



SECTION 4

Functional Behavior Assessment

- Pupil Fair Dismissal Act
- Manifestation Determination
- Functional Behavior Assessment
- Positive Behavior Support Plan
- Conditional Behavioral Intervention Planning

Pupil Fair Dismissal Act

In the case of a student with a disability, the student's individual education plan team must meet immediately but not more than ten school days after the date on which the decision to remove the student from the student's current education placement is made. The individual education plan team and other qualified personnel shall at that meeting: conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action; and determine the appropriateness of the child's education plan. The requirements of the individual education plan team meeting apply when:

- (1) the parent requests a meeting;
- (2) the student is removed from the student's current placement for five or more consecutive days; or
- (3) the student's total days of removal from the student's placement during the school year exceed ten cumulative days in a school year.

The school administration shall implement alternative educational services when the suspension exceeds five days. Federal regulation (34 C.F.R. § 300.500(b)) still limits the maximum time a special ed student may be suspended to 10 consecutive school days. A separate administrative conference is required for each period of suspension.

A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

PFDA applies to students under 21 years old who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year. 121A.41

Brochure for parents and students regarding due process rights:

<http://education.state.mn.us/mdeprod/groups/Compliance/documents/LawStatute/000099.pdf>

MANIFESTATION DETERMINATION

The purpose of this form is to document the discussion and decision reached at an IEP meeting held to determine if a learner's behavior is a manifestation of his/her disability.

The following table summarizes district obligation in light of recent changes to state law and federal regulations.

Overview of Required Actions

	IEP Team Meeting Required	Manifestation Determination Required	Functional Behavioral Assessment Required	Interim Alternative Services
Learner removed for 1 school day or less (but not suspended)	No*	No*	No*	No
Learner suspended for less than 5 consecutive days	No*	No*	No*	No
Learner suspended for 10 consecutive school days and/or move to change placement	Yes	Yes	No*	Yes, beginning on Day 6
Learner removed for 10 cumulative school days in a school year or less	No	No	No	No
Learner removed for 11 cumulative school days in a school year or more	Yes	Yes	Yes	Yes
Learner placed on in-school suspension	No**	No**	No**	N/A
Parent requests a manifestation determination following any removal for disciplinary reasons	Yes	No	No*	N/A
Learner suspended from the bus	Depends** *	Depends***	Depends** *	N/A

*Unless the removal brings the total number of cumulative days this school year that the learner has been removed to more than 10..

An in-school suspension would not be considered a part of the days of removal as long as the learner is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified in his/her **IEP, and continue to participate with non-disabled children to the extent they would have in their current placement.

***If bus transportation is a part of the learner's **IEP**, a bus suspension would be treated as a removal unless the school provides transportation in some other way, because that transportation is necessary for the learner to obtain access to the location where all other services will be delivered. If bus transportation is not a part of the learner's **IEP**, a bus suspension typically would not be a removal.

Contact your Director for additional clarification.

Functional Behavior Assessment (Sample)

Name: JT
Birth Date:
School:

Grade:
Date:

This FBA was conducted by **Watershed High School** staff to gather data regarding JT's behavior and design interventions.

Background Information/Parent Interview:

JT's father was interviewed regarding JT's behavior at home. JT lived, with his mother and father in xxx before moving to Minneapolis. JT's father indicated that, while in xxx, JT showed aggressive behavior at school. He felt that JT was spoiled, or was upset about not getting his way. This behavior was more often seen at school than at home. An evaluation to determine if JT qualified for special education services in xxx as a student with an Emotional/Behavior Disturbance (EBD). He did not qualify when he was in kindergarten for EBD due primarily to the fact that the behavior difficulties were not seen outside of school. JT's mother has passed away, and this is noted in the report from xxx.

Currently, JT is described as a boy who has friends in his neighborhood. At home, JT does not display disruptive behavior in the presence of his father, but he does become disrespectful and will tantrum in the presence of his father's friend (JT lives with this woman and her children and plays a caregiver role when JT's father is not there). JT has chores at home, and his father indicated that JT will "debate" with his father when asked to take out the garbage, for instance.

