

**Mid-State Education Joint Agreement**

**Policy and Procedures for Behavioral  
Interventions**

**For**

**Special Education Eligible Students**

Revision adopted February 21, 2012

## **Mid-State Special Education Behavioral Intervention Policy for Special Education Eligible Students**

*Mid-State Special Education (MSSE) Cooperative and its member school districts, both individually and collectively,* are committed to providing a learning environment for all special education students (collectively referred to as “students”) which is conducive to their academic, social, and emotional growth. MSSE staff and when appropriate, District staff will intervene, as necessary, with students whose behavior is not consistent with this goal. Behavioral intervention(s) may occur when a student’s behavior (1) endangers the health and safety of the student or others, (2) is resulting in, or has the potential of resulting in property loss or damage, (3) interferes with the school’s legitimate educational purpose (i.e. non-compliance with the programs rules and regulations), or (4) otherwise represents a disruption of the educational process.

When behavioral interventions are used, they shall be used in consideration of the student’s physical freedom and social interaction, and shall be administered in a manner which respects human dignity and personal privacy, and which ensures a student’s placement in the least restrictive educational environment.

It is the policy and belief of *Mid-State Special Education (MSSE) Cooperative and its member school districts* that the use of non-aversive or positive interventions are preferable to aversive and more restrictive procedures, and should be used to the maximum extent possible. In accordance with this policy, positive interventions should be given the highest priority and be accompanied by the use of more restrictive procedures.

The Director shall develop and implement procedures consistent with this policy and in accordance with all laws and regulations relating to behavior interventions for special education eligible students.

## **Mid-State Special Education Behavioral Intervention Procedures for Special Education Students**

### **Section 1: Purpose**

It is the purpose of these procedures to establish the process for MSSE and its member districts to comply with applicable laws and regulations with respect to the use of behavioral interventions for special education eligible students.

Behavior interventions shall be used with special education eligible students to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. A fundamental principle is that positive, non-aversive interventions designed to develop and strengthen desirable student behaviors should be used whenever possible. The most effective and humane manner of reducing undesirable behavior is by developing, strengthening, or generalizing desirable behavior to compete and ultimately replace the undesirable behavior.

While positive approaches alone will not always succeed in managing extremely inappropriate behavior, the use of more restrictive behavior interventions should be considered to be a temporary approach applied with utmost caution. The use of restrictive interventions for special education eligible students should be based on assessment, planning, supervision, evaluation documentation and protective measures. The use of restrictive interventions should maintain respect for the student's dignity and personal privacy, and adhere to professionally accepted instructional practices.

### **Section 2: Categories of Behavioral Interventions**

For purposes of this policy, the most common behavioral interventions are categorized according to four levels of restrictiveness (nonrestrictive, restrictive, highly restrictive, and prohibited).

Nonrestrictive Interventions are preferred and are to be implemented first, when appropriate, because of the low risk of adverse effects and because they emphasize positive behavior rather than behavioral control. These interventions may be used without the development of a written behavioral management plan or otherwise included in the students' individualized education plan (IEP). In accordance with this procedure, the use of positive and non aversive interventions shall be given the highest priority and should be directed at the development of positive student behaviors and skills.

The below list are interventions that are considered nonrestrictive interventions.

Allowing student to escape task	Calling/notifying parent
Contingent exercise	Detention
Differential reinforcement	Direct Instruction
Environmental/ activity modification	Extinction
Instructional assignment	Modeling
Peer involvement	Planned ignoring
Positive practice/ overcorrection	Prompting
Positive reinforcement	Proximity control
Physically redirecting student	Response cost
Verbally redirecting student	Restitutive overcorrection
Safe place	Self-management
Shaping	Teaching alternative behavior
Teaching self-reinforcement	Time out (non-exclusionary)
Token economy	Verbal feedback/ reprimand

Restrictive Interventions maybe appropriate during emergency situations or when less restrictive interventions have been attempted and failed. Restrictive interventions include aversive and deprivation procedures associated with a higher risk of having an adverse effect. Therefore, greater caution shall be exercised in their use. Restrictive interventions shall be used for only the minimum amount of time necessary to control the student's behavior and shall be replaced by less restrictive procedures as soon as reasonably possible.

Restrictive interventions should be used in conjunction with positive interventions and should be designed to strengthen competing behaviors, and/or as identified on the behavior management plan or as identified in the student handbook if no behavior management plan exists.

The below list are interventions that are considered restrictive interventions.

Exclusion from extracurricular activities	Food delay
Forced physical guidance	Restraint
Suspension (in school and out)	Satiation
Time-out (isolation/ quiet room)	Negative practices
Expulsion (may only occur after an IEP team has determined the behavior is not a manifestation of the student's disability)	

Highly restrictive interventions are deemed inappropriate for use in most circumstances. Highly restrictive interventions include the use of aversive mists, aromatics, and denial or restriction to regularly used equipment and devices (when no educational alternative is available to the student). Highly restrictive interventions may only be used after a functional

behavioral assessment (FBA) has been completed, a behavior intervention plan (BIP) has been written, and the IEP amended to include the behavior intervention plan (BIP).

