

TITLE: **BEHAVIOR SUPPORT POLICY - DISCIPLINE OF STUDENTS WITH DISABILITIES**

INTERMEDIATE UNIT I

ADOPTED: January 22, 2009

REVISED: March 22, 2005

REVISED: December 3, 2008

<p>1. Purpose</p> <p>22 Pa. Code §14.133 (a)</p> <p>Policies 218, 233</p> <p>2. Definitions 34 CFR §300.530(i)</p>	<p style="text-align: center;">113.1. BEHAVIOR SUPPORT POLICY DISCIPLINE OF STUDENTS WITH DISABILITIES</p> <p>The Board is committed to creating learning environments that prepare students to be successful citizens in the 21st Century. The educational community must provide a system that will support students' and eligible young children's efforts to manage their own behavior and assure academic achievement.</p> <p>The Board believes that positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students and eligible young children must be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student's or eligible young child's opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child must be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.</p> <p>Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program (IEP), Positive Behavior Support Plan (PBSP), and Board policy.</p> <p>Controlled Substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202© of the Controlled Substances Act [21 U.S.C. 812(c)]. http://www.usdoj.gov/dea/pubs/csa/812.htm#c</p> <p>Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any authority under that Act or under any other provision of Federal Law.</p>
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<p>18 U.S.C. §1365(h)(3)</p>	<p>Serious bodily injury means bodily injury which involves -</p> <ul style="list-style-type: none"> • A substantial risk of death; • Extreme physical pain; • Protracted and obvious disfigurement; or • Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
<p>18 U.S.C. §930(g)(2)</p>	<p>Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.</p>
<p>22 Pa. Code §14.101</p>	<p>Agency means a school entity, approved private school, State-operated program or facility or other public (excluding charter schools and cyber charter schools under Article XVII-A of the School Code (24 P. S. §§ 17-1701-A--17-1751-A)) or private organization providing educational services to children with disabilities or providing early intervention services.</p>
<p>22 Pa. Code §14.133(b)</p>	<p>Restraint – The application of physical force, with or without use of any device, for the purpose of restraining the free movement of a student’s or eligible young child’s body. The term does not include briefly holding, without force, a student or eligible young child to calm or comfort him/her, guiding a student or eligible young child to an appropriate activity, or holding a student’s or eligible young child’s hand to safely escort him/her from one area to another. The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student’s or eligible young child’s parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints that are excluded from this definition.</p> <p>Aversive techniques means deliberate activities designed to establish a negative association with a specific behavior.</p> <p>Positive Behavior Support Plan is a plan for students with disabilities and eligible young children who require specific intervention to address behavior that interferes with learning.</p>

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<p>3. Authority</p>	<p>The Board directs that the school entity shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) as well as federal and state regulations when disciplining students with disabilities for violations of school policy and/or rules and regulations. No student with a disability shall be expelled if the student’s particular misconduct is a manifestation of his/her disability.</p>
<p>4. Delegation of Authority</p>	<p>The Executive Director/Superintendent or designee is responsible for ensuring that behavior support programs are in accordance with Chapter 14 Regulations, including the training of personnel in the use of specific procedure, methods, and techniques, and for having a written policy and procedures on the use of positive behavior support techniques and obtaining parental consent prior to the use of restraints or intrusive procedures.</p>
<p>5. Guidelines</p> <p>22 Pa. Code § 14.143 34 CFR §300.530</p> <p>34 CFR §300.530(e) Policy 233</p> <p>34 CFR §300.530(g)(1-3)</p>	<p><u>Disciplinary Exclusions</u></p> <p>A student with a disability (except mental retardation) may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, regardless of whether the student's behavior is a manifestation of his/her disability.</p> <p>Any removal from school is a change of placement for a student identified with mental retardation. Thus, a manifestation determination review must be conducted prior to removing the student.</p> <p>If the behavior is not a manifestation of the student’s disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in §300.530(d).</p> <p>School personnel may remove of a student with a disability, including mental retardation, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child –</p> <ol style="list-style-type: none"> a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at school functions under the jurisdiction of the school entity. b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the school entity. c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at school functions under the jurisdiction of the school