JT is in good health, and he sleeps well at night. JT will come home from school upset some days. His father indicated that JT complains of being picked on at school.

JT has been removed from his bus due to fighting and hitting others.

Target Behavior:

JT refuses to comply with reasonable requests. JT talks out loud without permission, is aggressive and assaultive and/or destructive (actions with the potential of harming himself or others or property...e.g., kicking, tipping over desk)

Classroom Observations:

Dates: 10/3/05 & 10/6/05
Observer: XXX School Psychologist

XXX, School Psychologist, observed JT in the classroom on multiple days. The first observation was in the classroom while the class was completing an arts and crafts project.

When this observation began, JT was cutting with a scissors. A girl who was finished with her project was helping others, and JT shouted out her name for help. JT was acting quite silly with the girl when she came over to his desk (JT was acting upset because the girl may have cut a wrong spot on his paper). The girl left his desk, and JT was acting upset about the potential mistake the girl made. The teacher immediately came to his desk to correct the mistake. After the teacher was finished, JT began to roam the classroom, showing the results of the teacher's correction. JT was very loud at this time, and he did not respond to the teacher, although she mentioned three times for JT to go to her.

The teacher asked JT to be a helper and hand out papers. JT was putting the hand-outs on some students' heads. When he was finished, JT continued to walk around the room and dance and interact with other students at their desks. JT's teacher had to tell him to sit down, which he did for less than one minute before he went to another boy's desk. Again, his teacher had to tell JT to "sit down." JT then began to laugh and interact with his peer from his desk. He was showing other students his "ring finger" in mocking an obscene gesture.

JT was singled out again to sit down, after he left his desk to walk around the room and show other students his ring finger. Eventually, the students were done with the arts and crafts project and they were given a math test. JT motioned, and said "C'mon" when the teacher got to his desk, signifying he was ready for the test. He was the most appropriate and focused while working on the math test, and JT appeared motivated to work quickly, although this observer could not check on the accuracy. When he was finished with the test, JT said "done" loudly so everyone in the room could hear him. After the test, he was instructed to look at a book. JT was reminded several times to be quiet while he was supposed to be looking at the book.

Generally, when given a task that challenged his speed and accuracy in math, JT showed focus and interest. Otherwise, JT was very disruptive in this classroom environment and he received significantly more feedback regarding his misbehavior. Also, JT received more corrective statements from the teacher for his inappropriate behavior than other students in the class.

Using an interval observation, JT was only on-task for 20% of the intervals observed. This 20% represented time during the math test. JT was out of his seat, conversing with others (disrupting others) and refusing to comply with 6 teacher requests. JT also blurted out loudly and disrupted class 3 times.

Observation #2:

The second observation also took place in the classroom. JT was returning to the classroom, after spending time with the principal due to his behavior. JT stood by his desk after entering the room, and then stood next to another boy who was trying to do his work. JT got very close to that boy and interfered with that boy's ability to do his work. JT was told to sit at his desk. Once at his desk, JT pretended to snore loudly and laughed out loud at other boys in the room.

Next, JT was banging a book against his head, and again received corrective feedback from his teacher to stop. The class began to read a story out of their books. When it was JT's turn, he struggled somewhat with the words "mother" and "nice." Occasionally, while other students read, JT would try and finish words for

them when they were stuck, or he would make loud exclamations about the story, such as, “Oh, I seen a bat!”

The teacher had to stop the students from reading the book because it was almost lunch time. JT exclaimed that the class could finish the book before lunch, but when told that they could not, he quickly asked if he could be first in line. It was not his turn to be first, so he could not have that spot, so JT made it clear that he could not be next to a certain girl in his class. The teacher negotiated with JT and the girl so they were separate. JT was happy with the arrangement.

Generally, JT required much more teacher attention for fairly routine activities, such as getting into line. His interactions with peers were confrontational and quite loud. He also shouted out more often than his peers, without being called on by the teacher.

