ANNOUNCEMENT: EI- 13-#07
Effective Date: August 29, 2013

SUBJECT: **Positive Behavior Supports**

TO: **Early Intervention Infant/Toddler and Preschool Programs**

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PURPOSE:

The purpose of this announcement is to notify preschool early intervention (EI) programs of an updated form for reporting incidents of restraints. The guidance on Positive Behavior Support for infant toddler and preschool EI programs issued in Announcement EI-12-#06 remains unchanged. Announcement EI-12-#06 becomes obsolete on the issue date of this announcement.

BACKGROUND:

In recent years, the field of early care and education has examined the use of restraints in managing the challenging behaviors of young children. The incidents of children being harmed while using restraint techniques have prompted states and agencies that serve preschool child to establish policies and regulations that prevent the use of restraints. 22 Pa. Code Chapter 14.133 prohibits the use of restraints except in emergency situations where a child is an imminent danger to themselves or others.

DISCUSSION:

The Positive Behavior Support Policy shall provide guidance to teachers and staff on providing positive behavior support to all children as well as procedures to be used when it is necessary to develop an individual behavior support plan for a child in their program. The policy shall include the full continuum of positive behavior supports, including: procedures for promotion of social-emotional development, positive behavior strategies, prevention of challenging behavior through positive environments, supports and teaching strategies, and intervention strategies that will be utilized when other supports do not adequately address challenging behaviors. The positive behavior supports shall be developmentally appropriate for the age of the child.

I/T and PS EI programs shall make every effort to ensure the children's environment minimizes challenging behaviors and supports the children's development of social-emotional skills. When the level of support does not adequately address the needs of a specific child and more intensive support is necessary for the child to participate successfully and safely in the program, an individualized behavior support plan shall be created by the Individualized Family Service Plan (IFSP) team or Individualized Education Program (IEP) team. Strategies to teach positive social

behaviors and decrease the likelihood that a challenging behavior will occur should be included in the child's behavior support plan.

The risks associated with using restraint with young children outweigh the benefits; and therefore, it is far more effective to use prevention strategies such as redirection and teaching of behavioral expectations with children of this age. The I/T and PS EI Programs shall address challenging behaviors of young children using a positive and preventative approach, including maintaining a positive environment within the classroom, using positive strategies to teach expected behavior, teaching socially and developmentally appropriate skills, and developing positive behavior support plans for children who require more intensive and individualized support. Prevention should always be the first approach. Each I/T and PS EI Program shall have a Positive Behavior Support policy in place.

PS EI Program Procedures for the Use of Restraints

PS EI Program staff shall be aware of procedures that will be followed if a child's behavior presents the potential for harm to themselves or others. The Positive Behavior Support Policy created by the PS EI Program shall include safety net procedures that staff shall follow in instances when a child may be of harm to themselves or others. The procedures shall clearly describe steps and strategies that staff shall follow in order to avoid having to restrain a child. Strategies may include:

- Moving other people and children away from the child who is in danger of hurting themselves or others;
- Removing items from the area that might be thrown or toppled;
- Providing safe alternatives/outlets for the child to express anger/aggression/frustration
- (soft items, calm music, etc);
- Stationing adults near exits to avoid child being able to escape;
- Ignoring verbal outbursts;
- Implementing de-escalation strategies.

Chapter 14.133(b) defines restraints as:
The application of physical force, with or without the use of any device for the purpose of restraining the free movement of a student's or eligible young child's body. The term does not include briefly holding, without force, a student or eligible young child to calm or comfort them, guiding a child to an appropriate activity, or holding a child's hand to safely escort him from one area to another. The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by eligible young child's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition. Local PS EI Programs shall use positive, rather than negative, measures for the basis of behavior support programs to ensure that eligible young children shall be free from demeaning treatment, the use of aversive techniques, the use of seclusion, and the use of restraints.

