

LCPS POLICY JI- STUDENT EXPRESSION, CONDUCT, AND SAFETY IMPLEMENTATION GUIDANCE

#1- STUDENT INTERVENTIONS AND CLASSROOM MANAGEMENT

I. PURPOSE

To establish administrative guidance for implementing Policy JI regarding Classroom Management and Student Behavior Interventions.

The focus of classroom management and student behavior within LCPS should be on interventions that elicit positive behavior and assist staff members in preventing and, if necessary, de-escalating crises. When other responses are necessary, however, they must be governed by and applied with specific rules and guidelines.

III. DEFINITIONS

1. *Behavior intervention plan* is a proactive plan designed to address challenging behaviors exhibited by a student in the educational setting through the use of positive appropriate behavioral interventions, strategies and supports.
2. *Conference* is communication among staff, parents/guardians, and/or students.
3. *Continuum of interventions* is a progression of strategies utilized to guide student behavior.
4. *Corporal punishment*, which is prohibited (22-4-5.3 NMSA 1978), is an intentionally inflicted physical penalty administered by a person in authority.
5. *Exclusion* is the temporary removal of a student from a classroom or student group activity to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction, including special education, related services, or support. A *time-out* process (see item III. 11 below) constitutes a form of exclusion; suspension does not constitute a form of exclusion.
6. *Functional behavior assessment* is a systematic process of gathering information to guide the development of an effective and efficient behavior intervention plan.
7. *First responder* is a person based outside of school who functions within the emergency medical services system and who is dispatched to a school to provide initial emergency aid.
8. *In-school suspension* is when a student is removed from class for a specified period of time and provided instruction.
9. *Restraints* –when not otherwise modified means mechanical or physical restraint.

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- a. *Mechanical restraint*, which is prohibited, is any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body, which the student cannot easily remove. It is not a mechanical support or stabilizing device.
 - b. *Mechanical support or stabilizing device* is a device used to achieve proper body position, designed by a physical therapist and approved by a physician or designed by an occupational therapist, including braces, standers or gait belts, but not including protective devices.
 - c. *Physical restraint* is the use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of a student's body. Physical restraint does not include:
 - i. Briefly holding a student in order to calm or comfort the student;
 - ii. Holding a student's hand or arm to escort the student safely from one area to another;
 - iii. Intervening in a fight; or
 - iv. Moving a disruptive student who is unwilling to leave a specific location if other methods such as counseling or other verbal directives have been ignored/unsuccessful.
10. *Seclusion* means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. "Seclusion" does not mean the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program that involves the student's separation from a larger group for purposes of calming.
11. *Time-out* is a continuum of behavior management techniques designed to address inappropriate or negative student behavior resulting from over-stimulating or challenging classroom situations. It includes isolation of a student from other students for a specified period of time. Time out allows the student time to reflect, calm down, refocus and evaluate the situation and then plan for a re-entry into the classroom or student group activity.

III. PROCEDURES

- A. Staff will employ a full range of effective classroom management strategies designed to create a safe and orderly learning environment that supports academic achievement for all students.
- B. When a student's inappropriate behavior requires the attention of the school principal, counselor, pupil personnel worker, other specialist, security, or other

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support staff, the teacher will so inform the principal or his/her designee, who will arrange a meeting as soon as possible to determine, in collaboration with the teacher/team, if a conference is necessary.

1. If needed and when feasible, this meeting will include the principal or his/her designee, the parents/guardians of the student in question, the teacher, the student, and others when appropriate, to discuss the problem and to explore possible steps to resolve it.
 2. If mutually satisfactory steps do not result from this meeting, the principal may, after consultation with the teacher, schedule another conference involving the parent/guardian, school staff, and/or district staff.
- C. When a student's behavior seriously disrupts the instructional program to the detriment of other students, the teacher may temporarily remove him/her from class and refer the student to the school principal or his/her designee for appropriate disciplinary action, which may include sanctions such as alternative structure, in-school suspension, or suspension.
1. Prior to the student's readmission to the classroom, the school principal or his/her designee will be responsible for facilitating possible resolutions.
 2. The principal will determine when the student will return to class, and when possible he/she will make such determination after consultation with the teacher.
 3. If the student has an Individualized Education Program (IEP) (See LCPS Policy IHB: Special Education and Related Services for Eligible Students) or a 504, the process will follow federal and state laws governing special education. (See LCPS Policy IHB: Special Education and Related Services for Eligible Students)
 4. If needed and when feasible, the school principal or his/her designee will arrange a meeting to determine, in collaboration with the teacher/team, if a conference is necessary.
 - a. If needed and when feasible, this meeting will include the principal or his/her designee, the parents/guardians of the student in question, the teacher, the student, and others when appropriate, to discuss the problem and to explore possible steps to resolve it.
 - b. If mutually satisfactory steps do not result from this meeting, the principal may, after consultation with the teacher, schedule another conference involving the parent/guardian, school staff, and/or district staff.