Again, JT refused to comply with 3 teacher requests, while maintaining “on task” behavior for only 25% of the observation. JT was loud and disruptive 7 times, blurting out or disrupting others’ activities.

Teacher Interview:

JT’s teacher was interviewed with the Functional Assessment Checklist for Teachers and Staff (FACTS).

Problem Behaviors:

According to his teacher, JT’s problem behaviors include fighting/physical disruption, and insubordination (not following directions).

Setting/Predictors:

JT’s difficulties are seen on the bus, in the hallway, with peers, before school starts and during lunch, and during reading in the classroom.

Consequences:

JT receives adult attention following the behavior. JT will also appear to try and escape a difficult activity. Current strategies used include adjusting JT’s seating, contacting JT’s parents and sending him to the office. He is also on a behavior chart/reward system for appropriate behavior. JT was removed from the bus for a period of time.

Perceived Function of Behavior:

Based on the information gathered it appears that JT may be engaging in attention seeking behavior. JT was very concerned about being noticed by others in the class and the teacher. In fact, even though he has seen this observer on limited occasions at school, JT ran up to the observer, asked if the observer would work with him, and hugged the observer. It appears that JT is desperately seeking attention, but he is doing so via inappropriate means.

IEP Addendum/Individual Behavior Plan (Sample)

(From: "Discipline in the Schools" Eric P. Hartwig and Gary M. Ruesch, LRP Publications)

Description of problem:

JT refuses to comply with reasonable requests. JT talks out loud without permission, is aggressive and assaultive and/or destructive (actions with the potential of harming himself or others or property...e.g., kicking, tipping over desk).

Frequency/Duration/Intensity:

JT disrupts class several times per hour in the classroom, and needs almost constant feedback regarding his behavior. Physical aggression resulting in removal from the bus occurred 3 times in one month, while physical aggression at school averages to approximately 4 times per month.

Antecedents:

Behaviors such as talking out, and other off task behavior have the potential to lead to more disruptive and aggressive behaviors if not dealt with immediately and effectively.

Goal:

To eliminate disruptive, aggressive, and noncompliant behaviors that interfere with JT's (and his peers') ability to acquire and produce academic skills.

PLAN:(Techniques, consequences, actions, services, programming options, etc. to be implemented)...JT is expected to comply with the following classroom rules:	STAFF/AGENCY RESPONSIBLE:	DATA COLLECTION/SCHEDULE
Respect self and others (wait his turn, acknowledge teachers' requests, be polite)	Regular/Special Ed. Teachers	Daily behavior chart (DBC)*
Respect Property (use materials in an appropriate manner)	Regular/Special Ed. Teachers	(DBC)
Stay on task (Follow through and participate)	Regular/Special Ed. Teachers	(DBC)
Follow teacher directions (raise hand, sit in seat, comply with directives)	Regular/Special Ed. Teachers	(DBC)

Reinforcement Contingencies for Positive Behavior

*Positive reinforcement will be given intermittently depending on success level, and include free time, computer time, extra time in gym, and other accepted activities determined by teachers and JT.

JT's behavior will be analyzed each class period by each teacher. In addition to verbal reinforcement the following reinforcement plan will be implemented:		
During the last hour of the day, if JT does not exhibit antecedent or aggressive behavior, he will be allowed to select reinforcement activities from a reinforcement "menu."	Regular/Special Ed. Teachers	(DBC)
After 5 days of maintaining appropriate behavior, early release from school will be arranged with parent.	Parent/ Regular/Special Ed. Teachers	(DBC)

