older, participating in Community Based Instruction (CBI) activities will do so in groups of no more than four students to one adult. Employees that are responsible for supervising students off campus must adhere to all District guidelines covered under the District’s liability procedures.

MAJOR CHANGES: This Bulletin provides updated information regarding liability exposure to employees that provide CBI activities outside of the school grounds.

BACKGROUND: *Community Based Instruction: An Experimental Manual for Teaching Life Skills in the Community* was published by the District in 1989, to provide a new instructional approach for establishing the community as the primary learning environment for high school students with moderate to severe disabilities. The primary focus was to assist students in the development of independent living skills necessary to successfully transition into the adult world. This manual has been replaced by *CBI: Teaching Life Skills in the Community, Program Handbook for High School Students with Moderate to Severe Disabilities, Spring 2008*.

The reauthorization of the Individuals With Disabilities Education Act (IDEA) in 2004 shifted the focus of CBI to provide for a seamless transition to employment, independent life skills, or education and training. CBI instruction consists of an individualized, coordinated set of classroom and community activities that are based on student needs and interests. The CBI teachers(s) and assistant(s) work as a team, sharing responsibility for all students.

CBI activities are designed to support instruction in employment and independent living skills for students with moderate to severe disabilities on the alternate curriculum. The activities begin in the eleventh grade and continue until a student masters the expected learning or reaches the age of 22. The activities are individualized and take place with a small group of no more than four students assigned to one adult for instruction at school or in the community.



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BACKGROUND: CBI activities differ from field trips in that they involve ongoing instruction in the context of the natural environment. A CBI instructional activity focuses on individual needs and targeted skills in a variety of learning environments.

Typically two to four students participate in the activity as compared to the whole class. Attachment A, *CBI versus Field Trips*, defines the difference between a whole group field trip and a CBI activity.

The updated *CBI: Teaching Life Skills in the Community, Program Handbook for High School Students with Moderate to Severe Disabilities, Spring 2008*, provides the required steps necessary to begin a successful community based instructional program. It delineates administrator, teacher, paraprofessional and parent responsibilities including: pre-instruction components of the program; required documentation from parents; and a checklist for traveling in the community.

PROCEDURES: GENERAL LIABILITY

The Office of General Counsel (OGC), Los Angeles Unified School District has advised that the basic principle regarding the assumption of liability by the District is that when employees follow all District policies and procedures while acting within the course and scope of their employment, they are defended by LAUSD for unintentional acts of negligence in accordance with Government Code Section 995.2. The District also provides Workers' Compensation coverage to employees injured while performing their assigned job duties.

The following responsibilities are considered the course and scope of employment for designated employees:

PRINCIPAL RESPONSIBILITIES

The principal's responsibility is to ensure completion of all of the following:

1. Staff has been trained. Attachment B, *CBI Training for Special Education Staff*, is signed by the paraprofessional, the teacher and the principal and maintained on file at the school.
2. Students have received from staff all the pre- and post-instruction activities on an ongoing basis.
3. The teacher has completed all forms and documentation and the forms are on file at the school site.
4. The *Daily Community Travel Plan* (Attachment C) has been completed before students and staff leave campus.
5. The main office has a copy of the *Travel Plan* to provide to the Local District Superintendent and/or Director upon request.



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PROCEDURES: CERTIFICATED PERSONNEL RESPONSIBILITIES

The responsibility of the teacher is to:

1. Determine the level of supervision necessary to adequately ensure the safety of the student in the classroom and in the community.
2. Complete all required documents and provide a copy to the office.
3. Ensure the special education assistant/trainee is properly trained.
4. Use good judgment.
5. Provide proper instruction aligned to the CBI activity.
6. Investigate, anticipate and plan for potentially hazardous conditions prior to students working independently with the special education assistant/trainee.

SPECIAL EDUCATION ASSISTANT/TRAINEE RESPONSIBILITIES

The responsibility of the special education assistant/trainee is to:

1. Work under the supervision of a certificated staff member assigned to a program providing CBI.
2. Work with students whose Individualized Education Program (IEP) specifies CBI related goals and objectives.
3. Attend District sponsored professional development training on providing CBI support.
4. Follow District guidelines outlined in the *Field Trip Handbook and Revised Procedures*, July 24, 2006, and in the *CBI: Teaching Life Skills in the Community Handbook, Procedural Guidelines for Off Campus Instructional Activities*.
5. Provide direct supervision of no more than four students participating in CBI instruction activities in the community.

