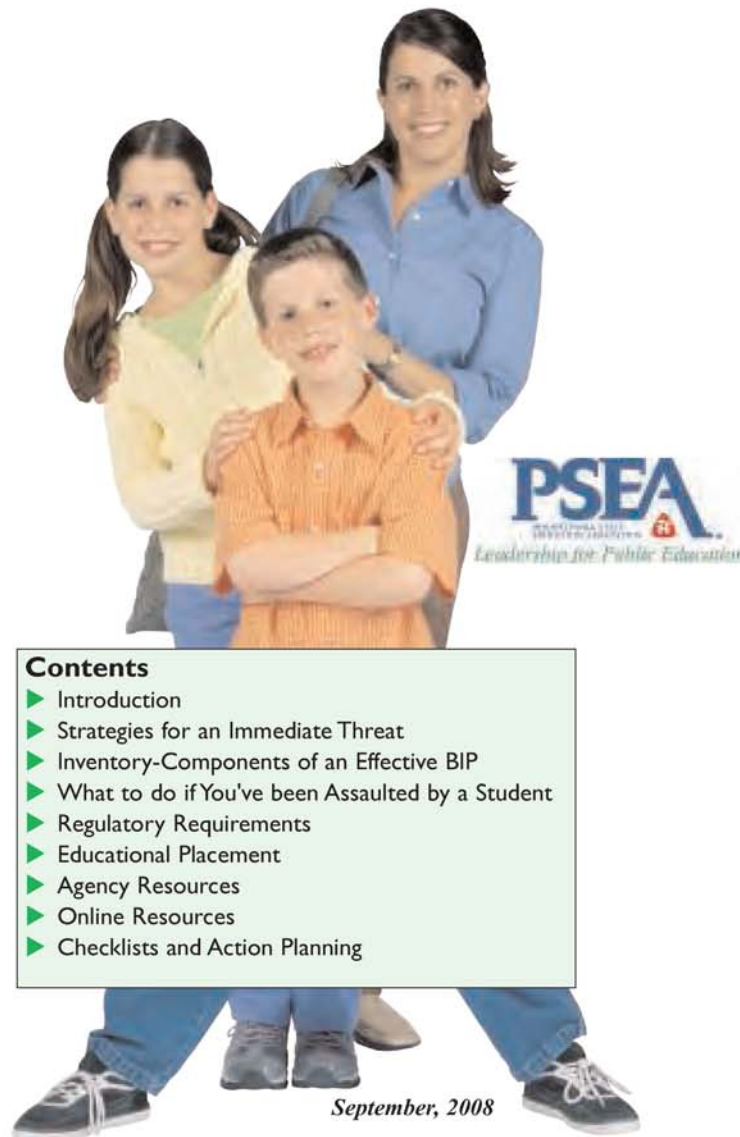


Dealing with Threats or Violent Behaviors from Students with IEPs

Practical Strategies for your Classroom



Contents

- ▶ Introduction
- ▶ Strategies for an Immediate Threat
- ▶ Inventory-Components of an Effective BIP
- ▶ What to do if You've been Assaulted by a Student
- ▶ Regulatory Requirements
- ▶ Educational Placement
- ▶ Agency Resources
- ▶ Online Resources
- ▶ Checklists and Action Planning

September, 2008

What can I do about a student who threatens or hits?

Consider these measures as you move forward in supporting students and staff.

Some students with special needs have emotional, communication and social issues in addition to their difficulties with learning. When these students fail to understand, become frustrated or feel threatened in some way, their first response may be to lash out at the person closest to them. In the school setting, this is usually the teacher or paraprofessional. Is there anything you can do to prevent such incidents from happening? If they do happen, how should you respond? There can be a big difference in the amount of harm that can be done by a first grader having a tantrum and a ninth grader having that same tantrum. While both may be angry or frustrated, flailing their arms about uncontrollably, the end result can be quite different because the ninth grader has a greater potential to inflict serious harm.



What about a student who threatens a teacher or paraprofessional? Should all threats be taken seriously or ignored? Should school officials or the police be contacted? This information piece will provide you with answers to these questions and some de-escalation techniques you can use if you find yourself dealing with a student who has such outbursts. We will address this in two ways: an inventory you can use to determine if the appropriate supports are in place and strategies for both minor and serious incidents.

Inventory - Components of an Effective BIP

Any time a child strikes or threatens a teacher or paraprofessional, the goal is always to ensure it doesn't happen again. Here are some questions to help you identify what can be done to change this inappropriate behavior.