Dealing with Inappropriate Behaviors

If JT violates one of the rules, a warning is given with a concrete explanation of what behavior was unacceptable with a prompt of the appropriate behavior that is expected in the current situation/environment. If JT adheres to the warning, class time may continue with reinforcement and acknowledgement for acceptable behavior ("You made a good choice, JT")	Regular/Special Ed. Teachers	(DBC)
If, after the warning, JT continues to be noncompliant, time-out procedure will be instituted in the class. A 5 minute removal with a contingent behavior release that depends on appropriate behavior will be utilized...	Regular/Special Ed. Teachers	Date, time, duration of incident and what led to the behavior (antecedent) will be documented.
If JT continues to be noncompliant, removal from the room to in-school suspension will be initiated. Supervision and instructional activities will be provided. Removal will take place for the current and next class period.	Mr. Name, Principal	In-School suspension documented
The classroom teacher will talk with JT the same day as the behavior to try and resolve the conflict through conversation to ensure that JT understands the expectations for the class, and so he can analyze alternative, more acceptable ways of dealing with the incident.	Classroom teacher	

<p>If a pattern of behavior problems continue (2 consecutive days of in-school suspension), the IEP team will reconvene to consider modifications or intervention techniques, alternative programs, or other related services as appropriate.</p>	<p>IEP Team</p>	<p>IEP Meeting Minutes</p>
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Managing Aggressive and Assaultive Behaviors

This includes any behavior that has the potential to be harmful to self, or others...and could result in out-of-school suspension.

<p>Antecedent behaviors that could lead to aggressive behaviors need to be dealt with immediately. Teachers have been instructed not to touch JT or engage in a verbal argument. If JT refuses to correct his behavior after being told to do so, the teacher should notify the office. JT will be directed to go to the office. If he refuses, someone will be assigned to escort JT to the office.</p>	<p>Regular/Special Ed. Teachers</p>	<p>Date, time, duration of incident and what led to the behavior (antecedent) will be documented.</p>
<p>JT's parents are then called to remove him from school for that day. Prior to leaving school, JT's behavior will be discussed with his parents while JT is present.</p>	<p>Mr. Name, Principal</p>	<p>Instances and parent contacts documented</p>
<p>If parents cannot be reached the police will be called. Police officer on site will be called first. If unavailable, a shift commander will be called. If it is an emergency, 911 will be called. One of the following will happen:</p> <ul style="list-style-type: none"> • Law enforcement will determine if they can intervene directly by considering the severity of the act • Law enforcement may contact Human Services division, as appropriate 	<p>Law Enforcement</p>	

<p>In compliance with school discipline policy, any act causing injury or bodily harm to others will result in significant disciplinary actions, including out-of-school suspension and contact with the police.</p> <ul style="list-style-type: none"> • JT will be suspended for 3 days • Upon returning to school, JT and his parents will meet with the IEP team to discuss behavior and potential solutions. Further evaluation and resources will be discussed 	IEP Team	IEP Team minutes
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IEP Meeting Participants:

 (Name, Title)

(Name, Title)

 (Name, Title)

(Name, Title)

 (Student)

(Date)

 (Parent)

(Date)

ADDITIONAL FORMATS:

IEP ADDENDUM

POSITIVE BEHAVIORAL SUPPORT PLAN

Student Name:

Date:

Team Members: IEP Meeting Date:

BEHAVIOR MANAGEMENT INTERVENTION PLAN

1. **BEHAVIOR DEFINITION:** Define the problem behavior using specific terms.

(EXAMPLE – FOLLOW THIS FORMAT but write your own to describe your student. You have to define the words you use so everyone knows what it looks like)

Refusing to follow directions from an authority figure (teacher, principal, secretary, librarian, playground supervisors, all staff who come into contact with and provide supervision or direction) and displaying one or more of the following actions:

TALKING BACK disrespectfully, using an inappropriate tone and/or volume of voice.

WALKING AWAY from the authority figure as a refusal.

KICKING at the authority figure or others near by.

SPITTING FOOD

SITTING DOWN as a way to refuse to move or leave as directed.

RUNNING AWAY

SAYING: "I DON'T WANT TO DO IT" or "I WON'T DO IT", etc.

Continues doing WHAT HE WANTS TO rather than comply.

