

Mid-State Special Education Joint Agreement

Policy and Procedures for Behavioral Interventions for Students Who Are Eligible for Special Education

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 students eligible for special education.

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 three levels of restrictiveness (nonrestrictive, 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 away (non-exclusionary)
Token economy	Verbal feedback/ reprimand

Restrictive Interventions may be 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	Negative practices
Isolated Time-out	
Expulsion (may only occur after an IEP team has determined the behavior is not a manifestation of the student's disability.	

Physical restraint, time out, and isolated time out may be used only when:

- 1) the student is an imminent risk of serious physical harm to themselves or to others;
- 2) after less restrictive interventions have been attempted and failed;
- 3) in conjunction with positive interventions designed to strengthen competing behaviors; and
- 4) as identified on the behavior intervention plan or as identified in the student handbook if no behavior intervention plan exists.

Documentation of Behavior must be completed along with the required ISBE Time Out/Restraint form. An IEP meeting must be held to review documentation and functional analysis if three (3) or more restrictive interventions are utilized within a 30-calendar day period. A behavioral intervention plan or amendment to the behavior intervention plan should be written to address the behaviors at the IEP meeting.

Expulsion with a continuing education program may only occur after an IEP has determined that the behavior is unrelated to the student's disability through a manifestation determination process.

Prohibited Interventions are Illegal and CANNOT be used under any circumstances such as 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, or any other mechanical or chemical restraint.

Section 3: Isolated Time Out, Time Out and Physical Restraints

The Illinois Administrative Code (23 IAC 1.285) states the following:

“Isolated time out, time out, and physical restraint, as defined in this Section, shall be used only when the student's behavior presents an imminent danger of serious physical harm to the student or others and other less restrictive and intrusive measures have been tried and proven ineffective in stopping the imminent danger of serious physical harm. Isolated time out, time out, or physical restraint shall not be used as discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, or to prevent property damage in the absence of imminent danger of serious physical harm to the student or others.”

These regulations, which were revised on April 9, 2020, are the basis for these procedures, which refer

primarily to the use of time out, isolated time out, or physical restraint for the purposes of maintaining a safe environment for learning. For purposes of the ISBE regulations, time out, isolated time out, or physical restraint are interventions used in tandem with other positive intervention strategies. Time out, in Illinois' regulatory language, means "a behavior management technique for the purpose of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under subsection (i) for part of the school day, only for a brief time, in a non-locked setting" [23 IAC 1.285(a)(2)]. Time out includes situations only when the student is in a monitored enclosure, [defined at 23 IAC 1.285(a)(4),] due to exhibiting behavior that poses an imminent danger of serious physical harm to self or others. Time out is, not for use if the student is being disruptive and needs to cool down in a sensory room, reflection area, or in another setting that offers other positive or therapeutic supports.

"Isolated time out" means the involuntary confinement of a student alone in a time out room or other enclosure outside of the classroom without a supervising adult in the time out room or enclosure. Isolated time out is allowed only under limited circumstances. If all other requirements under Section 1.285 are met, isolated time out may only be used when the adult in the time out room or enclosure is in imminent danger of serious physical harm because the student is unable to cease actively engaging in extreme physical aggression [23 IAC 1.285(a)(1)].

"Isolated time out" or "time out" does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment" [23 IAC 1.285(a)(3)].

In Illinois regulations, a physical restraint is defined as "holding a student or otherwise restricting the student's movements" [23 IAC 1.285(b)] and includes only the use of specific, planned techniques. "Physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak" [23 IAC 1.285(d)(4)]. Both the federal and state definitions describe physical restraint as consisting of planned holds or techniques to prevent a student's movement (e.g., immobilization of the head, arms, legs, and/or torso) which is only allowable in the event he or she presents an imminent danger of serious physical harm to self or others.

"Restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to: 1) prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or 2) remove a disruptive student who is unwilling to leave the area voluntarily". [23 IAC 1.285(c)].

The regulations require, at a minimum, "at least eight hours of developmentally appropriate training annually" for school personnel implementing isolated time out, time out, or physical restraint [23 IAC 1.285(i)(1)]. Developmentally-appropriate training is training that takes into consideration children's age, grade level, and disabilities. The annual training must include each of the following areas:

- A) crisis de-escalation;
- B) restorative practices;
- C) identifying signs of distress during physical restraint and time out;
- D) trauma-informed practices; and
- E) behavior management practices." 23 IAC 1.285(i)(1), amended at 44 Ill. Reg. ---- (eff. 4-9-20).

"Isolated time out, time out, or physical restraint ..., shall be applied only by individuals who have received annual systematic training on less restrictive and intrusive strategies and techniques to reduce the use of isolated time out, time out, and physical restraint based on best practices and how to safely use time out and physical restraint when those alternative strategies and techniques have been tried and proven ineffective. This training must include all the elements described in subsection (i) (described below) and must result in the receipt of a certificate of completion or other written evidence of participation.... An individual who applies isolated time out, time out, or physical restraint shall use only techniques in which he or she has received prior annual training, as indicated by written evidence of participation" [23 IAC 1.285(i)(3)].

Per 23 IAC 1.285(f)(1)(A-L), "In the form and manner prescribed by the State Superintendent, a written record of each event involving of isolated time out, time out, or physical restraint must shall be maintained in the student's temporary record... Each record shall include, but is not limited to, all of the following and must include the following information, per 23 IAC 1.285(f)(1)(A-L), amended at 44 Ill. Reg. ---- (eff. 4-9-20):

- A. the student's name;

- B. the date of the incident;
- C. the beginning and ending times of the incident;
- D. a description of any relevant events leading up to the incident;
- E. a description of any interventions used prior to the implementation of isolated time out, time out or physical restraint;
- F. a description of the incident and/or student behavior that resulted in isolated time out, time out or physical restraint, including the specific imminent danger of serious physical harm to the student or others;
- G. for isolated time out, a description of the rationale of why the needs of the student cannot be met by a lesser restrictive intervention and why an adult could not be present in the time out room;
- H. a log of the student's behavior in isolated time out, time out, or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;
- I. a description of any injuries (whether to students, staff, or others) or property damage;
- J. a description of any planned approach to dealing with the student's behavior in the future, including any de-escalation methods or procedures that may be used to avoid the use of isolated time out, time out, or physical restraint;
- K. a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out, time out or physical restraint;
- L. the date on which parental or guardian notification took place as required by subsection (g).”

No later than two school days after the use of isolated time out, time out, or physical restraint occurred, the school district, or other serving entity serving the student shall, in a form and manner prescribed by the State Superintendent, submit the information required under subsection (f)(1) to the State Superintendent.

Per 23 IAC 1.285(g), a reasonable attempt must be made to notify the student's parent or guardian on the same day the isolated time out, time out, or physical restraint is imposed. Documentation must be provided to the parent within one business day, which may be accomplished by personal service, electronic delivery, or by mailing the documentation within one business day. The documentation must include, at a minimum, a copy of the form required to be submitted to the State Superintendent.

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 one business day after any use of isolated time out or physical restraint, the school district shall send written notice of the incident to the student's guardians.

Section 6: Requirements for Training

Staff members will receive annual training regarding the Policies and Procedures for Behavioral Interventions for Students with Disabilities. Isolated time out, time out and physical restraint shall be applied only by individuals who have received eight (8) hours of annual systematic training 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 calendar year.