- ✓ Is there a Behavior Intervention Plan (BIP) in place?
 - If the answer is no, one needs to be developed. If the student has an IEP, it should be part of the IEP.
 - BIP's can also be developed for students who have not been identified as special education students.
 - Before preparing or revising a BIP, the student will need a Functional Behavior Assessment (FBA).
 - Resources are available to assist with this process.
 - Specialized school district personnel.
 - Assistance from behavioral specialists employed by each Intermediate Unit.
 - Assistance from behavioral specialists in the regional Pennsylvania Training and Technical Assistance Networks (PaTTAN).
 - Consultants.

If a BIP is already in place, it needs to be reviewed.

- ✓ Is the current BIP appropriate? That is, does it have the essential elements?
 - Does it clearly identify the inappropriate behavior?
 - Has the IEP team tried to determine what causes the inappropriate behavior or what precedes it?
 - Has the IEP team tried to eliminate the cause or preceding condition, if such elimination is possible, appropriate and in line with preparation for adult life?
 - What function is this inappropriate behavior serving for the student?
 - Is the IEP team teaching appropriate behaviors, which will serve the same function while extinguishing inappropriate behaviors?
 - Does the BIP include positive reinforcement?
 - Does the BIP include permissible consequences?¹
 - Does the BIP indicate how progress will be measured?
 - Is the current and appropriate BIP being implemented as written?
- ✓ Is the current instructional/academic program appropriate?
- ✓ Is the current and appropriate instructional/academic program being implemented as written?
- ✓ Is the current placement appropriate?
- ✓ Is the student in that appropriate placement with the supports and services he needs?



Whether the team determines that a new BIP has to be developed or it is revising an existing plan, data collection and analysis is critical for staff in determining if the strategies implemented are meeting with success.

Another important component that must be considered if a plan is to be successful is communication between IEP team members including the parents and other staff who implement the BIP. All staff who work with a student who has a BIP must have access not only to the plan itself, but also to other individuals who work with the student in order to share ideas, discuss possible changes, and to provide a more successful support system for the

¹ Chapter 14 Special Education Regulations

child. That free-flow exchange of information should also extend to the parents. A partnership between school and home can reinforce the consistency needed to correct inappropriate behaviors.

Strategies - What can you do?²

- ▶ **Always respond to a student's threats** - Whether you believe a student will act on his threat or not, it's always important to speak to him and explain the inappropriateness of his comments. It's important that he understand that his remarks could be considered a "threat" by others and may cause him serious problems. Explain that, while it's OK to be angry with someone, he needs to learn to express that anger in a way that is not "threatening" (frightening) to the other person. Discuss with the student how he could express his anger in a way that doesn't threaten the other person but lets them know he's upset about what just happened.
- ▶ **Resources Available** - Guidance counselors are excellent resources within the school setting. They can work with students in group lessons to develop communication skills or work with students individually to listen to their issues and help them to problem solve.
- ▶ **Empathic Listening** - This is a strategy in which the staff person listens to the student's grievances. Once the student has shared their issues, the staff person shows that they have been listening by mirroring or paraphrasing the communication shared by the student and by describing an emotion in connection with the concerns such as "You seem really (worried, mad, upset, afraid)". Some students who feel they are being heard will deescalate.
- ▶ **Data Collection** - Moving from complaints about a student's behavior to data collection will move the IEP team members closer to a resolution. Data is information which can be measured. When shared with the team, such information should include descriptive terms that clearly define the behavior, what preceded the event (triggers) and what happened as a result of the student's action. Scattergrams, log sheets, checklists and other such tools are very useful to the team as they problem solve.
- ▶ **Always inform the principal immediately if you believe a student is a serious threat or if a student has harmed you, self or others** - There are several factors to be considered in determining the seriousness of the threat posed by a student:

² Strategies from an article by Dr. Kenneth Shore, Education World, January 2006

- ▶ His age
- ▶ His history of aggressive behavior
- ▶ His ability and intent to follow through on a threat

Most districts have a policy on how to handle threats directed at teachers. You need to make sure you know if your school has such a policy and, if they do, what that policy requires.

Some threats may rise to the level of requiring that the police must be notified. Generally, this determination should be made by an administrator. Often, police involvement will reinforce for the student the seriousness of his actions.