PRIOR TO THE ACTIVITY:

A. The teacher must:

1. Ensure that the *CBI Training Checklist for Special Education Staff* (Attachment B) is completed and on file at the school site.
2. Review student IEPs for appropriate CBI goals and objectives.
3. Review a copy of the School Emergency Plan.
4. Obtain all required signed parent consent forms and file in the office.
5. Establish a classroom student file which includes:
 - a. Current IEP.
 - b. Emergency Card.
 - c. Parent/Guardian *Permission for a Field Trip or Authorized Medical Care*.
 - d. Parent Consent Forms for CBI Participation.
 - e. Health Information.



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PROCEDURES:

- f. CBI Home Questionnaire.
 - g. Travel training documentation (See Travel Training and Safety Section in the CBI Handbook).
 - h. Documentation of Stranger Awareness Training (See Travel Training and Safety Section in the CBI Handbook).
 - i. Instructional objective for each off campus activity.
 - j. Evidence of planning for instruction that matches the IEP goals of the students (see CBI Handbook for a complete list of the information in the Classroom Student File).
- B. Certificated and/or classified CBI staff are responsible for establishing, safeguarding and carrying an *Off Campus Travel Packet* which includes:
1. District Identification – for employee(s) and students.
 2. A copy of the *Daily Community Travel Plan*.
 3. Current picture of each student.
 4. Copy of signed *Permission for Field Trip and Authorized Medical Care* (field trip slip) with current emergency information.
 5. Current copy of each student's emergency card.
 6. Other relevant information (such as behavior support plan, specific health information).
- C. File in main office the *Daily Community Travel Plan* (Attachment C) before leaving campus. The main office will ensure a copy of the plan is available upon request by the Local District Office.
- D. The administration/main office must have a CBI student file which includes:
1. A copy of signed *Permission for Field Trip and Authorized Medical Care* with current emergency information.
 2. A copy of *Request for Approval of School Organized Trip for Students* with a list of approved sites attached.
 3. A current student photograph.
 4. Current copy of the student's emergency card and emergency contact person.
 5. Other pertinent information (See the CBI handbook for a complete list).

An employee (certificated or classified) that engages in activities outside his/her course and scope of employment at a time when he/she is responsible for supervising students will expose him/herself to personal liability. If a student is injured as a result of inadequate supervision, the District and the courts may find that the employee was acting outside the course and scope of his/her employment and may hold the employee liable. As in all matters concerning supervision, the staff member should consult with his/her principal if there are any questions about supervision requirements.



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AUTHORITY: Superintendent of Schools

- RELATED RESOURCES:**
- Curriculum Guide for Students with Moderate to Severe Disabilities
 - CBI: Teaching Life Skills in the Community, Spring 2008 LAUSD
 - REF-2111.0: Field Trip Handbook and Revised Procedures, July 24, 2006
 - Guidelines to Updating and Adding a New Site to the Pre-Approved Field Trip List, July 29, 2006

ASSISTANCE: For assistance or further information, please contact Geri Fuchigami, Coordinator of the District Office of Transition Services, at (213) 241-8050 or email at geri.fuchigami@lausd.net or contact your secondary Support Unit Administrator at:

Support Unit North	(818) 256-2800
Support Unit Central/West	(323) 421-2950
Support Unit East	(323) 923-2155
Support Unit South	(310) 354-3431



**HOW COMMUNITY BASED INSTRUCTION DIFFERS FROM FIELD TRIPS
AND SPECIAL EVENTS**

Community Based Instruction	Field Trips
Functional instruction/skills	Culmination to classroom activity/instruction
Individual needs Specific functional instruction skills Specific environments	Part of school or whole class activity
Practice life skills	Exposure
Clearly defined instructional objectives related to independent living, job or life skills	Broadly defined instructional objectives
Based on IEP	Culmination or enhancement of activity or unit
Systematic, organized for small group instruction (1-4 students)	Systematic, organized for large group (whole class)
Daily/weekly experience	Sporadic
Active participation by individual as it relates to long term goals	Enhances the curriculum by adding an observational plus environmental component to specific subjects
Part of student's schedule of instruction	Not part of regular daily schedule of instruction
Learning over time	One day learning event
Planned learning trip specific to assessed student needs	Planned activities related to a small portion of a unit
Small group (2-4) students	Large group (whole class)
Sequential interactive and instructional activities	More social, loose structure
Consistent – provides primary educational setting for student	Episodic – reinforces learning
Liability issues	Liability issues
Consistent-provides primary educational setting for student	Episodic – reinforces learning
A curricular method to teach lifelong skills	A curricular method to enhance learning and a source of recreation

Source: Adapted from Community-Based Instruction: Technical Resource Manual, Bureau of Education and Exceptional Students, Florida Department of Education, 1993.



