Behavior Management Task Force
2009 Ariz. Sess. Laws, Chap 62,
§§1,2,3and 4

August 20, 2009

Ken Bennett
Secretary of State
Capitol Executive Tower 7th Floor
1700 West Washington Street
Phoenix, AZ 85007

Chairperson:

Michael Remus

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George Huggins

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Dear Secretary Bennett:

As you know, during the last session legislation was passed that created the Best Practices in Special Education and Behavior Management Task Force. The primary responsibilities of the Task Force include: 1) Examining, evaluating and making recommendations concerning the best practices for managing the behavior and discipline of pupils with disabilities; 2) developing a list of recommended prohibited disciplinary actions; 3) recommending training for special education teachers and classroom aides and 4) identifying parent notice requirements concerning disciplinary actions. The Task Force is required to submit a written report that contains its findings and recommendations to the State Board of Education, the Governor, the Speaker of the State House of Representatives and the President of the State Senate by August 20, 2009.

As chairperson of this Task Force, I am pleased to forward for your consideration a set of recommendations designed to meet the requirements of the legislation and to further the cause of appropriate behavior management strategies in schools.

The members of the Task Force have worked diligently over the past two months to complete the enclosed report in a timely manner. It is our hope that this document will help guide Arizona's policymakers as they consider this important topic.

Although the work of the Task Force is complete, the members are certainly willing to meet with you and your staff to discuss any aspect of our recommendations. Staff for the State Board of Education (the "Board") have agreed to help facilitate any future correspondence with the members of the Task Force. Mr. Vince Yanez, Executive Director for the Board, can be reached at (602)542-5057.

Thank you for the work you do on behalf of Arizona's students.

Sincerely,

Michael Remus
Chairperson, Best Practices in Special Education and Behavior Management Task Force

cc: Members, Best Practices Task Force
Karla Phillips, Governor's Education Policy Advisory

Report from the
Task Force on Best Practices in Special Education and Behavior Management
Created by Arizona Senate Bill 1197

Introduction

The task force, appointed by the State Board of Education and composed of the required membership, examined, evaluated, and is submitting this report to make recommendations on the four required elements of the statute.

- Best practices for managing the behavior and discipline of students with disabilities.

  Create a positive school climate through direct teaching of clear expectations for student behavior, consistent and fair application of rules, identifying and managing areas for conflict, and training staff in methods of positive behavior supports for all students to result in a reduction of school incidents requiring more punitive reactions.

- Disciplinary actions which should be prohibited.

  Restrict the use of crisis management techniques of restraint and/or seclusion to cases of imminent danger to a student or to other persons.

- Training for school personnel.

  Train school staff in proactive behavior management strategies, crisis de-escalation, non-injurious crisis intervention, and the development and implementation of behavior intervention plans for identified students.

- Notice requirements to parents and school administrators.

  Report every instance where crisis management actions have been used to the parents [as defined in ARS 15-761 (21)]; to the school and central office administration; and to the LEA's governing board. Use the data to make appropriate modifications to policy, training, and practice.

General Recommendations and Research Findings

1. **Recommendation**: Create a positive school climate through direct teaching of clear expectations for student behavior, consistent and fair application of rules, identifying and managing areas for conflict, and training staff in methods of positive behavior supports for all students to result in a reduction of school incidents requiring more punitive reactions.
   - *Research has shown positive behavioral supports are an effective intervention for children with disruptive or challenging behaviors across a broad age range and spectrum of behaviors. The majority of challenging behaviors that are used to justify crisis management strategies (such as seclusion and restraint) could be prevented with early identification and intensive early intervention.*

2. **Recommendation**: Provide educational and behavioral assessments and interventions (such as functional behavioral assessments and behavior plans), as well as mental/emotional health supports (such as counseling and social skills training) to all children who need them.
    - *Success rates nearly double when behavioral interventions are based on functional assessments and outcomes may be improved when behavior plans are implemented by educational personnel.*

3. **Recommendation**: Train all staff in the use of positive behavior supports for student behavior and in preventive techniques for addressing challenging student behavior.
    - *There are no federal or state guidelines regarding training for school personnel in the use of positive behavioral supports and many personnel are not sufficiently trained to effectively implement the practices.*