**Prohibited Interventions are Illegal and CANNOT be used under any circumstances** such corporal punishment, expulsion when services designed to provide a “free appropriate public education” is not provided, faradic skin shock, physical manipulation or procedure that causes pain and/or tissue damage when used as aversive procedure.

### **Section 3: Isolated Time Out and Physical Restraints**

Isolated time out and physical restraint shall only be used as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment.

Isolated Time Out means the confinement of a student in a time-out room where the student’s egress is restricted. An adult supervising the student shall remain within two feet of the enclosure and have continuous visual monitoring and communication with the student.

#### Time Limits

1. A student shall not be kept in isolated time out for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.
2. Whenever an episode of isolated time out exceeds 30 minutes or repeated episodes have occurred during any three hour period the following requirements apply.
  - a. A certified staff person knowledgeable about the use of isolated time out shall evaluate the situation.
  - b. The evaluation shall consider the appropriateness of continuing the procedure in use, including the student’s potential need for medication, nourishment, or use of restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance)
  - c. The results of the evaluation shall be committed to writing and copies of this documentation shall be placed in the student’s temporary student record and provided to the Principal.

#### Documentation and Evaluation

1. A written record of each episode of isolated time out shall be maintained in the student’s temporary record. This form must be completed by the beginning of the school day following the episode of isolated time out.
2. The school Principal shall be notified on the incident as soon as possible, but no later than the end of the school day on which it occurred.

3. Within 24 hours after the use of isolated time out the school district serving the student shall send written notice of the incident to the student's guardian(s).

Physical Restraint means holding a student or otherwise restricting his or her movements. Physical restraint as permitted pursuant to this Section includes only the use of specific, planned, and trained techniques. The use of physical restraint shall be subject to the following requirements:

1. The student poses a physical risk to himself, herself, or others
2. There is not medical contraindication to its use, and
3. The staff applying the restraint have been trained in its safe application

Restraint **does not** include momentary periods of physical restriction by direct person-to-person contact accomplished with limited force and designed to prevent a student from completing an act that would result in potential physical harm to himself, herself, or another, or damage to property; or remove a disruptive student who is unwilling to leave the area voluntarily.

Students **shall not** be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrated a means of or intent to carry out the threat.

#### Time Limits

1. A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.
2. Whenever an episode of physical restraint exceeds 15 minutes or repeated episodes have occurred during any three hour period the following requirements apply.
  - a. A certified staff person knowledgeable about the use of isolated time out shall evaluate the situation.
  - b. The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance)
  - c. The results of the evaluation shall be committed to writing and copies of this documentation shall be placed in the student's temporary student record and provided to the Principal.

#### Documentation and Evaluation

1. A written record of each episode of physical restraint shall be maintained in the student's temporary record. This form must be completed by the beginning of the school day following the episode of isolated time out.
2. The school Principal shall be notified on the incident as soon as possible, but no later than the end of the school day on which it occurred.

3. Within 24 hours after the use of isolated time out the school district serving the student shall send written notice of the incident to the student's guardian(s).

When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate an individual education plan (IEP) meeting to review of the effectiveness of the procedure(s) used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record.

#### **Section 4: Functional Behavioral Analysis (FBA) and Behavior Intervention Plan (BIP)**

Functional Behavioral Analysis (FBA) is a process to improve understanding of problematic targeted behavior(s) in order to identify what skills and replacement behaviors need to be taught. The process includes observation, interviews, and data collection to identify when, where, and why the identified behavior is occurring.

Behavior Intervention Plan (BIP) is a written plan developed as part of the individualized education program (IEP) to address serious behavioral problem(s). It is based on a functional behavioral analysis (FBA) of the student's behavior, describes interventions to be used, methods of evaluations, and provisions for coordinating with home. The behavior intervention plan (BIP) outlines what the school personnel will do to support the needs of the student.

#### **Section 5: Notification to Parents**

Policies and Procedures for Behavioral Interventions for Students with Disabilities will be provided to parents annually.

Within 24 hours after any use of isolated time out or physical restraint, the school district shall send written notice of the incident to the student's guardian(s).

#### **Section 6: Requirements for Training**

Staff members will receive annual training regarding the Policies and Procedures for Behavioral Interventions for Students with Disabilities.

Physical restraint shall be applied only by individuals who have received systematic training in physical restraints and have received a certificate of completion or other written evidence. An individual who applies physical restraint shall use only techniques in which he or she has received such training within the preceding two years.