CBI TRAINING FOR SPECIAL EDUCATION STAFF

The teacher shall verify the training of the special education trainee/assistant or other paraprofessional as it relates to the delivery of CBI. This checklist should be completed and signed by the assistant, teacher and principal before the individual works in the community without the physical presence of the teacher. It should be updated once a year and reviewed as needed. The assistant/trainee should accompany the teacher until the following have been demonstrated:

Initial:

1. ____ Attended CBI Training. Verification attached.
2. ____ Knows and understands the philosophy of CBI.
3. ____ Demonstrates behavior management procedures and attended a behavior management training. Verification attached.
4. ____ Has been given direction by the teacher concerning instructional objectives for the student.
5. ____ Knows how to instruct students in the community by promoting teacher prepared objectives.
6. ____ Has demonstrated the ability to assess and record the student's performance of community objectives.
7. ____ Knows current medical status of the students and prescribed medications.
8. ____ Knows the location(s) of nearest public telephones in the community where students will receive instruction.
9. ____ Knows the school phone number and appropriate emergency procedures.
10. ____ Carries emergency coins, emergency card, health card and trip slip while in community.



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- 11. ____ Demonstrates the competence and judgment necessary for CBI and is capable of supervising students using written directions without the teacher's physical presence.
- 12. ____ Is capable of making decisions to alter objectives if an EMERGENCY occurs and has received training on what to do in an emergency situation.
- 13. ____ Will follow instructions and complete assignments given by the teacher including adherence to District guidelines.
- 14. ____ Demonstrates competence in mobility training that includes assisting students on the use of public transportation and development of pedestrian skills.

COMMENTS: _____

Assistant/Trainee Signature: _____ Date: _____

Other/Title Signature: _____ Date: _____

Teacher Signature: _____ Date: _____

Teacher Signature: _____ Date: _____

Principal Signature: _____ Date: _____

*This form can also be found in Section 3: CBI Procedural Guidelines for Off Campus Instructional Activities in the *Community Based Instruction: Teaching Life Skills in the Community: Handbook for High School Students on Alternate Achievement Standards, Spring 2008.*



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DAILY COMMUNITY TRAVEL PLAN

ATTACHMENT C

Submit this form to the designated administrative office staff before leaving the school campus and post a copy of this form within the CBI classroom. Notify the school immediately of any travel changes or alternate routes. Please adhere to the checklist for traveling in the community.

School: _____

Teacher/Staff: _____ Date: _____ Room #: _____

Date of Travel: _____ Departure Time: _____ Return Time: _____

Destination: (If more than one destination, please attach additional plans)

Cell Phone Number (optional): _____

Location/Site: _____

Address: _____

Phone: _____ (If applicable)

Method of Transportation: _____

Bus Numbers/Walking Route: _____

Notify cafeteria regarding status of lunches: _____

IDENTIFY ONE OR MORE INSTRUCTIONAL OBJECTIVES OR GOALS FOR THE OFF CAMPUS ACTIVITIES:

1. Functional Academics: _____

2. Motor Skills/Mobility: _____

3. Recreation/Leisure: _____

4. Vocational: _____

5. Communication: _____

6. Social/Emotional: _____

7. Self Care/Independent Living: _____

8. Other: _____



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STAFF SUPERVISION

Name(s) of teacher/staff responsible for off campus supervision:

Students participating in the off campus activity:

1.		3.	
2.		4.	

Name of teacher/staff responsible for on campus supervision:

Students remaining on campus and their location:

NAME

ROOM NUMBER

- | | | |
|-----|-------|-------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| 4. | _____ | _____ |
| 5. | _____ | _____ |
| 6. | _____ | _____ |
| 7. | _____ | _____ |
| 8. | _____ | _____ |
| 9. | _____ | _____ |
| 10. | _____ | _____ |
| 11. | _____ | _____ |
| 12. | _____ | _____ |

*This form can also be found in Section 3: CBI Procedural Guidelines for Off Campus Instructional Activities in the *“Community Based Instruction: Teaching Life Skills in the Community: Handbook for High School Students on Alternate Achievement Standards, Spring 2008.”*