4. **Recommendation**: Train all school staff in de-escalation techniques.
    - *Many school personnel are not adequately trained in the use of evidence-based techniques in crisis reduction and de-escalation or in the safe use of crisis management strategies when de-escalation efforts fail.*

5. **Recommendation**: If school policies allow for the use of seclusion and/or restraint during crisis management, train relevant school staff in the safe use of the permitted strategies. Allow only personnel who maintain approval as a trainer by the training program to conduct such training.
    - *Risk of injury and harm is increased when seclusion and restraint are implemented by staff members who have not been trained or who were not trained by personnel who are certified or credentialed in any way to do such training.*

6. **Recommendation**: Report every instance where crisis management actions have been used (regardless of the location) to the parents [as defined in ARS 15-761 (21)]; to the school and central office administration; and to the LEA's governing board. Use the data to make appropriate modifications to policy, training, and practice.
    - *The majority of instances of the inappropriate use of crisis management strategies occur in relatively private settings such as a self-contained classroom or seclusion/timeout room. There are no federal or Arizona requirements to report instances of the use of crisis management strategies so the prevalence is not known.*

7. **Recommendation**: Strategies such as restraint and seclusion should be used only for crisis management, not as recurring behavioral interventions.
    - *Strategies such as restraint and seclusion have been inappropriately selected and implemented as "treatment" or "interventions" strategies for non-crisis behaviors such as disrespect, noncompliance, or violating school rules.*

8. **Recommendation**: Prohibit the use of corporal punishment, mechanical restraints and physical restraints that restrict the student's ability to breathe and communicate (such as prone restraints).

- *Corporal punishment is neither an evidence-based behavior improvement strategy nor a crisis management strategy and can have a damaging effect on both the student and the adult-student relationship. Prone restraint that restricts a student's ability to breathe has been demonstrated to be highly dangerous and potentially fatal.*

Specific Recommendations for Schools Regarding Policies and Procedures

I. Positive School Practices and Climate

Definition: Positive school practices and climate means that the administration, staff, parents and students have established mutually agreed upon, respectful school behavior policies that are abided by and reinforced by every member of the school community, including the governing board, and that deviation from appropriate behaviors is addressed in a consistent manner.

A. Require each school to implement positive, evidence-based, safe, and timely plans and procedures for all students including those who exhibit behaviors that interfere with learning or that place themselves or others in danger and to submit the plan to the LEA administration. Plans should be:

1. Proactive: All students are taught the critical social skills needed for success. Positive behavioral interventions and supports enable schools to set clear expectations for behavior, acknowledge and reward appropriate behavior, and implement a consistent continuum of consequences for challenging behavior.

2. Comprehensive: Positive behavioral interventions and supports are employed uniformly throughout the entire school, including non-instructional areas such as the cafeteria, buses, and hallways. All school personnel are trained in positive behavioral interventions and supports and data reporting and are continually supported in implementing these practices. School personnel are also trained in areas of crisis intervention such as restraints and seclusion.

3. Data-driven: Schools rely on data to both develop and modify their positive behavioral interventions and supports approach. These data are tracked most often through office referrals but also includes data from classroom reports, school-based intervention teams and crisis intervention documentation. Positive behavioral interventions and supports teams use this data to design specific interventions to prevent challenging behaviors before they occur and to confirm the effectiveness of interventions.

B. Ensure that parents of students enrolled in the school have comprehensive information regarding behavioral expectations within the school and the planned responses should the expectations not be met. Ensure that:

1. Parents have ready access to the school plan.

2. Parents are informed of how to provide input into the plan.

II. Tiered Intervention

Definition: Tiered Intervention (or Response to Intervention) means that the school has in place a multi-level approach to teaching students appropriate behaviors that provides progressively intense support for students according to need. Comprehensive information on positive behavior supports at all tiers can be found at the website for the National Center for Positive Behavioral Interventions and Supports (www.pbis.org).

