**Section 235.320 Behavior Support Plans**

a) All early childhood programs shall have written intervention policies of which parents/guardians shall be notified upon entry into the program. The policies shall address at least the following:

1) Initial and ongoing observation of challenging behaviors;

2) Communication with the parents/guardians in a culturally and linguistically appropriate manner. Communication may occur for several reasons, including, but not limited to, better understanding of the child's needs and circumstances or challenges facing the family;

3) *Utilization of a range of community resources, if available, deemed necessary, including, but not limited to, developmental screenings, referrals to programs and services administered by a Local Education Agency or early intervention agency under parts B and C of the federal Individuals with Disabilities Education Act* (20 USC 1411 and 1431 et seq.) *and consultation with an infant and early childhood mental health consultant and the child's health care provider* (Section 2-3.71(a)(7)(B) of the Code);

4) Attempts of the program to seek training, technical support, and professional development resources to improve the ability of teachers, administrators, program directors, and other staff to promote social-emotional development and behavioral health, address challenging behaviors, and understand trauma and trauma-informed care, cultural competence, family engagement with diverse populations, the impact bias on adult behavior, and the use of reflective practice techniques; and

5) Specific activities and strategies that will be implemented to promote a supportive teacher-child relationship and to support an increase in positive behaviors, including a timeline for intervention and the use of data to evaluate progress that is shared with the family/caregiver.

b) Early childhood programs must document on forms prescribed by the State Board steps taken in accordance with the intervention policy, including observations of initial and repeated challenging behaviors, communication with parents/guardians, and attempts to utilize resources (including when parental/guardian consent is attempted and whether it is obtained).

c) Any child who, after documented attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the early childhood program, or whose presence is detrimental to the group, may be recommended for initiation of a program transition plan.

d) In all instances, when a early childhood program decides that it is in the best interest of the child to transition to a different program, the child's and parents' or guardians' needs shall be considered by planning with the parents/guardians to identify the new program and working with the parents/guardians and pending program on a program transition plan designed to ensure continuity of services to meet the child's and family's needs.

e) Planned suspensions cannot take place due to behaviors caused by or related to a child's disability or a child referred for an evaluation who has not yet been found eligible for special education services. If a behavior is related to the disability, the Individualized Education Plan (IEP) team must meet to consider behavior intervention strategies to modify the IEP. Expulsion due to a child's behavior is prohibited. If a child with an IEP is being transitioned, educational services consistent with the child's IEP must continue to be followed.  *Planned transitions to settings better able to meet the child's needs are not considered expulsions.* (Section 2-3.71(a)(7) of the Code)

f) Parents/guardians or programs may make a formal request for a special education evaluation at any time.

(Source: Added at 44 Ill. Reg. 1942, effective January 10, 2020)