- ▶ **Distract a volatile student** - The ideal strategy in addressing violent students is to deescalate a situation *before* it gets to the point where a student is lashing out. You should acknowledge the anger but try to speak softly. Distracting the student by changing the subject and asking him about something you know he enjoys or is interested in may alleviate the situation. The goal is to deescalate the emotional component and calm him to the point where you can have an actual discussion about what upset him and how you might be able to work on that issue together.
- ▶ **Convey to the student the seriousness of his behavior** - In a less threatening situation, if a student does hit you but does not injure you, you need to stay calm and respond firmly. Let the student know that violence is unacceptable and he is not to do that again. Do not scream, hit or belittle the student. That will only fuel his current anger.
- ▶ **Removal of other students and staff from the area** - In some cases, it is safest to remove other students and staff from the immediate area to prevent injury due to items being thrown or due to the physical nature of the student's outburst. Maintain observation of the student while keeping the rest of the group safe. The violent student should not be left alone and generally the other students should only be escorted out of the classroom if another adult is present and able to do so safely.
- ▶ **Use physical restraint sparingly** - When a student is out of control and you fear that he may seriously hurt himself, you or another student or staff member, move away from him and tell other students to do the same. In this situation, you want to avoid physical contact. Physical restraint should be used in extreme situations only, if you fear the student will harm himself or others. Restraint should be used with the least amount of force possible. Calming the student is always preferable to restraint.



- ▶ **Confer with parents** - Any time a student is aggressive toward you, it's important to meet with the parents provided that this is permissible under your employer's policies. If you are able to identify what may have triggered the incident, or can learn how parents calm or soothe their child, those strategies can be incorporated into the BIP. If parents are having the same issues at home, working together to develop



consistency in response to inappropriate behaviors can be very productive. It's important for parents and school employees to work as a team when addressing challenging student behaviors. Another important support option parents can utilize is working with mental health professionals from their county offices. These agencies can be an excellent resource.

- ▶ **Ask teachers to be on call** - If all attempts to deescalate the inappropriate behavior are unsuccessful, it is important to have another adult available to assist you. Make arrangements ahead of time with an administrator or a teacher in close proximity to your room who can be called in should a crisis arise. In order to utilize this approach, it is critically important that you have ready access to a communications device. In addition, in appropriate situations you may be able to have a responsible and reliable student seek assistance.
- ▶ **Crisis Intervention Teams** - Many schools have teams of staff that support their most challenging students. These teams typically include an administrator, behavioral specialist, and professional and paraprofessional staff who are trained in de-escalation techniques and restraints. These team members are able to communicate with staff that has the greatest need through a phone or walkie-talkie system so they can be reached on a moments notice.
- ▶ **Record incidents** - It is important that you record all incidents and it is especially helpful to school staff to know the antecedents, behavior and consequences for planning future interventions that support the student and staff. Remember that once these records are shared with anyone else, they become part of the student's educational record and the parents will have a right to review the documents.
- ▶ **If concerned for your safety, request the student's removal from your class** - If all efforts to eliminate inappropriate behaviors have been unsuccessful, you always have the option of requesting that the student be placed in another classroom. This will require reconvening the IEP

team to request a change in placement if the change in location results in a more restrictive setting. It's possible that placement in the regular education classroom or special education setting is inappropriate because it is too stressful for the student and he may be better served in a different or more restrictive placement.

- ▶ **Positive behavior supports** - The behavior plan should be positive in nature. The goal is to increase the positive behavior through modeling, social stories, reinforcement schedules, guidance, and other supplementary aids and services.

If you have been assaulted by a student, what steps do you take next?

Your district should have an employee manual that provides information on what to do if you find yourself a victim of assault. As a review, here are the recommendations developed by PSEA's Legal Division.

1. Try to avoid responding physically. If you have to respond physically to defend yourself or another, you should use reasonable force given the child's age, size, and ability to inflict injury.
2. Make sure that the situation is stable and have a qualified individual assume your supervisory responsibilities.
3. Document the time, place and circumstances surrounding the attack.
4. Record the names and addresses of all witnesses.
5. **Always contact your Building Representative or Association officers, who will in turn contact the PSEA UniServ Representative.** Also contact the school nurse and the administration.



6. Immediately report the incident to the school administration and request that the District provide you with any reports it generates concerning the incident including any record of a medical diagnosis and/or treatment rendered to you by the school nurse or medical personnel.
7. Request that the association representative assist you in receiving immediate medical attention. If the administration refuses this request, have the association representative assist you in obtaining immediate sick leave, visiting

one of the medical providers identified by your employer to treat work injuries (or your personal physician, if the employer has not identified specific providers).