A. Level 1: See I.A under Positive School Climate.

B. Level 2: Provide small group direct instruction on a regular basis to those students who are experiencing difficulty understanding or abiding by the established standards of behavior. Level 2 supports include such strategies as increased and targeted social skills training, increased monitoring and reinforcement systems, self-management techniques, and family involvement and mentoring programs.

C. Level 3: Provide a range of individualized interventions designed to address the specific behaviors continuing to cause the student difficulty. Level 3 may include counseling, more intense direct instruction, behavioral contracts, specific behavioral consequences, alternative educational programming, consideration for a referral for an evaluation for special education, and other strategies agreed upon with the parents. Level 3 may include a functional behavioral assessment (FBA) and a behavior intervention plan (BIP). For students with disabilities, the IDEA mandates the use of an FBA and BIP when a manifestation determination is necessary.

1. The FBA must identify the triggers for the challenging behavior and what subsequent responses by staff or other students reinforce the continuation of the challenging behavior.

2. A BIP should be developed from a functional behavioral assessment and prescribe methods that the staff will use to prevent, manage, replace, and monitor changes to the behavior. It must be based on evidence-based practices and support the goal of making the challenging behavior irrelevant, ineffective and inefficient. It must be implemented with integrity by staff that are trained to do so.

III. Crisis Management Recommendations

Definition: Crisis management means the methods used by school personnel to respond to imminent danger to the student, other students or staff. The two most commonly used methods of crisis management are restraint (either physical or mechanical) or seclusion of the student.

A. Seclusion

Definition: Seclusion means the confinement of a student alone in any space from which the student is physically prevented from leaving. Seclusion does not mean:

- Time out when used as a behavior management technique during which a student, for a limited and specified time, is placed in an environment where access to positive reinforcement is unavailable and the student's movement is not physically restricted.
- Voluntary isolation or time out on the part of a student for the purpose of calming him/herself and the student is monitored by a staff member.

Policies and Procedures:

1. The use of seclusion is used only in an emergency to protect persons from imminent, serious physical harm.
2. Any area used for seclusion is free of objects that could cause harm, provides adequate visual and audio supervision of the student, provides adequate lighting and ventilation and must not be locked.
3. Any area used for seclusion complies with the State Fire Code as adopted from the International Fire Code, 2003 Edition, §1008.1.8.3.
4. School personnel observe the student at all times during the seclusion period and reassess the child every 30 minutes. If seclusion continues beyond the second assessment, an administrator or designee must review and approve continued seclusion.
5. The student is released from seclusion as soon as the student regains self-control.
6. If seclusion is necessary, parents and administrators are notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was secluded, the location of the seclusion and the person(s) who observed the student during the seclusion must follow. If the student has been in seclusion for longer than one hour, parent contact must be initiated immediately.
7. A debriefing with affected staff, parents, and, if appropriate, the student, is conducted within 48 hours. During the debriefing, a determination is made regarding the need for a functional behavioral assessment (FBA).
8. An incident report is recorded in the student management system.
9. A student who has required crisis management on the part of the school staff more than three times in a semester will have a functional behavioral assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) within a reasonable time following the third critical incident.
10. The LEA has a strategy to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).

Prohibitions:

1. Seclusion is not used as punishment for violations of school rules, repetitive behaviors, or because of teacher anger toward the student.
2. Seclusion is not harsh or severe or out of proportion with the offense committed and the age and physical condition of the student.
3. Seclusion is not used to prohibit reasonable access for the care of bodily needs.

4. Seclusion does not deny a free, appropriate public education to students with disabilities through excessive or extensive use.
5. The use of seclusion is not limited by policy or practice to students with disabilities.

Training:

1. Personnel who use seclusion procedures have training in conflict prevention, crisis de-escalation, possible effects of seclusion and any additional local or state regulations regarding the space and its use.
2. The training is recurrent with annual updates and appropriate to the type of school setting and to the age and developmental level of students and includes information about commonly accepted standards for the use of seclusion in school setting.
3. The training includes information about the effects of medications students may be receiving and how seclusion procedures might affect the physical well being of the student during seclusion.
4. The training includes certification in First Aid and cardiopulmonary resuscitation (CPR) in the event of an emergency during seclusion.
5. Training includes the requirements for reporting to parents and administration.