HIDING

2. **BEHAVIOR PREDICTOR OR FAST TRIGGER:** What situations seem to cause the behavior to occur? (Include immediate antecedents & setting events)

Asking ---- to follow a school rule or routine.

3. **FUNCTION/PURPOSE OF HIS BEHAVIOR:** Write a hypothesis regarding why the problem behavior is taking place. Address its function and/or communicative intent.

EXAMPLE: Avoidance, attention, and confrontation/control resulting in a power struggle.

4. **EFFECT ON LEARNING ENVIRONMENT:** Describe why it is important to change the behavior.

This behavior causes ---- to not benefit from instruction (explain/detail). It also hurts his social interactions and disrupts the instruction of others.

5. **PAST INTERVENTIONS:** Describe what interventions have been tried in the past and their effectiveness.
6. **POSITIVE BEHAVIOR SUPPORT PLAN:**

GOAL(s) FOR IMPROVEMENT:

(This is where the specific goals and objectives are written that have been added to the IEP on the IEP form. You also write them here to show how they were systematically decided. This form documents that you didn't decide these on a whim but based on data and observation). Make sure your goals and objectives address the strategies you plan to teach that are described further down in this document.

Example Goal:

When requested to follow a school rule or routine, or complete daily assignments, ---- will comply and follow through with 4 of 5 requests by ----.

PROPOSED PRO-ACTIVE PROCEDURE:

(Describe a proactive plan that will be used to change the behavior. This might include a reward system, instruction in better relating skills, counseling, etc. What is written here is what you/team will do to teach the behavior objectives that you have now placed in the IEP. This can also include the description of a token economy, or reward system). Address the following:

STRATEGIES FOR Antecedent/Setting - Positive Programming to Enhance Instruction:	STRATEGIES to be taught Direct Treatment:	REINFORCERS Consequence Strategies:
List:	List:	List:

Approaches:	Alternate Skills:	Reinforcer for Alternate Skill:
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ALTERNATE SKILLS TO BE TAUGHT

Problem Behavior:

<u>Equivalence Training:</u>	<u>Alternative Skills:</u>	<u>Taught How:</u>
What is the function of the behavior:	List what alternative skills will be taught (remember, alternative skills MUST serve the same function as the Problem Behavior):	Describe how the alternative skill will be taught, and by whom:

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General Skills Training:

<p>List what skill deficits contribute to the Problem Behavior:</p>	<p>List what other academic, social or communicative skills will be taught that will prevent the Problem Behavior from occurring:</p>	<p>How will these be taught and by whom:</p>
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Describe how data/evaluation will occur on acquisition of the new skills:

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-
-
-

-

-

INTERVENTION PROCEDURES – WHEN BEHAVIOR OCCURS:

Crisis Management Plan:

(This part of the document describes the specific intervention plan that is used for behavior. It is where you describe the step-by-step procedures that are to be consistently followed. It is where you change the school policy procedures when that is necessary. What is written here is the plan that is to be used rather than other interventions that you already studied and have found to be ineffective. This part needs to be followed by everyone that is involved with managing the behavior when it happens).

This plan can be written as a step-by-step procedure such as the one given below or it can be general - needs to fit the child and the severity of the problem crisis behavior. The components should include common procedures for mild infractions that teach the child that the behavior is ineffective. For the severe crisis situation, the components need to include specifics about

- Redirection tactics
- De-escalation strategies
- Protective procedures - people and materials.

EXAMPLE OF STEP PLAN:

(NOTE: If ---- engages in violence or aggression, STEP ___ is immediately initiated.)

When ---- refuses to -----(describe the behavior):

STEP 1:

ACTION: Redirect. Use physical proximity and give firm direction by stating: "---- you must _____"

State the expected behavior using a simple sentence.

Provide a **minimum of interaction** – No Lectures, No Pleading, No Warnings, No Threats.

STEP 2: If ---- does not comply with the second request within a few seconds as dictated by the situation:

ACTION: (Describe what will happen.)