8. At the time of the medical exam, explain to your doctor that you have been attacked and that it is important that he/she document your medical injury. Further explain that his/her report might be used as evidence in a legal proceeding.
9. Request that the association representative or the physician take color photographs of your injuries.
10. With the assistance of the association representative, insist that the administration immediately document the attack. Get a copy of the District's report and provide the District with written notice that you reserve the right to correct or add to the report.
11. With the assistance of the association representative, insist that the administration report the incident to the police. If the District refuses to file this report, you should file the report with the assistance of the association representative. Retain a copy of any report filed with or by the police.
12. On the basis of your discussion with the region attorney and the UniServ Representative, determine whether you should file charges against the student.
13. If you have any reason to suspect that the student may file charges against you, do not make or sign any statements or take any other action until you have consulted with your UniServ Representative and the region attorney.
14. Exercise any additional rights that you may have under the collective bargaining agreement.
15. You have the right to legal representation if the police or District is questioning you about any counterclaim. In the event that charges have been filed against you, or you suspect that charges will be filed against you, and the police or District officials attempt to question you, explain that you have the right to have an attorney present during questioning and remain silent until your attorney is present.
16. Request that your UniServ Representative provide you with information on PSEA's liability coverage because you may be entitled to reimbursement for loss of personal property or medical treatment up to a maximum of \$500.

Advice for Employees Who Are Assaulted By an IEP Student

1. Follow steps one through twelve above. In addition:
2. Except for students with mental retardation whom Districts may not remove from school, District officials are free to remove IEP students from the current placement for up to 10 consecutive or 15 cumulative school days per school year.

Caution for LEA's

Be aware that a series of suspensions can constitute a pattern of exclusion. You need to consider:

- 1) the length of each suspension;
- 2) the proximity of suspensions to one another; and
- 3) the total time the student is excluded from school.

3. Whenever a decision is made to remove an IEP student for more than 10 consecutive or 15 cumulative school days per school year, the Manifestation Determination Team (the LEA Representative, parent and appropriate members of the IEP Team) must decide whether the student's behavior was a manifestation of disability. Behavior is a manifestation of disability if it is caused by or had a direct and substantial relationship to the student's disability or if the conduct was the direct result of the failure of the District to implement the IEP.
4. If the Team determines that behavior is a manifestation, the IEP Team must conduct a Functional Behavioral Assessment and design or revise a Behavioral Intervention Plan.
5. If the Team determines that the behavior was not a manifestation of disability, normal discipline may apply except that the District is required to provide IEP students with educational services during a period of exclusion. The IEP Team determines the nature and location of such services.
6. School officials may unilaterally remove IEP students to an interim alternative placement for up to 45 school days for drug or weapons offenses or when they inflict serious bodily injury upon another.
7. Even where removal is not being considered, staff should request an immediate meeting of the IEP Team to review the behavior and to determine whether the Team needs to change the student's IEP, program, placement and/or behavior plan.

8. During the IEP meeting, the Team should ensure that the current instructional and academic program is appropriate and that the IEP has an appropriate Behavioral Intervention Plan which is being implemented and which addresses the behavior at issue. An appropriate behavior plan clearly identifies:
 - the inappropriate behavior
 - the cause or the elements which preceded the behavior
 - the function of the behavior
 - methods for extinguishing the behavior including positive reinforcement and/or permissible consequences
 - a plan for measuring progress on addressing the behavior
9. The teacher should also request a reevaluation, where appropriate, to determine whether there are medical or psychological issues which are causing the behavior.
10. School officials are free to report crimes committed by IEP students to the police.

Chapter 14 - Special Education Regulation Requirements

Chapter 14 specifies the need to develop a BIP when students exhibit behavior that impedes their learning or that of others. When this is the case, the following steps should be taken:

- ▶ **Conduct a Functional Behavior Assessment** - A Functional Behavioral Assessment is conducted to identify why a student uses a specific behavior, what actions trigger that behavior and what purpose it serves for the student (i.e., if a student feels stress, he may feel the need to escape).
- ▶ **Develop a Behavior Implementation Plan** - Once the cause or causes of the inappropriate behavior have been identified, a plan should be developed containing strategies of positive reinforcement or other positive techniques that will divert the student's inappropriate behavior to a more acceptable replacement behavior. This plan should be a part of the child's IEP.
- ▶ **Use of Restraints** - Chapter 14 clearly states that restraints may only be used when the "student is acting in a manner as to be a clear and present danger to himself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less

effective.” Use of restraints may **never** be included in an IEP for administrative convenience.