B. Physical and Mechanical Restraints

Definition: Physical restraint is the application of physical force by one or more individuals that prevents or significantly restricts a student's movement. Restraint is a last resort emergency safety intervention. This policy on physical restraint is not intended to forbid actions undertaken:

- To break up a fight;
- To take a weapon away from a student;
- To briefly hold in order to calm or comfort;
- To apply minimum contact necessary to physically escort a student from one area to another;
- To assist a student in completing a task/response if the student does not resist or resistance is minimal in intensity or duration;
- To momentarily (e.g., one minute or less) hold a student in order to prevent an impulsive behavior that threatens the student's or others immediate safety or the destruction of property.

Definition: Mechanical restraint is the restriction of movement by devices (such as straps, duct tape, cords or garments). This definition of mechanical restraints does not include the following:

- Restraints used in schools for the purpose of providing support to students' orthopedic and assistive technology needs in order to permit them to learn and participate in school activities as identified in an IEP.
- Restraints (such as weighted vests or blankets) identified by an IEP team as appropriate for a student to enhance participation in learning activities.

- Vehicle safety restraints used in accordance with state and federal regulations.
- Restraints employed by law enforcement officers in school settings that are used in accord with their policies and appropriate professional standards. However, these instances are subject to the same reporting requirements by the school as restraints used by school personnel.

Policies and Procedures:

1. Physical restraint is used only in an emergency situation when a student is imminently dangerous to him/herself or others.
2. Personnel using the restraint take extreme care to provide for the safety and comfort of the student during the restraint procedure.
3. Personnel authorized to use restraints have been extensively and repeatedly trained by personnel who have maintained approval to provide training by a training program in:
    a. Alternatives to restraint (e.g., de-escalation strategies, and problem-solving techniques),
    b. The proper use of the restraint, and;
    c. Safety precautions and procedures for continuous monitoring of a student by a third party during restraint.
4. The student is released from the restraint as soon as he/she regains self-control.
5. Parents and administrators are notified as soon as possible within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was restrained, the location of the restraint and the person(s) who observed the student during the restraint must follow.
6. A debriefing with affected staff and parents and, if appropriate, the student is conducted within 48 hours. During the debriefing a determination will be made regarding the need for a functional behavioral assessment (FBA).
7. An incident report is recorded in the student management system.
8. A student who has required crisis management on the part of the school staff more than three times in a semester has a functional behavioral assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) developed within a reasonable time following the third critical incident.
9. The LEA has a strategy to support teams in modifying FBAs and BIPs when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).

Prohibitions:

1. A physical restraint, such as prone restraint, that places excess pressure on the chest or back or impedes the ability to breathe or communicate is prohibited.
2. Mechanical restraint is prohibited.
3. Except in the case of extreme danger to the student or to others, a staff member who has not been trained in the use of restraints does not engage in its use.

4. Restraint is not out of proportion to the danger, the age and physical condition of the student.
5. Restraint is not used to prohibit reasonable access for the care of bodily needs.
6. Restraints that provide support to a student's orthopedic needs are not used as punishment for noncompliant behaviors.
7. The use of restraints is not limited by policy or practice to students with disabilities.

Training:

1. Training, conducted by a qualified trainer, results in some form of official document for each staff member and for the LEA.
2. Training is recurrent with annual updates and is appropriate to the type of school setting and to the age and developmental level of students.
3. Training includes content and skills on the use of positive, instructional, preventive methods for addressing student behavior.
4. Training includes content and skill development on conflict prevention, de-escalation, conflict management, and evaluation of risks of challenging behavior.
5. Training includes information about the effects of medications students may be receiving and how restraint procedures might affect the physical well being of the student during restraint procedures.
6. Training includes multiple methods for monitoring a student's well-being during a restraint.
7. Training includes certification in First Aid and cardiopulmonary resuscitation (CPR) in the event of an emergency related to restraint.
8. Training includes the requirements for reporting to parents and administration.

C. Corporal punishment

Definition: Corporal punishment is the deliberate infliction of pain intended to discipline or reform a person's bad attitude and/or behavior.