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D. Staff shall only use exclusion, physical restraint, or seclusion:

1. After a continuum of positive, less restrictive or alternative approaches has been considered, attempted, and determined to be ineffective for the maintenance of a safe, positive appropriate, learning environment;
2. In a humane, safe, and effective manner;
3. Without intent to harm or create undue discomfort; and
4. Consistent with known medical or psychological constraints and limitations and the student's behavioral intervention plan, IEP, or 504 and following federal and state laws.

E. The use of corporal punishment is prohibited in LCPS.

F. The use of mechanical restraint is prohibited in LCPS.

G. The use of mechanical supports or stabilizing devices is permitted under certain circumstances for the purpose of enhancing functional skills, preventing self-injurious behavior, and/or ensuring safe positioning of a person. Staff may use a mechanical supports or stabilizing device as prescribed by a health professional or in accordance with the student's IEP, 504, or behavior intervention plan.

H. The use of physical restraint or seclusion is prohibited in LCPS unless:

1. There is an emergency situation and physical restraint or seclusion is necessary to protect a student or other person(s) from imminent, serious, physical harm after other less intrusive, non-physical interventions have failed or have been determined to be inappropriate.
2. The student's behavioral intervention plan describes the specific behaviors and circumstances under which physical restraint or seclusion may be used, and the specific methods of physical restraint or seclusion to be employed.
 - a. When physical restraint is used with students receiving special education services, the use of restraint should be part of a behavior intervention plan.
 - b. If an unexpected event occurs requiring physical restraint, an IEP meeting should be held to consider adding physical restraint to the student's plan.
 - c. The student and/or parent should be told when and how physical restraint will be used if it is part of a behavior intervention plan.

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3. The parents/guardians of a non-disabled student have otherwise provided written consent for the use of physical restraints or seclusion while a behavior intervention plan is being developed.
- I. A designated team of staff members in each school building will be trained in the use of crisis prevention intervention, or other school district approved restraint techniques. Trained staff will be used to administer student restraint whenever possible.
- J. School personnel may use exclusion to address a student's behavior if the student's behavior unreasonably interferes with the student's learning or the learning of others and/or constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined to be inappropriate.
 1. A school may permit the use of restraint or seclusion techniques on any student only if both of the following apply:
 - a. The student's behavior presents an imminent danger of serious physical harm to the student or others.
 - b. Less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.
 2. If a restraint or seclusion technique is used on a student:
 - a. School employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use.
 - b. The restraint or seclusion technique shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others.
 - c. The restraint or seclusion technique shall be used only by school employees who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon those trained school employees.
 - d. The restraint technique employed shall not impede the student's ability to breathe or speak.
 - e. The restraint technique shall not be out of proportion to the student's age or physical condition.

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3. Schools shall establish policies and procedures for the use of restraint or seclusion techniques in a school safety plan; provided that:
 - a. The school safety plan shall not be specific to any individual student.
 - b. Any school safety plan shall be drafted by a planning team that includes at least one special education expert.
4. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a student. The procedures shall include the following provisions:
 - a. A school employee shall provide the student's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.
 - b. Within a reasonable time following the incident, a school employee shall provide the student's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.
 - c. Schools shall review strategies used to address a student's dangerous behavior if use of restraint or seclusion techniques for an individual student has occurred two or more times during any thirty-calendar-day period. The review shall include:
 - i. A review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the student requires a functional behavioral assessment.
 - ii. A meeting of the student's individualized education program team, behavioral intervention plan team or student assistance

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team within two weeks of each use of restraint or seclusion after the second use within a thirty-calendar-day period to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion.