STEP 3:

ACTION:

STEP 4:

ACTION:

STEP 5:

- 1. DATA COLLECTION: Describe how on-going data will be collected to determine the plan's effectiveness and how often it will be reviewed for changes.**

EXAMPLE:

Data will be periodically collected on the frequency of ---' behaviors as necessary to track his progress.

The standard incident report form shall be used, with details to describe the time, location, people present and what occurred immediately before the behavior, as well as what behavior occurred and his response to the consequence.

Daily simplified data sheets for the regular classroom will be kept throughout the school year for morning and afternoon monitoring of his general behavior.

A school/home report will be circulated twice weekly (mid-week & end-of-week) as a communication tool between settings on ----' progress.

(You could design a signature section on this part of this plan. It would show that the team met and discussed and agreed on the plan. However, it is your decision. This document needs to be attached to the IEP. The IEP needs to have the goals and objectives from this document put into it in the proper format.)

Functional Behavior Assessment Pt. 1

Student Name: _____ ID: _____

DOB: _____ Case Manager: _____

Data Sources: Observation | Student Interview | Teacher Interview |
 Parent Interview | Rating Scales | Normative Testing

Description of Behavior (No. ____):

Setting(s) in which behavior occurs:

Frequency:

Intensity (Consequences of problem behavior on student, peers, instructional environment):

Duration:

Describe Previous Interventions:

Educational impact:

Functional Behavior Assessment Pt. 2

Function of Behavior (No. ____): Specify hypothesized function for each area checked below.

Affective Regulation/Emotional Reactivity (Identify emotional factors; anxiety, depression, anger, poor self-concept; that play a role in organizing or directing problem behavior):

Cognitive Distortion (Identify distorted thoughts; inaccurate attributions, negative self-statements, erroneous interpretations of events; that play a role in organizing or directing problem behavior):

Reinforcement (Identify environmental triggers and payoffs that play a role in organizing and directing problem behavior):

Antecedents:

Consequences:

Modeling (Identify the degree to which the behavior is copied, who they are copying the behavior from, and why they are copying the behavior):

Family Issues (Identify family issues that play a part in organizing and directing problem behavior):

Physiological/Constitutional (Identify physiological and/or personality characteristics; developmental disabilities, temperament; that play a part in organizing and directing problem behavior):

Communicate need (Identify what the student is trying to say through the problem behavior):

Curriculum/Instruction (Identify how instruction, curriculum, or educational environment play a part in organizing and directing problem behavior):

Behavior Intervention Plan:

Student Name: _____ ID: _____
 DOB: _____
 Case Manager: _____

Behavior Number(s)	Expected Outcome(s) Goal(s)	Intervention(s) & Frequency of Intervention	Person Responsible	Goal/Intervention Review Notes

- Review Codes: GA = Goal Achieved | C = Continue | DC = Discontinue
- Expected Review Dates: _____ | _____ | _____

 (Name, Title)

 (Name, Title)

Conditional Behavioral Intervention Policy:

For Use with both Mainstream and Special Education Students

RULES AND PROCEDURES

* Also refer to the current Pupil Fair Dismissal Act (Mn Statute 121A.40 – 121A.56) which may supersede this policy where applicable. The current Pupil Fair Dismissal Act is available from the school office or online at www.leg.state.mn.us/leg/statutes.htm

CONDITIONAL INTERVENTIONS

Definitions

Conditional Procedures:

- A. The use of manual (physical) restraint;
- B. The use of mechanical or locked restraints;
- C. Time out procedures for seclusion; and
- D. Temporary delay or withdrawal of regularly scheduled meals or water not to exceed 30 minutes except as provided in “emergency” situations. (MN Rule 3525.020, Subpart 2a)

Emergency

Means a situation in which immediate intervention is necessary to protect a pupil or other individual from physical injury, emotional abuse due to verbal and nonverbal threats and gestures, or to prevent severe property damage. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation. This section does not prohibit staff persons from using reasonable force to protect themselves or other pupils or students. (MN Rule 3525.0200, Subpart 2c)