- When a restraint is used, the incident must be reported to the case manager or other individual identified by the administration. That person must schedule an IEP team meeting unless the parent waives the right to a meeting. The district must keep a record of the number of restraints used in the district and this report is reviewed by PDE during their cyclical compliance monitoring.

- **Review and Adjust** - All educational employees who work with this student must be aware of the BIP and the strategies that are to be used and, if whatever to implement employees contract employees with the the list may include workers responsible for common areas and those who handle transportation.



required, receive training necessary the plan. This list of will expand and depending on which are needed to work student. At times

You should understand there is no magic bullet. The first plan developed may not be perfect. It's not unusual to have to review and adjust the plan several times until the appropriate technique for your particular student is developed. If your district does not have a behavioral specialist, your Intermediate Unit has one available to assist in the development of BIP's.

Educational Placement

While change in placement is sometimes the first option teachers consider, it must be remembered that both state and federal law require that each LEA and IEP team make educational placement decisions based on the child being in the least restrictive environment that will provide meaningful educational benefit. Whenever possible, the child should be placed in a regular education classroom with necessary supplementary aids and services to allow the child to be successful. Placement for *administrative convenience* is never acceptable.

When an IEP team is meeting to develop or review a child's IEP, educational placement is frequently one of the first items addressed at the meeting. This is not best practice. Before this issue is addressed, the team should review all information relevant to the child's educational status (functional behavior assessments, re-evaluations, etc.) so everyone present has a good understanding of the child's current level and unique needs. This information

should form the basis for the discussion regarding the child's appropriate placement and any supplementary aids and services that may be needed.

Determining Placement

The following is information taken from a Pennsylvania Department of Education Basic Education Circular entitled *Least Restrictive Environment (LRE) and Educational Placement for Students with Individualized Education Programs (IEPs)* (22 Pa. Code §14.102(a)(2)(xxiv). According to the BEC, the IEP team should consider:

1. A Free and Appropriate Public Education (FAPE) must be provided to every student with an IEP; moreover, FAPE must be delivered in the LRE as per the IEP team.
2. Students will not be removed from regular education classrooms merely because of the severity of their disabilities;
3. When students with disabilities, including students with significant cognitive disabilities, need specially designed instruction or other supplementary aids and services to benefit from participating in regular education classrooms, as required in their IEP, local education agencies are obliged to ensure that those services are provided;
4. IEP teams must determine whether the goals in the student's IEP can be implemented in regular education classrooms with supplementary aids and services before considering removal from the regular education classroom;
5. School districts will consider the full range of supplementary aids and services in regular education classrooms, based on peer-reviewed research to the extent practicable, including modification of curriculum content, before contemplating placement in a more restrictive setting.

To determine whether a child with disabilities can be educated satisfactorily in a regular education classroom with supplementary aids and services, the following factors must be considered and addressed in the IEP:

1. What efforts have been made to accommodate the child in the regular classroom and with what outcome(s);
2. What additional efforts (i.e. supplementary aids and services) in the regular classroom are possible;
3. What are the educational benefits available to the child in the regular classroom, with the use of appropriate supplementary aids and services; and

4. Are there possible significant and negative effects of the child's inclusion on the other students in the class?

Changing Placement

If, after reviewing all the data, it appears that the child should be placed in a more restrictive environment, it is important to note that this does not have to be done incrementally. Once again, the full continuum of options is available and placement should be in the setting that is appropriate for the child regardless of where that falls on the continuum.

Occasionally, an IEP team can develop a wonderful plan but the district doesn't have the capability to provide the recommended services. Another problem that can arise is when referrals to other programs have been declined by the family or rejected by the receiving school entity. In these instances, the state must be notified and an interagency meeting scheduled to determine what other options are available for this student (this could be placement in a private school, providing instruction in the home, residential placement, etc.).

Finally, the most valuable tool available to the IEP team is data that has been accumulated for this student. Data provides insight to both the behavioral and educational progress of students and allows team members to make informed decisions based on current and accurate information.

