

- 6435.1 In the context of the revised State Regulations and Standards, a behavior management plan is a special education service for eligible students whose behavior problems significantly interfere with learning. The IEP for these students will be based on this procedure and shall:
- Focus on positive rather than negative intervention measures.
 - Use interventions that are least intrusive to the student's educational program.
 - Emphasize the systematic application of behavior change techniques rather than substituting aversive techniques, restraints or discipline.
 - Strive to use techniques for which the staff has been adequately trained.
- 6435.2 This Behavior Management Plan represents a three tier hierarchical model based upon the best practices cited in the current professional literature. The Plan also presents an array of strategies from which to choose depending upon students needs, available staff support, staff training and types of behaviors which require attention. Aversive techniques, restraints, or discipline procedures may not be used as a substitute for a behavior management program. The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:
- Corporal punishment
 - Punishment for a manifestation of a student's disability
 - Locked rooms, locked boxes, other structures or spaces from which the student cannot readily exit.
 - Noxious substances
 - Deprivation of basic human rights, such as withholding meals, water or fresh air.
 - Serial suspensions
 - Treatment of a demeaning nature
 - Electric shock
 - Methods implemented by untrained personnel
 - Methods which have not been outlined in the agency's plan.
- 6435.3 Identification, placement, educational programming, and termination of placement of students in special education programs shall be made in accordance with uniform procedures developed by the intermediate unit in cooperation with the component school districts and in accordance with the Commonwealth's Plan for Special Education.

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6435.4 School staff shall use their discretion and best judgment in the intervention in, and management of, disputes and disciplinary circumstances involving special education students. The nature of the special education student's handicapping behaviors and his/her individual behavior management plan must be considered fully when determining reasonable expectations and responsibilities for the student's behavioral management.

6435.5 Disciplinary action for rule infractions made by special education students should be fair and consistent with those applied to general education students under similar circumstances.

6435.6 Students covered by the Right to Education provisions may be suspended or expelled from school only through appropriate due process proceedings. Therefore, schools are encouraged to explore alternative behavior management options as indicated in the following guidelines.

6435.7 Guidelines for Behavior Management:

A. Level I - Classroom Management Strategies. Level I typically does not require a Behavior Management Program attached to the IEP. (See Administrative Procedure for clarification of terms.)

A.1 Proactive Classroom Management

- Effective Teaching Practices
- Frequent Monitoring
- Clear Rules and Procedures
- Social Praise

A.2 Prosocial Behavior

- Systematic Reinforcement
- Modeling Prosocial Behavior
- Verbal Instruction
- Role-playing

A.3 Social Problem-Solving

- Classroom Discussions
- Role-Playing
- Decision-Making Activities
- Alternative Thinking
- Means-Ends Thinking
- Self-Instruction Training

- A.4 Affective and Communication Skills
 - Values Clarification Activities
 - Active Listening
 - Communication Skills Training

- B. Level II - Specific Interventions Designed for Individual Students.
This level requires a Behavior Management Program attachment to the IEP.

The initiation or revision of a behavior management plan to the IEP is considered to be a major change and should be facilitated through the IEP process. (See Administrative Procedure for clarification of terms.)

- B.1 Steps in the development of a behavior intervention plan:

- B.1.1 Gather pertinent information concerning the behavior(s) using the Behavior Management Referral Form (SE-449). Determine which behavior(s) represent an intervention priority. Completing the Motivation Assessment Scale (SE-450) or the Subjective Assessment of Problem Behavior Scale (SE-451) may aid in determining priority.
- B.1.2 Develop precise descriptions of the behavior(s). The behaviors should be defined in measurable terms (i.e., frequency, intensity, duration).
- B.1.3 Analyze the problem carefully. As much as possible, behavioral interventions should be tailored to the student, setting, and problem behavior. Observation of the elements and interactions in the environment that are shaping and maintaining the inappropriate behavior will make the plan more likely to succeed (SE-452, SE-430 and SE-453).
- B.1.4 Measure the student's behavior before, during, and after an intervention.

B.1.5 Design the intervention plan through team planning including input from the parent(s). Procedures for evaluation must be included (SE-454 and SE-455). Support personnel (psychologist, instructional advisor, speech/language itinerant, assistant, etc.) should be utilized to aid in identifying, prioritizing, analyzing, and measuring behaviors.

