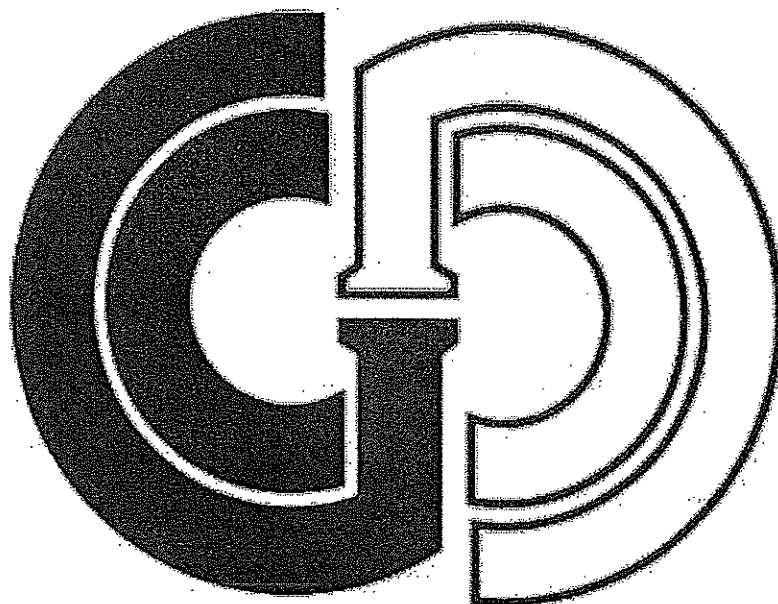


Grundy County Special Education Cooperative



Notification of Behavioral Intervention Guidelines to Parents/Students/Staff

I. Introduction

The Behavioral Interventions Act (P.A. 87-1103) was enacted by the Illinois General Assembly on September 15, 1992, and amended through P.A. 89-191 on July 21, 1995. The act as amended, requires each school board to establish and maintain a committee to develop policies and procedures on the use of behavioral interventions for students with disabilities who require behavioral intervention. P.A. 91-600 directed the Illinois State Board of Education ("ISBE") to create rules governing the use of time out and physical restraint in the public schools. Those rules have been promulgated by ISBE and codified in the Illinois Administrative Code at 23 Ill. Adm. Code 1.285.

The Illinois State Board of Education (ISBE) has the responsibility to inform school districts, special education cooperatives, and nonpublic facilities approved to serve students with disabilities pursuant to 23 Illinois Administrative Code (IAC) Part 401 on the implementation of policies designed to ensure school wellness through advisory supports in education, health, and social emotional well-being so our children have the opportunity to become whole, healthy, and educated adults. These supports, particularly in the area of social emotional well-being, provide a process for children to acquire the knowledge, attitudes, and skills they need to:

- recognize and manage their emotions.
- demonstrate caring and concern for others.
- establish positive relationships.
- make responsible decisions.
- handle challenging situations constructively.

Despite supports, problem behaviors can still occur, and the response of a teacher or an administrator to behavior that has the potential to threaten the well-being of a student or an adult is of paramount importance. Physical restraints and time outs are interventions of the last resort and must be applied judiciously in the rarest of situations. Physically restraining or placing a student in time out can carry many risks to the student's physical well-being, emotional health, self-image, and reputation in the school community. Use of these interventions can also erode trust among stakeholders in the student's education and prevent the student from receiving a Free Appropriate Public Education (FAPE). There are, however, rare incidents in which it may be necessary to restrict a student's movements to ensure the safety of the student or others. State laws and federal guidance provide parameters for use of time out and physical restraints when circumstances warrant. 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 were revised on April 9, 2020, and provide the necessary guidance for 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.

Effective school-wide behavior programs have clearly established standards for safety, discipline, and respect. Students need a secure, orderly environment that promotes their personal well-being and supports learning. Rules should be clear, succinct, and consistently upheld. They also should be fair and stress the student's responsibility to the school community, their parents, and themselves. All students in the school need to be aware of the rules, the reasons for the rules, and the consequences for breaking the rules. Effective discipline programs are based on praise and encouragement for positive behavior and clear, consistent consequences for misbehavior.