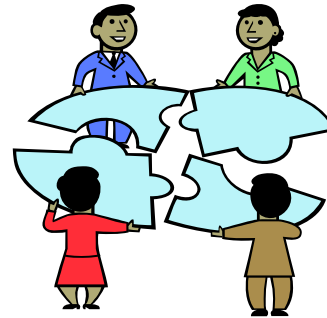
Disciplinary Removals

If a child engages in what has been defined as dangerous behavior, such as "carries a weapon to school", or knowingly "possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency", or if the child "inflicts serious bodily harm upon another" and a manifestation determination finds the students' actions are **not** related to his or her disability, the student can be removed and placed in an alternative setting for a maximum of 45 school days. Unlike other changes in placement, violations of state and federal discipline provisions (drugs, weapons or serious bodily injury) circumvent the IEP process and are mandated directly by a hearing officer. In this instance, parents do not have the right to due process.

Agency Resources

While outside agency resources can be very valuable to the IEP team, there are protocols that must be followed before an agency may be contacted. First, parents must sign a release form giving the District authorization to share information regarding their child with the agency. Information, however, may be shared with staff that has a common employer and a legitimate interest in the student without written parental authorization. The following are agency resources available to you.

- ▶ **Interagency Coordination** - For students who have an IEP but no placement/location, an interagency coordinator is a vital tool. Districts must report these cases every 30 days on special forms. These coordinators, housed at the IU, can be assigned to support districts in these cases. They can request a variety of agencies to meet to develop a plan on behalf of the student.
- ▶ **Therapeutic Support Staff** - These services are provided for a limited time and are prescribed by a psychiatrist and authorized by the HMO/insurance. The role of the TSS worker is to work with the student on behavior and mental health-related issues, not academics.
- ▶ **Department of Human Services** - There are times when it may be necessary to contact this agency if a teacher suspects a student is the victim of neglect or abuse. This is a very delicate situation and the teacher should have well documented evidence to support this allegation. Work through the guidance your employer outlines and communicate with your administrators.
- ▶ **Intensive Case Managers** - These individuals are assigned by mental health organizations to cases that demand a much higher level of support for the student. This support can be requested by the IEP team.
- ▶ **Department of Justice/Probation** - These individuals work for the Probation Department with students who have had dealings with the law. They have extensive power during the period the student is under their jurisdiction. They can make family and student cooperate with other agencies as part of their rehabilitation.



Online Resources

- ▶ **Behavioral specialist(s) at your district or IU** - These people are an



excellent resource if you're developing or adjusting a BIP. Don't hesitate to utilize their expertise.

- ▶ **PaTTAN - Pennsylvania Technical Training and Assistance Network** - has developed statewide resources to provide effective behavior supports to school districts, individual schools, classrooms and students. <http://www.pattan.k12.pa.us/teachlead/Behavior.aspx>
- ▶ **Department of Public Welfare (DPW)** - has a section of their website devoted to the Bureau of Children's Behavioral Health Services. You can access this information at: <http://www.dpw.state.pa.us/About/OMHSAS/003670533.htm>
- ▶ **ACCESS** - is a system that can be used by school districts, intermediate units, state-owned schools, or approved private schools (APS) to obtain funding for health-related services for special education students. These agencies can obtain funding for health-related services which are currently being provided to children. http://www.pde.state.pa.us/special_edu/cwp/view.asp?A=177&Q=48590

Leader Services administrates the ACCESS program in PA. Their website can be accessed at: <http://www.leaderservices.com/pa/index.asp>

IMPORTANT: If you have concerns about your safety or that of your students and your administration fails to address legitimate issues you have raised, you should contact your UniServ Representative in your region office. He or she can help you address these issues with your administration and, if necessary, has resources available within PSEA to assist them. A list of all PSEA offices and contact information can be found at www.psea.org/regions.

Sample Behavior Intervention Plan

- Define the problem - FBA (Functional Behavior Assessment) completed
- BIP developed at an IEP meeting
- Devise a plan to collect data
- Plan components shared with educational employees working with the student
- Compare and analyze the data
- BIP working -- great
- BIP needs revision
 - o Convene IEP meeting
 - o Request assistance from behavioral specialist
 - o Review data
 - o Revise BIP
- Continue process

Sample Action Plan

Once you have reviewed the process you must follow in working with students who have violent or threatening behavior and you understand the strategies and resources available to you, you may want to develop an Action Plan. This will provide you with added documentation if you find yourself in a situation where you need additional resources, assistance, or where you have tried everything recommended with little or no success and believe a change in placement is appropriate.

The following is a sample of a basic action plan:

Action	Person Responsible	Due Date	Status
Data collection	Paraeducator	October 30	In progress
Compile report	Paraeducator	November 5	
Schedule meeting with behavioral specialist	Teacher	November 10	

G:\Bernie\dealing with threats.doc