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<p>34 CFR §300.530(g)</p> <p>34 CFR §300.530(f) 22 Pa. Code §14.333(a)(b)</p> <p>22 Pa. Code §14.133(c)</p>	<p>entity.</p> <p><u>Positive Behavior Support Plan</u></p> <p>A positive behavior support plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the individual eligible young child or student’s IEP.</p> <p>A positive behavior support plan should provide educators with a framework for building inclusive, proactive classrooms where students are taught to make responsible choices. According to IDEA and the Pa. Code – Chapter 14, the plan must:</p> <ul style="list-style-type: none"> • Focus on positive practices and techniques that are researched based. • Utilize positive reinforcement and other positive techniques to shape a student’s or eligible young child’s behavior. • Be based on a functional assessment of behavior. • Teach alternative skills to replace inappropriate behavior. • Use interventions that are the least intrusive. • Avoid the use of aversive techniques, restraints or punishment. • Specify techniques, procedures and methods for which the staff has been adequately trained. • Include a manifestation determination, as necessary. • Be developed by the IEP Team. • Be part of the individual eligible young child or student’s IEP. <p><u>The Use of Restraints</u></p> <p>Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner as to be a clear and present danger to him/herself, to other students, or to employees and only when less restrictive measures and techniques have been proven to be or are less effective.</p> <p>The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to notify the parent of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the sue of restraints, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting the IEP team shall consider whether the student or eligible young child needs a:</p> <ul style="list-style-type: none"> • Functional behavior assessment, • Reevaluation • New or revised positive behavior support plan, or • A change of placement to address the inappropriate behavior.
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<p>22 Pa. Code §14.133(d)</p> <p>22 Pa. Code §14.133(e)</p>	<p>The use of restraints may only be included in a student’s or eligible young child’s IEP when the following conditions apply:</p> <ul style="list-style-type: none">• The restraint is utilized with specific component elements of positive behavior support.• The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.• Staff is authorized to use the procedure and have received the staff training required.• There is a plan in place for eliminating the use of restraint through the application of positive behavior support. <p>The use of prone restraints is prohibited in educational programs. Prone restraints are those in which a student or eligible young child is held face down on the floor.</p> <p>The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.</p> <p>School entities shall maintain and report data on the use of restraints as prescribed by the Secretary of Education. The report shall be reviewed during cyclical compliance monitoring conducted by the Department of Education.</p> <p>Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student’s parents. Mechanical restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.</p> <p><u>Aversive Techniques</u></p> <p>Positive techniques should be used when supporting behavior. Interventions should always begin with the least intrusive techniques. The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:</p> <ul style="list-style-type: none">• Corporal punishment.• Punishment for a manifestation of a student’s disability.• Locked rooms, locked boxes or other locked structures or spaces from which the student cannot readily exit.
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22 Pa. Code §14.133(f)	<ul style="list-style-type: none"> • Noxious substances. • Deprivation of basic human rights, such as withholding meals, water, or fresh air. • Suspension constituting a pattern under 22 Pa. Code §14.143(a). • Treatment of a demeaning nature. • Electric shock.
22 Pa. Code §14.133(g)	<p>School entities have the primary responsibility for ensuring that positive behavior support programs are in accordance with Chapter 14 Regulations, including the training of personnel for the use of specific procedures, methods and techniques, and for having a written policy and procedures on the use of positive behavior support techniques and obtaining parental consent prior to the use of restraints or intrusive procedures.</p>
22 Pa. Code §14.133(h)	<p>In accordance with their plans, agencies may convene a review, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints.</p> <p>Subsequent to a referral to law enforcement, for students with disabilities who have positive behavior support plans, an updated functional behavior assessment and positive behavior support plan shall be required.</p>
22 Pa. Code §14.143	<p><u>Disciplinary Placements</u></p> <p>School personnel may suspend a student with a disability (except mental retardation) for ten (10) consecutive and fifteen (15) cumulative days during a school year regardless of whether the student’s behavior is a manifestation of his/her disability.</p> <p>A disciplinary exclusion of a student with a disability for ore than fifteen (15) cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.</p> <p>References: Individuals With Disabilities Act – 20 U.S.C. §1400 Individuals With Disabilities Act Federal Regulations - Part 300, §300.530 Title 18, U.S.C. §930 Title 18, U.S.C. §1365 State Board of Education Regulations – 22 PA Code §14.133, §14.143</p>

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