

STUDENT PERSONNEL
USE OF CONDITIONAL BEHAVIOR INTERVENTIONS WITH PUPILS

Statement of Policy:

It is the position of the school district that if the Individualized Education Plan team determines, after addressing a pupil's present level of performance, identifying needs and specifying goals according to Minnesota Rules 3525.0850, that a conditional behavior intervention is necessary to achieve a goal, the procedure listed below will be followed (see definition of conditional procedures in Section D).

This policy is intended to encourage the use of positive approaches to behavioral interventions. The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination. Behavioral intervention policies, programs or procedures must be designed to enable pupils to benefit from an appropriate, individualized education program as well as to develop skills enabling them to function as independently as possible in their communities. The use of conditional procedure for behavior reduction will be a part of a pupil's comprehensive education program that includes goals listed on the IEP which specifically address the corresponding appropriate behaviors that the pupil needs to demonstrate.

Procedural Component:

- A. All personnel working with pupils who are disabled and who have IEPs shall be informed regarding conditional and prohibited behavioral interventions (Section I).
- B. Personnel are encouraged to use positive approaches to deal with pupils' behaviors. Interventions that are defined as prohibited shall not be prescribed or used by school personnel. Before conditional approaches can be used, the pupil's behavior history and handicapping condition must be reviewed by a team consisting of a school psychologist, school social worker and teacher licensed to teach pupils with emotional/behavior disorders.
- C. All personnel involved in using conditional behavior interventions with pupils shall demonstrate an understanding of the design and use of interventions prior to using them to address pupil behavior.
- D. The use of conditional interventions is discouraged with mental, physical and sensory impaired pupils. Those considering such procedures with pupils identified as having such impairments must give serious consideration to mental and physical health risks.
- E. A conditional behavior intervention cannot be used to address a pupil's behavior unless written consent is first obtained from the parent or guardian (exception see Section H, emergency interventions). The parent's/guardian's signature on the Notice of Special Education Services Form does not imply consent if the parent has not been notified of the intervention and

received a copy of the IEP listing the intervention and goal that the pupil needs to accomplish. A copy of the Parents Rights and Procedural Safeguards, must accompany all notices to parents/guardians. Notifying a parent/guardian on the telephone or verbally about a conditional intervention is not sufficient notification. Written consent can only be obtained through the IEP process (see Section F).

F. Conditional procedures may only be used when included as part of the pupil's IEP or in an emergency situation (see Section H) according to Minnesota Rules Part 3525.0200. In order to utilize a conditional procedure, the IEP team must:

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

G. 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.

H. Emergency Interventions

1. General Requirements:

“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. Minnesota Rules, Part 3525.0200, Subpart 2c, does not prohibit staff persons from using reasonable force to protect themselves or other pupils or pupils as provided in Minnesota Statutes, Section 609.379.

2. Use of Conditional Behavioral Intervention Procedures in Emergencies:

a. 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:

1. determine if the pupil's IEP is adequate;
2. determine if additional assessment is needed; and
3. if necessary, amend the IEP.

b. Districts may use conditional procedures in emergencies until the IEP team meets, provided the emergency measures are deemed necessary by the district to protect

the individual pupil or others from harm. The IEP team shall meet as soon as possible but no later than five school days after emergency procedures have commenced. District administration and parent must be notified immediately when a conditional procedure is used in an emergency situation.

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

I. Procedures Defined:

1. Conditional Behavior Intervention Procedures:

Conditional procedures mean interventions that meet the definitions of aversive or deprivation procedures which are not prohibited. Conditional procedures include:

- a. the use of manual 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 Minnesota Rules, Part 3525.0200, Subpart 2a.

2. Prohibited Procedures:

Prohibited procedures are interventions that are prohibited from use in schools by school district employees, contracted personnel and volunteers. The procedure or actions listed in subitems 1 to 9 are prohibited:

- a. corporal punishment as defined in Minnesota Statutes, Section 127.45;
- b. requiring a pupil to assume and maintain a specified physical position, activity or posture that induces physical pain as an aversive procedure;
- c. presentation of intense sounds, lights or other sensory stimuli as an aversive stimulus;
- d. use of noxious smell, taste, substance or spray as an aversive stimulus;
- e. denying or restricting a pupil's access to equipment and devices such as hearing aids and communication boards that facilitate the person's functioning except temporarily when the pupil is perceived to be destroying or damaging equipment or devices;
- f. faradic skin shock;
- g. totally or partially restricting a pupil's auditory or visual sense not to include study carrels when used as an academic intervention;
- h. withholding regularly scheduled meals or water; and

- i. denying a pupil access to toilet facilities.
3. Time-Out Procedures as Part of Conditional Procedures:

Requirements: Time-out procedures that seclude a pupil in a specifically designed isolation room or similar space must meet the following conditions:

- a. specific criteria for returning the pupil to the routine activities and regular education environment;
- b. an evaluation to determine whether seclusion is contraindicated for psychological or physical health reasons;
- c. provisions for the pupil to be continuously monitored by trained staff;
- d. adequate access to drinking water and to bathroom for a time-out that exceeds 15 minutes;
- e. documentation of the length of time spent in each time-out procedure and the number of occurrences each day.

J. Isolation Room Specifications:

Time-out procedures that seclude a pupil in a specifically designated isolation room or similar space must meet the following conditions:

- 1. a safe environment for pupil where all fixtures are tamper proof, walls and floors are property covered and control switches are located immediately outside the room;
- 2. an observation window or other device to permit continuous monitoring of the pupil;
- 3. a space that is at least five feet by six feet or substantially equivalent to these dimensions and large enough to allow the pupil to stand, to stretch the pupil's arms and to lie down;
- 4. be well-lighted, well-ventilated, adequately heated and clean; and
- 5. meet all applicable fire and safety codes.

K. Parental Rights to Withdraw Consent

A parent has the right to withdraw consent for a conditional behavior intervention plan 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 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 can be contacted within three school days to determine the need to convene the IEP team to consider a change in program or placement.