

Dealing with Threats or Violent Behaviors from Students with IEPs

Practical Strategies for your Classroom



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This booklet was developed to meet the needs of members when they are faced with a student exhibiting challenging behaviors. We understand that when faced with a difficult situation – you need answers quickly!

This guide provides suggestions from a variety of perspectives in the hope that some of the ideas will support you in your quest to have the situation move in a more positive direction, both for the student and for the educational team. We must abide by state and federal laws and regulations when we face the child and the behaviors they bring into the classroom. Key regulations are also referenced to save you time.

Our hope is that you will find this document to be supportive when dealing with students with disabilities who threaten or exhibit violence in the public educational setting.

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 some answers to these questions and some de-escalation techniques you can use if you find yourself dealing with a student who threatens others or who exhibits violent behaviors. 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 Behavior Intervention Plan (BIP)

Anytime a child strikes or threatens a teacher or paraprofessional, the goal is to ensure it does not 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, the BIP should be part of the IEP.
 - Before preparing or revising a BIP, the District will need to conduct a Functional Behavior Assessment (FBA).
 - The FBA may be conducted with the assistance of:
 - Specialized school district personnel including behavioral specialist, school psychologist, or counselor employed by the District.
 - Behavioral specialists employed by each Intermediate Unit.
 - Behavioral specialists from the regional Pennsylvania Training and Technical Assistance Networks (PaTTAN).
 - Consultants.

If a BIP is already in place, it needs to be reviewed. The team should also consider the following questions:



- 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 conditions, 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 the 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 should be developed or it is revising an existing plan, data collection and analysis is critical for staff in determining if the strategies implemented are appropriate.



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 child. That free-flow exchange of information should also extend to the parents within the parameters of the employer's policies, rules, and regulations. A partnership between school and home can reinforce the consistency needed to correct inappropriate behaviors.

¹ Chapter 14 Special Education Regulations

Strategies – What can you do?²

- **Always respond to a student’s threats** – Whether you believe a student will act on his/her threat or not, it is always important to speak to the student and explain the inappropriateness of his/her comments. It is important that the student understands that his/her remarks should be considered a “threat” by others and may cause serious problems. Explain that, while it is okay to be angry with someone, the student needs to learn to express that anger in a way that is not “threatening” (frightening) to another person. Discuss with the student how he/she could express anger in a way that does not threaten the other person but lets them know the student is upset about what just happened.



- **Always inform the principal immediately if you believe a student is a serious threat or if a student has harmed you, himself, or others** – There are several factors to be considered in determining the seriousness of the threat posed by a student:
 - 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 a level which requires that the District notify the police. Generally, this determination should be made by an administrator. Often, police involvement will reinforce for the student the seriousness of his/her actions.

- **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.

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

- **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 will calm down when they feel they are being heard.



- **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 events (triggers), and what happened as a result of the student’s action. Scattergrams, log sheets, checklists, and other similar tools are very useful to the team as members problem solve.
- **Distract a volatile student** – The ideal strategy in addressing violent students is to de-escalate a situation before it gets to the point where a student is lashing out. You should acknowledge the student’s anger but try to speak softly. Distracting the student by changing the subject and asking the student about something you know he/she enjoys or is interested in may alleviate the situation. The goal is to de-escalate the emotional component and calm the student to the point where you can have an actual discussion about what upset him/her 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/she is not to strike you again. Do not scream, hit or belittle the student. That will only fuel his/her current anger.
- **Removal of the 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/she may seriously hurt himself, you or another student or staff member, move away from the student 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. In utilizing restraint, make sure you are following your employer’s policy and ask for restraint training when you feel you need it. *See later section of this manual addressing requirements set forth in Pennsylvania’s restraint regulations.*
- **Confer with parents** – Anytime a student is aggressive toward you, it is important to meet with the parents provided 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, this information 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 is important for parents and school employees to work as a team when addressing challenging student behaviors.



- **Support from the County Mental Health Office** - 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 de-escalate 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 addition, in appropriate situations you may be able to have a responsible and reliable student seek assistance. In order to utilize any of these approaches, it is critically important that you have ready access to a communications device.

- **Crisis Intervention Teams** – Many schools have teams of staff who 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 when they are in a crisis through a phone or walkie-talkie system so they can be reached at a moment’s 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 when an event occurs so they can plan for 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 education 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. It is important to note that the employer may refuse to grant such a request in which case you should ask for assistance from the Association.

Removing a child from his/her current classroom will require reconvening the IEP team to request a change in placement if the change in location results in a more restrictive setting. It is 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.

In case of assault:

1. Try to avoid responding physically. If you have to respond physically to defend yourself or others, you should use reasonable force given the student's age, size and ability to inflict injury.
2. Be sure that the situation is stable and that a qualified individual assumes supervisory responsibility for your students.
3. If you suffer injury, seek immediate emergency medical attention. Contact the school nurse. (The District's Workers' Compensation policy may require additional steps after you seek immediate medical attention. Please consult your Association representatives.)
4. Immediately identify and record the names, addresses and phone numbers of all witnesses, location, time of the incident and the facts surrounding the incident.



