

**Announcement  
#26-05**



Pennsylvania  
**Office of Child Development  
and Early Learning**

Pennsylvania Office of Child Development and Early Learning  
Bureau of Early Intervention Services and Family Supports

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Subject: Positive Behavior Supports & Restraint Reporting

To: Preschool Early Intervention Programs

From: *Shante A. Brown*

Shante' A. Brown, Deputy Secretary, Office of Child Development & Early Learning

## **PURPOSE**

The purpose of this announcement is to provide updated guidance to Preschool Early Intervention (EI) programs regarding the use of Positive Behavior Supports (PBS) to address eligible young children's behaviors that interfere with their own learning or the learning of others as outlined in 22 Pa. Code § 14.133. In addition, this announcement defines the requirements related to written PBS policies, training of personnel, and reporting related to the use of restraints.

Announcement EI-13 #07 becomes obsolete on the issue date of this announcement.

## **BACKGROUND**

The Individuals with Disabilities Education Act (IDEA) Part B requires that all children with disabilities have available to them a free appropriate public education (FAPE). As part of the obligation to provide FAPE, PBS and other strategies should be used when the behavior of a child impedes the child's learning or that of others.

Pennsylvania expectations regarding PBS can be found within 22 Pa. Code § 14.133 which provides, in part: positive, rather than negative, strategies must form the basis of behavior support programs to ensure that eligible young children are free from demeaning treatment, the use of aversive techniques, and the use of restraints.

## **DISCUSSION**

### **Restraints**

The use of restraints is considered a measure of last resort for an eligible young child and may only be used after less restrictive measures, including de-escalation techniques have been used by Preschool EI personnel, including contracted providers.

A restraint is defined as the application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a child's body. Not all physical contact between an adult and a child meets the definition of a restraint per 22 Pa. Code § 14.133. The definition of physical restraint does not include the following:

1. Briefly holding a child, without force, to calm or comfort, guide to an appropriate activity, or hold their hand to safely escort them from one area to another;
2. Providing hand-over-hand assistance with feeding or task completion or using techniques that have been prescribed by a medical professional for safety, therapeutic or medical reasons as long as those techniques have been agreed to by the child's parents and are specified in the Individualized Education Program (IEP);  
or
3. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, or functional positioning devices.

The use of restraints may only be used to control acute or episodic aggressive or self-injurious behavior when a child is acting in a manner as to be a clear and present danger to himself or to others. Restraints are not to be used for punishment or incidents of non-compliance that do not pose a clear and present threat of harm to the child or others.

The use of prone restraints is strictly prohibited in educational programs. Prone restraints are those in which a child with a disability is held face down on the floor.

### **Positive Behavior Support Policy**

Preschool EI programs must have a PBS policy outlining a continuum of strategies to address behavior that is challenging through implementation of positive behavioral supports that are developmentally appropriate for the age of the child. The implementation of PBS prevents persistent challenging behaviors, promotes social-emotional skill development, and reduces the need for more intrusive intervention.

The Preschool EI program PBS policies shall:

- promote social-emotional development;
- teach expected behavior and socially and developmentally appropriate skills with the use of positive behavior strategies;
- promote positive environments, support and teaching strategies to prevent persistent challenging behavior;
- include intervention strategies to be utilized when other support does not adequately address behaviors that are challenging;
- require a Functional Behavior Assessment (FBA) when a child's behavior is impeding their learning or that of others and should be included as a special consideration on the child's IEP;
- require an individualized Positive Behavior Support Plans (PBSP), as appropriate, based on an FBA; and

- require sending the PBSP with the child’s record to the receiving school entity as part of the transition process, if applicable.

### **Training Requirements**

All Preschool EI personnel, including contracted providers implementing EI services, shall be trained in:

- positive behavior techniques,
- de-escalation strategies, and
- safe restraints and safety net procedures.

### **Reporting on the Use of a Restraint**

All Preschool EI personnel, including contracted providers, must follow the procedures below when a restraint occurs.

1. Conduct a staff debriefing immediately following the use of a restraint to discuss strategies to avoid the use of restraint in the future.
2. Notify the parent as soon as possible, and no later than 24 hours, to describe the incident and intervention techniques used and discuss immediate next steps.
3. Schedule an IEP team meeting within ten (10) program days following the use of the restraint and issue an IEP team meeting invitation to the parent for that purpose.
  - Preschool EI programs must provide written notice; however, the written notice may not propose that the parent waive these meetings as a matter of course.
  - The parent may agree in writing to waive the IEP team meeting. The EI program must maintain written documentation of the decision to waive the IEP meeting.
  - During the meeting, the IEP team shall consider minimally the need for an FBA, reevaluation, new or revised PBSP, or a change of placement to address the challenging behavior with the provision of FAPE within the least restrictive environment.
4. Within five (5) program days following the IEP meeting, or once the determination is made to waive the IEP meeting, the Preschool EI program shall complete the Restraint Report form and email the completed form to their assigned EI Advisor and copy [ra-ocdintervention@pa.gov](mailto:ra-ocdintervention@pa.gov).

## **NEXT STEPS**

1. Preschool EI programs shall review the announcement and update PBS policies, as necessary.
2. Preschool EI programs shall ensure all staff and contracted EI providers are aware of this announcement and updates to PBS policies and are appropriately trained and prepared to implement PBS.
3. Preschool EI programs shall ensure all staff and contracted EI providers are trained in conducting and reporting restraints.