Behavioral interventions should be utilized by teachers and administrators to promote and strengthen desirable student behaviors and reduce inappropriate behaviors. The most effective strategies are those that employ the safest, least aversive and least restrictive procedures appropriate. Positive approaches alone may not always succeed in controlling extremely inappropriate behavior and restrictive interventions may be necessary, at times.

The use of more restrictive behavior interventions should be considered temporary and approached with utmost caution.

The Grundy County Special Education Cooperative (GCSEC) and its member districts have adopted the following policy and guidelines for students with disabilities who require behavioral interventions. This publication is intended to serve the required parental notification policy of 105 ILCS 5/14 – 8.05.

II. Parent/Teacher Advisory Committee

A. Purpose

A parent/teacher advisory committee will be established to develop written policies and procedures governing the use of restrictive behavioral interventions for students receiving special education and related services.

Additional responsibilities of the committee will be to, on at least an annual basis:

- Review local school procedures and policies for the use of restrictive behavioral interventions for students receiving special education and related services.
- Serve as a review committee to ensure the dignity and privacy of students, and to ensure that the school district adopt and maintain high professional standards and best practices in the use of behavioral interventions.
- Advise the district regarding issues arising from the use of behavioral interventions.
- Review and monitor incidents involving the emergency use of restrictive behavioral interventions.
- Review and monitor behavioral interventions involving the use of restrictive procedures.
- At least annually the committee must review the use of isolated time out, time out, or physical restraining which at a minimum include:
 - A) the number of incidents involving the use of these interventions;
 - B) the location and duration of each incident;
 - C) identification of the staff members who were involved;
 - D) any injuries or property damage that occurred; and
 - E) the timeliness of parental or guardian notification, timelines of agency notification, and administrative review”

B. Membership

The committee will be comprised of the following individuals who are knowledgeable about behavioral interventions:

- One administrator
- One parent
- One teacher

- One behavioral consultant (behavioral consultant may be a special education administrator, a psychologist, a social worker, or another person knowledgeable about behavioral interventions)

III. Guiding Principles for Restraint and Seclusion

- The school environment should be structured to prevent the need for restraint or seclusion
- Mechanical restraints or medications should never be used to restrain or seclude a child
- Restraint and seclusion should only be utilized in situations of physical harm to the child or others
- Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities
- Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free of abuse
- Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience
- Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms a child
- The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place; if positive behavioral strategies are not in place, staff should consider developing them.
- Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
- Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion.
- Every instance in which restraint or seclusion is used should be carefully, continuously, and visually monitored to ensure the appropriateness of its use and the safety of the student.
- Parents should be informed of the school's policy on restraint and seclusion, as well as applicable laws.
- Parents should be informed the same day but no more than one business day after each instance that the practice is used on their child.
- Policies in this area should be reviewed and updated regularly.
- Policies should state that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data.

IV. Parent/Student Notification

The district will inform parents or guardians of students receiving special education services of the contents of this policy and these procedures within fifteen (15) days of their adoption or at the time of an initial IEP meeting and each school year thereafter. Parents/Guardians will be furnished with a summary copy, and a complete copy will be made available at the student's attendance center for their inspection and copying.

Teachers responsible for IEP implementation will inform their students of the existence of the policy annually.

V. Behavioral Intervention Consultant

The school district has designated the Executive Director of the Grundy County Special Education Cooperative, or his/her designee, to serve as a behavioral intervention consultant. The behavioral intervention consultant shall assist individual education program teams in the development of behavioral intervention plans, consult with teachers and other staff on proper use of behavioral interventions, supervise implementation of the intervention plan procedures, and ensure that restrictive behavioral interventions are implemented appropriately and in humane fashion.

VI. Designation of Behavioral Interventions by Level of Restrictiveness

Non-restrictive, positive interventions are preferred, when appropriate, due to the low risk of negative side effects and the high priority placed on positive behavioral change rather than behavioral control. These interventions may be used without the development of a written Behavioral Intervention Plan (BIP) for inclusion in the student's IEP. A best practices approach to the implementation of any behavioral intervention, however, involves a functional analysis of the behavior of concern, careful planning and monitoring of the intervention procedures, and systematic evaluation of intervention outcomes. The use of positive, less restrictive interventions should be given the highest priority and should be directed at the development of positive student behaviors and skills.