B.2 Behavior Modification

- Direct Instruction
- Reinforcement Techniques
- Verbal Prompts
- Cueing
- Redirection
- Time-Out
- Behavioral Contracting
- Environmental Restructuring
- Manipulation of Antecedents and Consequences

B.3 Social Skills Training

- Direct Instruction
- Modeling and Rehearsal
- Coaching
- Self-Instruction

B.4 Parent Management Training

- Parent Training in Behavior Modification/Management

B.5 Cognitive Training

- Self-Monitoring
- Self-Evaluation
- Self-Reinforcement

B.6 Effective Interaction Patterns

- Clear, Concise Communication
- Family Involvement

C. Level III - Formal Behavior and Safety Techniques Management Programs. These programs are restrictive in nature and may modify the student's rights during implementation. They specifically focus on restraining strategies and are considered more intrusive to personal freedom than either Level I or Level II

interventions. Prior to initiating Level III interventions, unless an emergency occurs in which a student manifests harm to himself/herself or to others, an MDT meeting will be held and recommendations will be made for revisions of the IEP. Level III interventions are:

- Physical Restraint
- Mechanical Restraint

C.1 Level III interventions must be specifically based upon a Multidisciplinary Team's recommendation to the IEP team.

The MDT must present the following information:

- Less restrictive measures were unsuccessful.
- Behavior is dangerous to self or others.
- Alternative placements have been ruled out.
- Program is therapeutically justified.

*Note: A qualified medical professional must be a member of the MDT for mechanical restraints.

C.2 The IEP Team must be convened to specifically discuss any Level III intervention as recommended by the MDT. The IEP Team must determine that the use of restraints is NOT:

- Employed as punishment.
- For the convenience of staff.
- As a substitute for an educational program.

C.3 Any Level III intervention must be agreed to by the student's parents.

D. EMERGENCY PROCEDURES - Emergency procedures for behavior that presents a clear and present danger to the student or others may be delineated on the IEP. These emergency procedures may include such activities as:

- Parent contact to immediately remove student from school.
- Crisis Intervention.
- Notifying police and, if necessary, ambulance services.
- Notifying mental health.
- Any other appropriate agency.

D.1 Each building should have written administrative procedures to handle emergencies.

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D.2 The application of the building administrative procedure will be incorporated into the individual student's IEP.

E. Procedure to immediately exclude a dangerous student.

E.1 The procedure which should be used to exclude a dangerous child pending completion of a special education due process hearing is as follows:

E.1.1 A dangerous student, who is not labeled as Mentally Retarded, may be excluded unilaterally, for up to 10 consecutive days (or 15 cumulative days), using the normal student conduct rules under the student's rights and responsibilities. For students labeled as Mentally Retarded, any exclusion from school is considered a change in educational placement thus requiring MDT/IEP due process procedures prior to exclusion.

E.1.2 If an exclusion for more than 10 consecutive days (or 15 cumulative days) is sought, a request for a Hearing Officer should be promptly made to the Right to Education Office (1-800-222-7372).

E.1.3 Concurrently, the District should seek to discuss with the parents an interim placement.

E.1.4 If consent cannot be obtained, as evidenced by rejection of a NOREP specifying an interim placement, the only recourse to allow exclusion for more than 10 consecutive days (or 15 cumulative days) pending due process will be to go to Federal Court and seek injunctive relief pursuant to 1415(e)(2) of the EHA.

- Contact the Special Education Advisory Council Member or the

I.U. Director of Special Education with the following information:

...Name of Student

...Exceptionality

- ...Record of other suspensions
- ...Reason the student presents physical harm to self or others
 - Concerning LIU students, legal counsel should be obtained, and the L.I.U. Director of Special Education should be contacted if the student is considered for Federal court action.
 - Regarding District students, the District Solicitor should be contacted or the L.I.U. Director of Special Education.
 - Extensive psychological data should be collected with frequent observations by the appropriate psychologist.
 - Psychiatric data must be gathered and maintained concerning the behaviors that the student has/is exhibiting.

E.1.5 In Court, the District will have to show that maintaining the student in his/her present placement is substantially likely to result in injury.

NOTE: Do not wait until the 10th day to prepare to seek injunctive relief. On the 5th or 6th day of suspension, if it appears likely that injunctive relief may be sought, the following steps should be taken:

- Review records especially listing the progressive discipline interventions and reasons they haven't worked.

- The MDT should develop a timeline outlining a plan of intervention over the time the student will be out of school. Options may include appropriate evaluations and/or alternative education during the suspension period.
- This information should be available for presentation in Federal court.