5. If a school summons law enforcement instead of using a restraint or seclusion technique on a student, the school shall comply with the reporting, documentation and review procedures established pursuant to Subsection D of this section.
 6. Policies regarding restraint and seclusion shall consider school district support and strategies for school employees to successfully reintegrate a student who has been restrained or secluded back into the school or
 7. The provisions of this section shall not be interpreted as addressing the conduct of law enforcement or first responders.
 8. The provisions of this section do not apply to any school located within a county juvenile detention center or a state-operated juvenile facility.
- K. Parents/guardians and school personnel may request a meeting in order to, among other things:
1. Request a functional behavioral assessment; or
 2. Develop, review, or revise a student's behavioral intervention plan.
- L. The school principal or his/her designee is responsible for:
1. Identifying school personnel to receive professional development in crisis prevention intervention and serve as a school-wide resource to assist in ensuring proper administration of this regulation;
 2. Assuring that the exclusion of a student from one or more classes does not constitute a suspension unless it is specifically designated as such in writing by the principal;
 3. Informing school staff that corporal punishment is prohibited and that the administering of such punishment is grounds for disciplinary action;
 4. Notifying parent/guardian of use of physical restraint within 24 hours of its use in a school setting; however, there should be a serious effort to contact the parent/guardian by the end of the school day in which the incident

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occurred. Additionally, a copy of the completed LCPS Form JKC-E1: Crisis Intervention Form (restraint form) shall be provided to the parent/guardian with the opportunity for the parents/guardians to discuss the incident.

5. Notifying the director of the Human Resources Department and the office of the Superintendent of Schools of any instance in which corporal punishment has allegedly been administered by an LCPS employee; and
6. Following-up with the student is required after a physical restraint.
7. Evaluating each physical restraint incident with the staff involved in the incident and an administrator to consider ways to prevent future physical restraint situations with the student.
8. Assuring complete documentation of each incident of seclusion or physical restraint is documented using Form JKC-E1: Crisis Intervention. The form is to be used as a tool to evaluate the needs of students and staff to provide a safe school environment. (See items J. 4a above)
9. Following the use of a physical restraint on a student, forwarding a copy of Form JKC-E1: Crisis Intervention to the Department of Instruction for regular education students or the Department of Special Education for special education students, who will keep these forms on file for the school district.

M. Use of Time-Out Rooms as a Behavioral Intervention

1. A time-out continuum includes:
 - a. “Planned” ignoring (Student misbehavior often ends when it is purposefully ignored), followed by a discussion with the student;
 - b. Removal of the student from activities in the classroom for a specified amount of time;
 - c. Placing the student in a time-out area within the classroom for a specified amount of time in order for the student to regain composure and resume work; and
 - d. Removal of the student for a brief amount of time to a hallway, another classroom, or a specified school time-out room (“reflection room”) with supervision.
2. For regular and special education students, a time-out may be used as a positive, appropriate intervention to assist them in reflecting on and correcting behaviors which interfere with their own or another student’s learning.

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3. If the school utilizes a time-out room, the following factors should be considered:
 - a. The nature of the student's behavior and the possible use of a less intrusive strategy;
 - b. The location of the time-out room and the amount of time it takes to transfer the student to that location;
 - c. The size of the time-out room and the adequacy of the room for accommodating the student and the responsible staff member;
 - d. The interior of the time-out room and its adequacy for calming the student down;
 - e. The safety considerations of the room; i.e., insuring that it meets all safety code requirements, including fire codes; and
 - f. Best practice dictates the amount of time the student is placed in the timeout room and the number of minutes should equal the student's age, not to exceed 10 to 15 minutes.
4. A plan for how to use the timeout to help the student regain his/her composure.
5. The completed Form JI-E1: Crisis Intervention for using time-out with regular education students or a 504 for special education students should include:
 - a. A documented behavior plan that includes a functional behavioral assessment and a behavior intervention plan.
 - b. Documentation in the student's IEP; prior parental consent; and a data collection form that includes the date, time, length of placement in timeout, basis for the placement, and the name of the teacher who is supervising the time-out placement.