Manual Restraint

Means physical intervention intended to hold a person immobile or limit a person’s movement by using body contact as the only resource of physical restraint. (MN Rule 3525.0200, Subpart 8e)

Mechanical Restraint

Means the use of devices such as mittens, straps, or restraint chairs to limit a person's movement or hold a person immobile as an intervention precipitated by the person's behavior. Mechanical restraint applies to use intended to prevent injury with persons who engage in behaviors such as head-banging, gouging, or other self-injurious actions that result in tissue damage and medical problems. Mechanical restraint does not apply to restraint used to treat a person's medical needs or to position a person with physical disabilities. (MN Rule 3525.0200, Subpart 8f)

Time Out for Exclusion

Involves procedures that remove a pupil from the regularly scheduled education program for brief periods not to exceed 30 minutes. Time out for exclusion is not a conditional intervention procedure. (MN Rule 3525.0200, Subpart 25a)

Time Out for Seclusion

Involves procedures that place the pupil in a specially designated isolation room or similar space. (MN Rule 3525.0200, Subpart 25b)

PROCEDURES FOR ADDING CONDITIONAL INTERVENTIONS TO IEP

(MN Rule 3525.2900, Subpart 5)

The IEP team must:

- A. Identify the frequency and severity of target behaviors for which the conditional procedure is being considered;
- B. Identify at least two positive interventions implemented and the effectiveness of each; and
- C. Design and implement conditional interventions based on present levels of performance, needs, goals and objectives, and document in the IEP.

Withdrawing Consent

A parent has the right to withdraw consent for a Conditional Intervention at any time by notifying the program administrator or designee and the district must stop the procedure immediately. After parental consent is withdrawn and the procedure is stopped, the school must send written acknowledgement (Form 19, "Withdrawal of Consent to Implement Conditional Interventions") to the parent and request parental signature. If a parent's signature to withdraw consent cannot be obtained, the district must document its efforts to communicate and

obtain the signature. Parents must be contacted within three school days to determine the need to convene the IEP team to consider a change in program or placement.

All behavioral interventions not covered in the IEP must be consistent with the district's discipline policy. Continued and repeated use of any element of a district's discipline policy must be reviewed in the development of the individual pupil's IEP.

Required Training for Conditional Behavior Interventions

Prior to adding Conditional Interventions onto any IEP, the charter school special education staff will review the Conditional Behavior Intervention rules and procedures. All staff is required to review and be trained on behavioral management procedures prior to the new school year. If a staff member is hired while the year is in session, the staff is required to receive training on behavioral management procedures.

PROCEDURES WHEN USING A CONDITIONAL INTERVENTION AS AN EMERGENCY INTERVENTION

(MN Rule 3525.2900, Subpart 5C)

1. When a Conditional Intervention is used in an emergency (when Conditional Interventions are not included in the IEP), district administration and parents must be notified immediately. Use the "Emergency Conditional Intervention Form, Notice to Parents".
2. If an Emergency Intervention is used twice in a month or a pupil's pattern of behavior is emerging that interferes with the achievement of the pupil's educational goals and objectives, a team meeting must be called to determine if the pupil's IEP is adequate, if additional assessment is needed and, if necessary, to amend the IEP.
3. The Emergency Intervention may continue to be used until the IEP team meets, provided the emergency measures are deemed necessary by the district to protect the individual pupil or others from harm.
4. The IEP team shall meet as soon as possible, but no later than five school days after emergency procedures have commenced.

WITHDRAWAL OF CONSENT TO IMPLEMENT CONDITIONAL INTERVENTION (S)

Date:

Dear Parent:

This form/letter is to acknowledge that on _____(date),
you withdrew your permission for
_____(name) staff to use the
current Conditional Behavioral Plan dated _____(date).