Policy and Procedures:

Corporal punishment is prohibited.

As required by the statute, this report will be distributed to all school districts and charter schools in the state along with information regarding the requirement that each governing board conduct a public meeting to review and consider the adoption of the recommendations of the task force.

Appendix A

Resources for Training

ADE Supported Opportunities

1. AZ Response to Interventions System of Behavior Supports: This document describes in more detail the following components of a system of behavioral supports: Data-Based Decision Making, Curriculum, Instruction and Strategies, and Professional Development. Website: www.azed.gov/AZRTI.
2. SUPPORT Cadre offers technical assistance for teachers and administrators who work with students with disabilities through peer consultants. If help is needed in developing behavior management plans, fine tuning classroom management skills, meeting the program needs of a particular exceptionality, making adaptations or modifications to curriculum, or refining IEP writing skills, then SUPPORT Cadre is a possible solution. Eighty-one members of the SUPPORT Cadre have expertise in behavior management. Website: www.azed.gov/ess/cspd/personneldev.
3. S.E.L.E.C.T. courses provide training to persons seeking to expand their skills in working with children with disabilities. Participants take S.E.L.E.C.T. courses to receive academic credit that can be applied towards teacher certification or for professional growth. S.E.L.E.C.T. courses are offered each fall and spring semester at a variety of locations throughout the state. Six courses in behavior management are offered for Fall 2009 for a range of disabilities. Website: www.azed.gov/ess/cspd/personneldev.
4. AHAA Project Grants: The AHAA Project provides two years of professional development for school teams K-12 with three two-day trainings per year. School teams increase their knowledge in understanding how accommodations and modifications in classroom instruction and behavior management can be developed to meet all learners' needs. Twenty-two schools are participating during the 2009-2010 SY. Website: www.azed.gov/ess/cspd/personneldev.
5. Autism Project Grant: The Autism Disorders Project is designed to expand the number of Arizona educators who are skilled in meeting the needs of students with Autism. A two year training program for school teams builds skills in the areas of evaluation, instruction planning and strategies, and environmental design to address the academic, social, communication, and behavioral needs of students. Fourteen LEAs are participating during the 2009-2010 SY. Website: www.azed.gov/ess/cspd/personneldev.
6. Positive Behavioral Interventions and Supports Systems Grant: The PBIS Grant supports school-based teams in developing and implementing changes in school climate and behavior management. There are 10 ESS-supported teams and 12 additional LEA-supported teams participating during the 2009-2010 SY. Website: www.azed.gov/ess/cspd/personneldev and www.pbisaz.org.
7. Positive Behavior Management Specialist: ESS established a dedicated staff position to create, manage, and supervise statewide training and technical assistance in the area of behavior management of students with disabilities. Website: www.azed.gov/ess/cspd/personneldev.

8. Parent Information Network Specialists (PINS): Parent consultants with the ADE/ESS serve every county in Arizona. PINS provide essential information for parents to actively participate in their child's special education. PINS offer training and resources regarding parent involvement to educators, college students, service providers, community agencies, and parent organizations. Free resources include information on behavior and behavior management for parents as well as a broad variety of disability topics. Website: www.azed.gov/ess/pinspals.
9. Superintendent Horne's Discipline Initiative: The Discipline Initiative Program at the Arizona Department of Education primarily focuses on helping teachers with classroom management and techniques on how to handle discipline in the classroom. Classroom management training is available to better help teachers manage their classroom while they supervise learning. Website: www.ade.az.gov/disciplineinitiative/.

D. State Supported Opportunities

1. University Projects: (see www.pbisaz.org)
   a. Northern Arizona University (NAU), Arizona State University (ASU) and the University of Arizona (UofA) offer courses in positive behavior supports.
   b. UofA offers a Behavior Support Specialist certificate program.
   c. NAU offers graduate certificate in positive behavior support that may lead to a national certification as a Board Certified Behavior Analyst (BCBA).
   d. ASU offers course work and practicum that may lead to national certification as a Board Certified Behavior Analyst (BCBA).
2. DES/DDD: Crisis Intervention Training (CIT) is the approved crisis management training for DES/DDD providers. LEAs can arrange with the agency to access Train-the-Trainers opportunities through the DES/DDD training director at (602) 542-6822.