In the rare event that a behavior becomes a clear and present danger to the child and/or others and a restraint is deemed necessary, staff that are specifically trained in safe physical intervention techniques shall remove a child from the dangerous situation. The least restrictive technique that is effective shall be used and the child must be released as soon as it is safe to do so. The Positive Behavior Support policy shall specify who is expected to be trained in safe physical intervention techniques and all other safety net procedures and how that training is to be provided.

When a restraint has been used, to include those children that have them written into their IEP, to manage a young child's challenging behavior:

- Parents shall be contacted as soon as possible, but no more than one program day following the use of a restraint, to describe the situation and the intervention techniques utilized and discuss immediate next steps including the scheduling of a meeting with the IEP team; and
- The IEP team must convene within 10 program days following the use of a restraint, unless the parent, after written notice, agrees in writing to waive the meeting. The IEP team will determine if the child needs a functional behavior assessment, a reevaluation, a new or revised behavior support plan, or a change of placement to address the challenging behavior. This includes the children that have restraints in their IEP's;
- Following the use of any physical restraint, PS EI Program staff shall notify the Bureau of Early Intervention Services (BEIS) EI Advisor, assigned to their program either verbally or via e-mail within 48 hours. The PS EI program shall also send the incident of restraint form to their EI Advisor and also BEIS Central Office at: RA-ocdintervention@pa.gov within 5 program days of the conclusion of the IEP meeting. The form can be found at: http://www.portal.state.pa.us/portal/server.pt/community/early_intervention/8710 under Resources for Providers.

The use of restraint may only be included in a child's IEP when the following conditions apply:

- The restraint is utilized with specific component elements of positive behavior support;
- The restraint is used in conjunction with teaching of socially acceptable alternative skills to replace problem behavior;
- Staff are authorized to use the procedure and have received required staff training;
- There is a plan in place for eliminating the use of restraints through the use of positive behavior support;
- The restraints are only used on an emergency basis;
- The IEP team shall notify their assigned EI Advisor of any child that has restraints included as part of their IEP.

The BEIS shall compile all reported restraints, in their database, and report them annually to the Secretary of Education. There will also be a quarterly review of the use of restraints and also each program shall be reviewed during the verification process even if they have no restraints reported. BEIS shall refer the PS EI program to Early Intervention Technical Assistance (EITA) to provide training on reducing the use of restraints or identify statewide initiatives, as needed.

NEXT STEPS:

1. PS EI Programs shall review their Positive Behavior Support Policy to ensure that it includes all required components as referenced in Early Intervention Program Guidance: Developing a Behavior Support Policy. Programs shall also review specific guidance related to Safety Net Procedures included in this announcement and revise policies as needed.
2. PS EI programs shall review the EI Teacher's Reference Guide: Positive Behavior Supports and Interventions with their classroom staff.
3. PS EI Programs shall address in their Positive Behavior Support Policy children transitioning to school age with Behavior Support Plans.
4. PS EI programs shall identify, in their Positive Behavior Support Policy, staff expected to be trained in safe physical intervention techniques.
5. PS EI programs shall specify, in their Positive Behavior Support Policy, how the safety net procedures training is to be provided to all staff, to include safe physical intervention techniques, if applicable to staff.
6. IT EI Programs shall review their Positive Support Policy to ensure that it contains procedures for promoting positive environments and provides a full continuum of behavior support to include positive behavior support plans, if deemed necessary by the team as referenced in The Early Intervention Program Guidance for Developing a Behavior Support Policy (sections-Positive Behavior Supports and Functional Behavior Assessment and Positive Behavior Support Plan Guidance).

References:
Early Intervention Teachers' Reference Guide: Positive Behavior Supports and Interventions
Early Intervention Program Guidance: Developing a Behavior Support Policy
PA Regulations 14.133-Positive Behavior Support

Comment and questions should be directed to the Office of Child Development and Early Learning, Bureau of Early Intervention Services at 717-346-9320 or ra-ocdintervention@state.pa.us.