



NONPUBLIC SCHOOL SPECIAL EDUCATION RESOURCE SHEET

Positive Behavior Support and Emergency Behavioral Interventions

INTRODUCTION¹

Results from a recent analysis conducted by the Office of the State Superintendent of Education (OSSE) of recent monitoring findings at nonpublic schools² revealed significant noncompliance identified in the areas of emergency behavioral intervention, documentation, and follow up.

The purpose of this document is to provide guidance to nonpublic special education school staff and local educational agencies (LEAs) on appropriate (i.e., safe and compliant) use of emergency behavioral interventions to support students in emergency situations and to ensure effective student support and increase compliant practice.

Student learning environments should include a safe and supportive space, with school staff providing the appropriate level of support to students in crisis. The use of school-wide positive behavior intervention and support (PBIS) programs and effective classroom and behavior management are critical factors in setting the stage to assist students in crisis prior to the need for physical restraint or seclusion interventions. School staff must receive ongoing training in verbal de-escalation, positive behavior support and safe physical restraint interventions in order to ensure that students and staff are safe in situations in the learning environment.

Emergency behavioral interventions should only be employed in emergency circumstances by nonpublic special education school staff trained in approved techniques and then only to the extent necessary to protect the student or others from imminent, serious physical harm. These interventions must never be used as a means of coercion, discipline, punishment, convenience or retaliation.

Included in this document is a brief overview of the pertinent District regulations on emergency behavioral intervention implementation, documentation, notification, and follow up along with highlighting a sample of the OSSE-sponsored positive behavioral support training resources available to LEA and nonpublic school staff. Additional resources can be found on the [OSSE website](#) as well as by contacting the Nonpublic Monitoring Team (contact information included below).

¹ The information contained in this document is intended for nonpublic special education schools or programs serving students funded by the District of Columbia. It is not intended to apply to the District of Columbia Public Schools or public charter schools in DC. The information is intended as guidance only. Please consult with your legal counsel for the legal interpretation of applicable District of Columbia law and regulations.

² A nonpublic school is defined as a privately owned or operated school that maintains or conducts classes for the purposes of offering instruction to students with disabilities.





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Positive Behavior Support and Emergency Behavioral Interventions ³	
What are emergency behavioral interventions and when may they be employed?	<p>Emergency behavioral interventions refers to physical restraint and seclusion, which may only be used under the following circumstances:</p> <ol style="list-style-type: none">1. The use of the emergency behavioral intervention is included in the student's IEP to address specific behaviors under defined circumstances, and the use by appropriate staff is therefore consistent with the student's IEP; or2. The intervention is necessary to protect the student or other person from imminent, serious physical harm; and other less intrusive, nonphysical or nonrestrictive interventions have failed or been determined inappropriate. <p>All nonpublic special education schools are prohibited from using demeaning, violent or coercive treatment with District of Columbia students.</p>
What is physical restraint?	<p>Physical restraint is the use of bodily force to limit a student's freedom from movement.</p> <p>In a nonpublic school, any physical restraint must be applied only by nonpublic special education school or program personnel who are trained and certified in the appropriate use of specific, authorized techniques. The use of physical restraints must be limited to the use of reasonable force and to the shortest time period necessary to protect the student or other person from imminent, serious physical harm. The restraint must end as soon as the student or other person is no longer in imminent danger.</p> <p>Nonpublic special education school or program personnel must provide the student with an explanation of the behavior that resulted in the restraint and instructions on the behavior required to be released from the restraint. A member of the staff must personally observe the student during the entire duration of the use of the restraint in order to assess the need for continued restraint. For more information on physical restraints please see 5 DCMR §§A-2816-2818.</p> <p>Nonpublic special education schools and programs must not use restraints in any form on District of Columbia students, other than in an emergency circumstance. Restraint must not be used, under any circumstances, as a means of coercion, discipline, convenience or retaliation by staff with District of Columbia students. When an emergency intervention is needed to address problem behavior, the type of intervention chosen must be the least intrusive necessary.</p>

³ The regulations cited in this document are included for illustrative purposes. District of Columbia law and regulations governing nonpublic schools or programs may be found at D.C. Official Code § 38-2561.07 et seq. and [Title 5, Subtitle A, Chapter 28](#) of the District of Columbia Municipal Regulations (DCMR)





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What is seclusion?

Seclusion is the involuntary confinement of a student alone in a room or area from which he or she is physically prevented from leaving, or from which a student believes he or she may not leave, whether or not in a locked area.

A space used for seclusion must, at a minimum, (a) be free of objects and fixtures with which a student could self-inflict bodily harm; (b) provide school personnel an adequate view of the student from an adjacent area in accordance with this section; and (c) provide adequate lighting, ventilation, and appropriate temperature controls. For more information on seclusion interventions, please see 5 DCMR §A-2819.