E. Community Opportunities

1. Crisis Prevention Institute: CPI is an international training organization that specializes in the safe management of disruptive and assaultive behavior. CPI provides safe behavior management best practices and innovative resources to professionals around the world who are committed to creating safe and respectful work environments. Website: www.crisisprevention.com.
2. Enhancing Arizona's Parent Networks: EAPN offers a one-stop website to connect families and LEAs to information, including learning opportunities, available from a wide range of disability organizations in Arizona. Website: www.azed.gov/ess/EAPN.
3. Practical Training Solutions: PTS offers CIT Levels 1 & 2, CPR, and positive behavior support training. Website: www.practicaltrainingsolutions.net.
4. Pro-ACT: Pro-ACT® is a risk management, safety enhancement tool for organizations seeking to establish a zero-restraint environment. Training emphasizes critical thinking and behavioral supports based on assessment. and includes a basic course, a restraint certification course, and courses to certify instructions. Website: www.parttraining.com.

5. Professional Crisis Management Association: PCMA offers a detailed and highly systematic approach to crisis management and a systematic approach for reducing violent and aggressive behavior in schools, hospitals, and agencies. Website: www.pcma.com.
6. The Mandt System: The Mandt System offers staff development and training through an array of services to organizations, their employees, and the people with whom they interact through in-person competency based training, professional consultations, and interactive teaching techniques. Website: www.mandtsystem.com.
7. Tucson LINKS: Links is a comprehensive community-wide substance abuse and violence prevention project. LINKS provides training, technical support, behavioral health services, primary medical care, and financial incentives to elementary schools, local preschools and early childhood programs in the Tucson area. Website: tucsonlinks.org.
8. Behavior Education and Research using Technology (BERT): BERT is a collaboration among experts who have been teaching and implementing positive behavioral supports in Arizona's schools for many years. Several options of personnel development are available to LEAs, from introductory presentations to comprehensive training and technical assistance. Website: http://bert.asu.edu/.

Appendix B

Resources Reviewed

States Policies/Procedures/Statutes

1. Arizona Department of Economic Security Policy and Procedures Manual §1600
2. Arizona School Districts on Corporal Punishment (through Arizona School Boards Association)
3. Illinois School Administrative Code (through Crisis Prevention Institute)
4. Massachusetts Education Laws and Regulations (through Crisis Prevention Institute)
5. Michigan State Board of Education Policy
6. Texas Commissioner of Education Rules
7. Wisconsin Department of Public Instruction Directives
8. Iowa Administrative Code
9. Nevada Revised Statutes

Other technical assistance documents

1. Council for Exceptional Children/Council for Children with Behavioral Disorders
    a. Position Summary on the Use Physical Restraint Procedures in School Settings
    b. Position Summary on the Use of Seclusion in School Settings
2. Crisis Prevention Institute, Inc.
    c. A Checklist for Writing Policies and Procedures
    d. Risks of Restraints
3. Family Resource Center for Disabilities and Special Needs Manual of Recommended Practices: Project REST – Restraint: Efficacy, Safety and Training
4. The Government Accounting Office (GAO) Report on Seclusions and Restraints
5. Uniform System for Financial Reporting Memorandum No. 185

Appendix C

Task Force Membership

Chairperson:

Michael Remus: Director of Special Education, Deer Valley Unified School District

Members:

George Huggins: Assistant Superintendent, Bullhead City Elementary School District

Holly Reycraft: Parent of a child with a disability

Daniel Davidson: Institute for Human Development, Northern Arizona University

Kali Fedor: Special Education Teacher, Casa Grande Elementary School District

Melissa Fields: General Education Teacher, Acorn Montessori Charter School, Prescott Valley

Roberta Brown: Director, Exceptional Student Services, Arizona Department of Education

Sylvia Cohen: Psychologist, Scottsdale Unified School District

Terisa Rademacher: Parent Information Network Specialist, Arizona Department of Education

ADE Staff Support

Candice Trainor

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