Restrictive interventions may be appropriate during emergency situations or when less restrictive interventions have been unsuccessful. Restrictive interventions include restraint and seclusion procedures that are associated with a higher risk of negative side effects. Therefore, greater caution should be exercised in their use. Restrictive interventions should be used only after a Functional Behavior Analysis (FBA) has been completed and documented, a Behavioral Intervention Plan (BIP) written and implemented, and appropriate modification of the student's IEP completed. Except in emergencies, restrictive interventions shall be used only when less restrictive interventions have been attempted unsuccessfully. Additionally, restrictive interventions shall be used for the minimum amount of time necessary to control the individual's behavior, shall be used in conjunction with positive interventions designed to strengthen appropriate behaviors, and shall be replaced by less restrictive procedures as quickly as possible.

Interventions listed as highly restrictive are deemed inappropriate in most circumstances.

Highly Restrictive Interventions

- Denial or restriction of access to regularly used equipment/ devices that facilitate the child's educational functioning, except when such equipment is temporarily at risk for damage.
- Expulsion

- Isolated Time Out / Time Out / Physical Restraint

Interventions listed as prohibited are illegal.

Prohibited Interventions

- Corporal punishment
- Faradic skin shock
- Physical manipulation or a procedure that causes pain and/or tissue damage when used as an aversive procedure
- Aversive mists, aromatics, tastes (chemical restraint)
- Mechanical restraints (excludes restraints prescribed by physician or used as a safety procedure for transportation)
- Use of Supine / Prone Holds

VII. Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)

Each student receiving special education services who requires the use of a restrictive behavioral intervention must have a written Functional Behavioral Assessment (FBA) and a Behavioral Intervention Plan (BIP) developed by the IEP team and included in the student's IEP. The following components are to be included as a part of the plan.

1. A **Functional Behavioral Assessment (FBA)** of the targeted behavior of concern is critical to the understanding of the structure and the function of the behavior in the development or strengthening of more appropriate behaviors. The Functional Behavioral Assessment (FBA) shall include the following components:
 - **Student's Strengths:** A description of the student's behavioral strengths
 - **Operational Definition of Target Behavior:** A description of the targeted behavior including data of the intensity, frequency, and duration of the behavior
 - **Setting:** A description of the setting in which the behavior occurs and an analysis of the antecedents and consequences of the behavior
 - **Antecedents:** A description of the relevant events that preceded the target behavior
 - **Consequences:** A description of the result of the target behavior (e.g., student is removed from the classroom and did not complete assignment. What is the payoff for the student?)
 - **Environmental Variables:** A description of environmental variables that may affect the behavior (i.e., medication, weather, sleep, diet, schedule, social factors)
 - **Hypothesis of Behavioral Function:** A proposed explanation of the relationship between the behavior and the environment in which it occurs
2. The **Behavioral Intervention Plan (BIP)** shall include the following components:

- **Student's Strength's:** A description of the student's behavioral strengths
- **Target Behavior:** A description of the targeted behavior, indicating whether the behavior is a skill or performance deficit
- **Hypothesis of Behavioral Function:** A proposed explanation of the relationship between the behavior and the environment in which it occurs
- **Summary of Previous Interventions Attempted:** A description of any environmental changes made, evaluations conducted , instructional strategy or curriculum changes made or replacement behaviors taught
- **Replacement Behaviors:** A description of new behaviors or skills which will be taught to meet the identified function of the target behavior and a description of how these behaviors/skills will be taught (e.g., student will slap his desk to replace striking out at others)
- **Environment:** A description of how the environment or circumstances that trigger the target behavior can be adjusted
- **Instruction and/or Curriculum:** A description of changes in instructional strategies or curriculum which may be helpful
- **Positive Supports:** A description of all additional services or supports needed to address the student's identified needs that contribute to the target behavior
- **Motivators and/or Rewards:** A description of how the student will be reinforced to ensure that replacement behaviors are more motivating than the target behavior
- **Restrictive Disciplinary Measures:** A description of any restrictive disciplinary measures that may be used with the student and any conditions under which such measures may be used, including necessary documentation and timeline for evaluation
- **Crisis Plan:** A description of how an emergency situation or crisis will be handled
- **Data Collection Procedures and Methods:** A description of expected outcomes of the interventions, how data will be collected and measured, timelines for and criteria to determine success or lack of success of the interventions