Minnesota Department of Education Rule requires that we seek your signature to
confirm your withdrawal of this consent: _____ Date

Please return this form in the enclosed pre-addressed, stamped envelope.
Minnesota Rule also requires that the District contact you within three school
days to determine the need to review and amend the Individual Educational Plan
(IEP). We will meet on _____(date), at
_____(location), in _____ (room)

Be aware that we may have to use the Conditional Interventions in emergency
situations.

Please call _____(name) at
_____(phone number), if you have any questions.

Sincerely,

IEP manager

EMERGENCY CONDITIONAL INTERVENTION FORM NOTICE TO PARENTS

Student _____ Grade _____

School _____ Date _____

Completed by _____

Description of Conditional Intervention used:

Reason for its use:

Summary of phone contact with parent:

Date mailed to parent _____

Date copied to building Administrator and Director of Special Services _____

IEP TEAM MEETING (Required after 2nd emergency intervention in one month)

Date of meeting _____

Team members present (please print):

TEAM DECISION (check appropriate items):

Referral for Assessment

The Team will develop a Conditional Intervention Plan

The Team and parent(s) will consider other placements

The Team recommends no change in Program. Explain:

Watershed High School's Restrictive Procedures Plan

Adopted 11/22/2011

- I. Schools that intend to use restrictive procedures are required to maintain and make publically accessible a restrictive procedures plan for children.
- II. The term **restrictive procedures** mean the use of physical holding or seclusion in an emergency.
- III. An **emergency** means a situation where immediate intervention is needed to protect a child or other individual from physical injury or to prevent serious property damage.
- IV. Restrictive procedures may be used only in response to behavior that constitutes an emergency, even if written into a child's IEP or BIP.

Watershed High School (WHS) has adopted a policy that prohibits teachers and staff from any physical restraint or seclusion of a student. Rather WHS allows students, whose level of frustration is elevated to take a time out, remove them from the situation, and take a walk about. After the student has calmed down, then an intervention known as Life Space Crisis Intervention (LSCI) is administered by trained staff. This accomplishes two purposes, the first being to calm the student and allow them dignity in removing themselves from the situation and second, gives them an opportunity to review the circumstances with an adult to develop additional skills in dealing with similar circumstances should they occur again. This process is completely non-intrusive and is a proven method in de-escalation of a student in crisis. Paul Kinsley is the administrator trained in this methodology and all referrals go through him. Paul may be reached at 612.871.4363.

Watershed High School will not condone the use of the following procedures:

- A. Engaging in conduct prohibited under section 121A.58 (corporal punishment);
- B. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- C. Totally or partially restricting a child's senses as punishment;
- D. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- E. Denying or restricting a child's access to equipment and devises such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or devise is needed to prevent injury to the child or others or serious damage to the equipment or devise, in which case the equipment or devise shall be returned to the child as soon as possible;
- F. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of maltreatment of minors);
- G. Withholding regularly scheduled meals or water;
- H. Denying access to bathroom facilities;
- I. Physical holding that restricts or impairs a child's ability to breathe.

In the event a student needs to be restrained for emergency/safety reasons Watershed High School will follow the guidelines provided by the 2009 legislation for Restrictive and Conditional Intervention Plans.

Restrictive Procedures Form: Physical Holding

Student: _____ Date: _____

Name of Person Completing Report: _____

Persons involved in using the restrictive procedure: _____

Intervention used to protect student/others from physical injury: Yes No

Description of emergency situation: _____

Intervention used to prevent property significant property damage: Yes No

Description of emergency situation: _____

Description of incident/precipitating factors that led to the physical holding: _____

Description of physical holding and the student's behavioral and physical status: _____

Why was a less intrusive measure deemed inappropriate or impractical by staff member(s)?

Did the physical holding end when the threat of harm ended and staff determined that the student was safely de-escalated? Yes No

Did staff directly observe the student during the physical hold? Yes No

Length of physical holding: Start Time: _____ End Time: _____

Total Time: _____

Parent/Guardian notified by: Phone Email Letter/Memo In Person

Time and Date of Notification: _____

Person who completed the notification: _____