5. **Always contact your Building Representative or Association Officers. In addition, call the appropriate PSEA office and request assistance.**
6. Immediately report the incident to the school administration. Ask for a copy of any reports generated by the administration, including any record of any medical diagnosis and treatment rendered to you by the school nurse or any emergency personnel. Request that the Association assist you in obtaining immediate sick leave and go immediately to your own doctor for an examination. The doctor should know and understand that it is important to document your injury and that his report will be important evidence. Color photos of the injury should be taken.
7. With the assistance of an Association representative, you should insist that the administration immediately document the attack. You should obtain a copy of the District's report and at least verbally reserve the right to correct or add to the report.
8. With the assistance of an Association representative, you should insist that the administration contact the police immediately. If refused, with the assistance of the Association, you should contact the police. An accurate, factual report should be filed with the police, with the help of your Association representative, and you should obtain a copy of the report.

9. Make sure an Association representative accompanies you to any meeting with the administration and have an Association representative present if you are asked to respond to any questions by Administrators concerning the assault.
10. After consulting with the PSEA region attorney and the Association representative, the victim should determine whether he/she wants to file charges.



11. You should not make any statements without contacting and consulting with your PSEA UniServ representative or PSEA region attorney. Do not agree to or sign any report or charges without such prior consultation. Do not resign. Insist upon the right to union and legal representation.
12. In the event criminal charges are filed against you and you are questioned by the police, you should remain silent until an attorney is consulted. You should assert your right to have an attorney present at any interview by the police.
13. Request that your UniServ representative provide you with information on PSEA's liability coverage.
14. In the event an employee sustains personal losses—i.e., glasses damaged, watch broken, medical expenses beyond that paid through hospitalization plan—such losses may be regained up to a maximum of \$500 through the liability policy.

Always contact your Building Representative or Association Officers and check your collective bargaining contract for rules, regulations or benefits which may apply when you are assaulted by a student.

Caution for LEAs:

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.

Advice for Employees Who Are Assaulted by an IEP Student

Follow steps one through 14 above. In addition:

1. Except for students with intellectual disabilities 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.
2. 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.
3. If the team determines that behavior is a manifestation, the IEP Team must conduct a Functional Behavioral Assessment (FBA) and design or revise a Behavioral Intervention Plan (BIP).
4. 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.
5. 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.
6. 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.
7. 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 of 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
8. The teacher should also request a reevaluation where appropriate, to determine whether there are medical or psychological issues which are causing the behavior. It is important to note that districts are not permitted to require that a student take medication as a condition of receiving special education services.
9. School officials are free to report crimes committed by IEP student to the police.

Chapter 14 – Special Education Regulation Requirements

When a student needs a behavior plan because his/her behavior is impeding the student’s learning or the learning of others or when such a plan is required under change of placement procedures, follow the following steps:

- **Conduct a Functional Behavior Assessment (FBA)** – A FBA 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 (BIP)** – 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.

- Whenever 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 use of restraints in the District and file a report with PDE on the use of restraints as directed by the Secretary of Education. This information is also 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 required, receive whatever training necessary to implement the plan. This list of employees will expand and contract depending on which employees are needed to work with the student. At times, the list may include workers responsible for common areas and those who handle transportation.



You should understand there is no magic bullet. The first plan developed may not be perfect. It is 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 BIPs.

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 least restrictive environment that will provide the student with 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 information is taken from a Pennsylvania Department of Education Basic Education Circular (BEC) 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 modifications 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?
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 the data, the team concludes that the child should be placed in a more restrictive environment, this does not have to be done incrementally. Once again, the full continuum of options must be 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 does not have the capacity to provide the recommended services. Another problem that can arise in the placement process is when other programs suggested for the student have declined to admit him/her. 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 into 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 dangerous behavior, such as “carrying a weapon to school,” or knowingly “possessing or using illegal drugs or selling or soliciting the sale of a controlled substance while at school or a school function” or “inflicting serious bodily harm upon another” and a manifestation review team finds the student's actions are **not** related to his/her disability, officials may remove the student from the current

placement and place him/her in an alternative setting for a maximum of 45 school days.

Unlike other changes in placement, when officials remove a student due to a drug, weapons, or serious bodily injury offence, parents only have the right to challenge the manifestation determination and the type of the interim placement selected rather than the change of placement itself.

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 who have a common employer and a legitimate educational 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, interagency coordination is a vital tool. Districts must report these cases every 30 days on special forms. Interagency 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 both at home and at school.
- **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 – When a school employee has reasonable cause to suspect that a child may be the victim of child abuse, the employee must immediately file a report with ChildLine. Further information about the legal requirements which apply to reporting abuse can be obtained from the Association.

- **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.pasocpartnership.org/system-partner/pattan>
- **Department of Human Services** (formerly Public Welfare) has a section of their website devoted to the Bureau of Children’s Behavior Health Services. You can access this information at:
<http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeofmentalhealthandsubstanceabuseservices/bureauofchildrensbehavioralhealthservices/index.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. Leader Services administrates the ACCESS program in PA. Their website can be accessed at:
<http://www.leaderservices.com>.

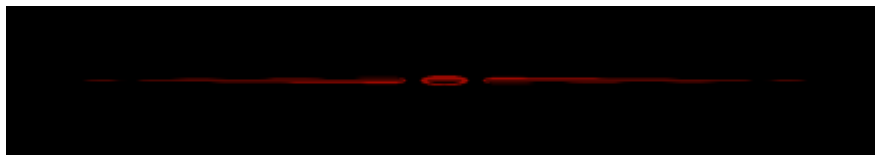
IMPORTANT

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. THEY CAN HELP YOU ADDRESS THESE ISSUES WITH YOUR ADMINISTRATION AND, IF NECESSARY, HAVE 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 – Functional Behavior Assessment (FBA) 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
 - Convene IEP meeting
 - Request assistance from behavioral specialist
 - Review data
 - 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	



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