Parents and/or guardians have the right to be actively involved in the development of any Behavioral Intervention Plan (BIP) using restrictive interventions. Such involvement includes participation in the design, implementation and evaluation of the interventions. Parents and/or guardians should be provided with a copy of the Behavioral Intervention Plan (BIP) developed for their child. Under no circumstances shall a Behavioral Intervention Plan (BIP) be implemented without its inclusion in the student's Individual Education Program (IEP). For students who already have an established IEP, an IEP meeting will be reconvened if the student's Behavioral Intervention Plan (BIP) needs to be developed or modified. However, an amendment to the student's IEP may be completed without an IEP meeting, if the student's parent(s) are in agreement.

VIII. Emergency Use of Restrictive Interventions

Emergency refers to a situation in which immediate restrictive intervention is necessary to protect students, other individuals, or the physical site from harm. When confronted with an emergency, school personnel should utilize the least restrictive interventions possible to reasonably respond to the situation.

If a restrictive emergency intervention is used more than three times in a thirty day period, or if a pattern of behavior occurs which significantly interferes with student learning, an IEP meeting will be convened. At the IEP meeting, the need for a revised Behavioral Intervention Plan (BIP) will be discussed. If a Behavioral Intervention Plan (BIP) is not in effect at the time of the IEP meeting, one should be developed.

The parents or guardians of the student should be notified the same day as reasonably possible but must be notified within one business day after a restrictive intervention has been used in an emergency situation. Additionally, the use of an emergency intervention should be documented and should include the following:

- A detailed description of the serious behavioral problem (danger to self or others) that required emergency intervention, including location, events at the time of and leading up to the incident, and participants.
- A description of any interventions used prior to the implementation of isolated time out or physical restraint.
- A detailed description of the type of emergency intervention used, the amount of time the intervention was applied, and any other interaction between the student and staff, including all staff involved and the student's response.
- A description of any injuries to staff, students or others and/or any property damage.
- A description of any previous incidents (including today) leading up to the student becoming a danger to themselves or others, including dates.
- A description of any planned approach for dealing with the student's behavior in the future.
- The date of Parental Notification and Use of Time Out or Physical Restraint (Unless the Parent has waived, in writing, such notification).

IX. Glossary of Terms

Behavioral Intervention: An intervention which is based on the methods and empirical findings of behavioral science designed to influence the behavior of one or more individuals.

Behavioral Intervention Plan (BIP): A written behavioral plan developed as part of the IEP to address a behavioral problem. It is based on a functional analysis of the student's behavior, describes the interventions to be used, methods of evaluation, and provisions for coordinating with the home.

Emergency: A situation in which immediate restrictive intervention is necessary to protect students, other individuals, or the physical site from:

- physical injury (to self or others)
- severe emotional abuse due to verbal and nonverbal threats and gestures
- severe property damage
- serious and continuous disruption of the classroom environment.

Functional Behavioral Assessment (FBA): An assessment process for gathering information that is used in the development of behavioral interventions.

The objective of functional assessment is to understand the structure and function of a target behavior in order to develop and strengthen more appropriate alternative behaviors. Through the use of a Functional Behavioral Assessment (FBA), a detailed description of the target behavior is developed, antecedents and consequences of the behavior are noted, controlling variables are identified, and the communicative and functional intent of the behavior is determined. A Functional Behavioral Assessment (FBA) may include a wide array of procedures including interviews with teachers, parents, student, direct observation across times and settings, environmental modification, and completion of behavioral ratings and other psychological instruments.

Highly Restrictive Interventions: Interventions that deny or restrict a student's access to regularly used equipment/ devices that facilitate educational functioning, except when such equipment is temporarily at risk for damage and/or expulsion.