Nonpublic special education schools and programs must not use seclusion on District of Columbia students, other than in an emergency circumstance. Seclusion must not be used, under any circumstances, as a means of coercion, discipline, convenience or retaliation by staff with District of Columbia students. When an emergency intervention is needed to address problem behavior, the type of intervention chosen must be the least intrusive necessary.

How should emergency behavioral interventions be documented?

If restraint or seclusion is used, a written incident report must be prepared. A written incident report must include the following information:

- (a) The student's name;
- (b) The date of the incident;
- (c) The beginning and ending times of the incident, and beginning and ending times of actual restraint or seclusion;
- (d) A description of relevant events leading up to the incident;
- (e) A description of any interventions used prior to the implementation of restraint or seclusion;
- (f) A log of events during the restraint, including the restraint technique(s) used;
- (g) A log of events during the seclusion;
- (h) A description of any injuries (whether to the student, personnel or others) and/or property damage;
- (i) A list and signatures of the school personnel who participated in the implementation, monitoring, and supervision of the restraint or seclusion event; and
- (j) A description of the short-term planned approach to addressing the student's behavior in the future. (5 DCMR §A-2820.2)

TIP: The more information that is included in an incident report assists involved parties in understanding the incident, response taken, and reason for response taken.

Incident report documentation should be uploaded to the student's educational record within 24 hours of the incident and written copies sent to the parent, LEA, and any other District agency involved in the student's placements within one (1) business day. (5 DCMR §§A-2820.3-2820.4)





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Can emergency behavioral interventions be included in a student's IEP? If so, how?

Yes. For a student who displays behavior warranting the frequent use of emergency behavioral interventions, the student's IEP may be modified to include the use of physical restraint or seclusion interventions. The IEP should include the following elements consistent with 5 DCMR §§A-2816-2820:

- (a) Statement on the use of less intrusive, nonphysical and nonrestrictive interventions (including specific examples) to address the specific, identified problem behavior (e.g., head-banging);
- (b) Statement that once the interventions from (a) have failed or been determined inappropriate in a given situation, the school may employ physical restraint and/or seclusion should it be determined by school personnel that the intervention is necessary to protect the student or other person from imminent, serious physical harm.;
- (c) Specify that the IEP team must review the effectiveness of the school's interventions (both pre-restraint/seclusion and restraint/seclusion intervention) at least annually.

What follow up is required from an IEP team after an incident involving an emergency behavioral intervention?

Except in the case where a student's IEP authorizes the use of restraint and/or seclusion and a behavior intervention plan (BIP) has been created, the IEP team must meet within ten (10) school days of the incident to consider the need for a functional behavioral assessment (FBA) and/or BIP and to discuss non-physical and non-restrictive de-escalation strategies.

In each of the following circumstances, the IEP team needs to meet to consider the need for an FBA and/or BIP within 10 days of the incident:

- (a) The IEP authorizes the use of seclusion and/or restraint and there is no BIP in place;
- (b) The IEP does not authorize seclusion and/or restraint and there is a BIP in place; or
- (c) The IEP does not authorize seclusion and/or restraint and there is no BIP in place.

If the IEP authorizes the use of seclusion and/or restraint for the identified problem behavior and there is a BIP in place, the IEP team is not required to meet within ten (10) days but shall review and revise the BIP as appropriate. However, if the behavior requiring restraint or seclusion is not the specifically identified problem behavior on the IEP, the IEP team must meet within 10 days. (5 DCMR §A-2820.5)





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For additional resources:

[Effective Behavior Support Webinar Series](#) - A three-part webinar series that reviews various aspects of behavior and supports for students, particularly those with individualized education programs (IEPs).

- [Module I: Legal Foundations for Behavior \(Reviews the legal expectations surrounding discipline procedures and the necessary supports for students as outlined in Section 504 and IDEA.\)](#)
- [Module II: Trauma Informed Behavior Support \(Reviews the effect of trauma on behavior and how it can inform the work of educators.\)](#)
- [Module III: Functionally Based Behavior Support \(Provides an overview of school-wide Positive Behavior Intervention Support \(PBIS\) and how to develop function-based support for students exhibiting problem behavior.\)](#)

[Positive Behavior Support Toolkit](#)- A comprehensive guide that contains information and nationally recognized best practices to assist educators in effectively addressing the needs of students with behavioral challenges.

For additional guidance please contact:

Schools should contact the OSSE Nonpublic Monitoring Team with questions pertaining to any information contained in this document.

- Dr. Edgar Stewart, supervisory monitoring specialist, Edgar.Stewart@dc.gov, (202) 741-0259
- Sharon Powell, supervisory education program specialist, Sharon.Powell@dc.gov, (202) 727-8193
- Cherri Pope Black, nonpublic program monitor, Cherri.Pope@dc.gov, (202) 727-6789
- Toni Lemons, nonpublic program monitor, ToniA.Lemons@dc.gov, (202) 899-6081
- LaShonda Wilson, nonpublic program monitor, LaShonda.Wilson@dc.gov, (202) 545-7087