Nonrestrictive Interventions: Positive interventions that carry a low risk of negative side effects and place high priority on positive behavioral change rather than behavioral control. These interventions may be used without the development of a written Behavioral Intervention Plan (BIP) or inclusion in the student's IEP.

Prohibited Interventions: Interventions that are prohibited by law.

Restrictive Interventions: Restraint and seclusion procedures which carry a high risk of negative side effects. Restrictive interventions may be appropriate during emergency situations or when less restrictive interventions have been attempted and failed.

Serious Behavioral Problem: Those behaviors defined under Emergency.

X. Behavioral Interventions with Special Education Students

In general, students who receive special education services have the right to be held to the same expectations for appropriate conduct as non-disabled students. They have the right to receive the educational benefits provided by the school's discipline code and policies. For students receiving special education services, the IEP conference will determine if the disability will prevent the student from comprehending and following the requirements of the student discipline code or the impact of the student's disability upon the ability to conform to the requirements for acceptable behavior.

In those situations where it is anticipated that a disabled special education student may exhibit serious behavioral problems, a Behavioral Intervention Plan (BIP) will be developed according to the school's Policy and Procedures on the use of Behavioral Intervention for Students with Disabilities. In brief, the Policy requires that positive interventions be designed to strengthen desirable behaviors and should be used to the maximum extent possible. Restrictive interventions may only be used in emergency situations or in accordance with the Behavioral Intervention Plan (BIP) which is incorporated into the student's IEP. The Behavioral Intervention Plan (BIP) is based upon a Functional Behavioral Assessment (FBA) of the target behavior, a detailed description of interventions to be used to strengthen desirable behavior, a detailed description of any restrictive procedures to be used, and provisions for coordinating with the home. The policy requires that the parent or guardian be notified as soon as possible when a restrictive intervention is employed in an emergency situation not anticipated by the IEP.

All of the procedural protections available to students with disabilities and their parents or guardians under the Individuals with Disabilities Education Act (IDEA), including notice and consent, opportunity for participation in meetings and the right to appeal, must be observed when developing/implementing behavioral interventions. A copy of the school's Policy is available for inspection and copying at the student's attendance center.

XI. Discipline of Students with Disabilities

In general, students who receive special education services have the right to be held to the same expectations for appropriate conduct as other non-disabled students. They have the right to receive the educational benefits provided by the school's discipline code and policies. For students receiving special education services, the IEP conference will determine if the disability will prevent the student from comprehending and following the requirements of the student discipline code or the impact of the student's disability upon the ability to conform to the requirements for acceptable behavior.

In situations where serious behavioral problems arise which require the use of restrictive behavioral interventions, the interventions will be implemented in accordance to the Individual Education Program (IEP) of the student. Restrictive behavioral interventions for serious behavioral problems not anticipated by the IEP may be used in emergency situations.

XII. Isolated Time out

The involuntary confinement of a student alone in a time out room or other enclosure outside the classroom without a supervising adult in the time out room or enclosure. Isolated 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).

XIII. Imminent Danger

A situation when the life or health of the child or another person is knowingly or blatantly disregarded through a real, significant, or impending risk of harm permitting the life or health of the child or others to be threatened. Imminent danger also refers to causing or permitting a child or others to be placed in circumstances that endanger the child's or others' health or safety.

XIV. De-escalation

Reduction of problematic behavior or mitigation of a precarious situation with verbal and/or nonverbal behavioral intervention strategies to prevent the need for isolated time out, time out, or physical restraint.

XV. Physical Restraint

Holding a student or otherwise restricting a student's movements. Physical restraint includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").

Physical restraint does not include the use of 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 prevent a student from completing an act that would result in potential physical harm to self or others or damage to property or to remove a disruptive student who is unwilling to leave the area voluntarily.

XVI. Prone Restraint

Prone physical restraint means a physical restraint in which a student is held face down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position.

XVII. Supine Restraint

Supine physical restraint means a physical restraint in which a student is held face up on the floor or other surface and physical pressure is applied to the student's body to keep the student in the supine position.