

PENNSYLVANIA DISTANCE LEARNING CHARTER SCHOOL

Book: Policy Manual

Section: Programs

Title: Positive Behavior Support and Restraints Policy

Reference: Individuals with Disabilities Education Act, Title 34, Code of Federal Regulations 34 CFR Part 300

22 PA Code Sec. 4.133, 14.143. 14145

Individuals with Disabilities Education Act, 20 U.S.C. Sec 1400 et seq

Pennsylvania Training and Technical Assistance Network Questions and Answers on the Restraint Reporting Requirements and System

Adopted: December 5, 2011

Revised: December 12, 2012, October 23, 2017, December 4, 2017

PURPOSE: Pennsylvania Distance Learning Charter School (PDLCS) recognizes the evidence-based research and the legal foundation supporting the implementation of positive behavior supports and plans for children in need of behavioral support. This policy and subsequent procedures, address specific behavior support techniques, positive behavior intervention plans, functional behavior assessments, use of restrictive or intrusive procedures or restraints and training of personnel. Charter and cyber schools have the primary responsibility to ensure that behavior support programs are in accordance with 22 PA Code 711.46.

SCOPE: This policy applies directly to all special educators, general educators and school administrators. Failure to (1) complete a functional behavior assessment; and (2) ensure that research-based, positive behavior supports are identified and implemented in the behavior support plan based on the function of the said behavior would result in noncompliance.

POLICY AUTHORITY: Policy draft is reviewed by the CEO of PDLCS; then (1) sent to the Board of Trustees, and (2) presented at the next formal, public Board Meeting for review, public comments and approval.

DEFINITIONS: The following terms are defined below unless context indicates otherwise:

Aversive Techniques: Deliberate activities designed to establish a negative association with a specific behavior.

Behavior support: Development, change and maintenance of selected behaviors through the systemic application of behavior change techniques.

Behavior Support Plan or Behavior Intervention Plan: A plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A Behavior Support Plan shall be developed by the Individualized Education Program (“IEP”) team, be based on a functional behavioral assessment, and be included in the individual student’s IEP. These plans must include methods that use positive reinforcements, other positive techniques and related services required to assist a student with a disability to benefit from special education.

Positive techniques: Methods that utilize positive reinforcement to shape a student’s behavior, ranging from the use of positive verbal statements as a reward for good behaviors to specific tangible rewards and excluding any food incentives.

Restraints: The application of physical force, with or without the use of any devices, designed to restrain free movement of the student’s body, excluding the following:

1. Briefly holding a student, without force, to calm or comfort him/her.
2. Guiding a student to an activity
3. Hand-over-hand assistance
4. Techniques prescribed by a qualified medical personal for reasons of safety or for therapeutic or medical treatment, as agreed to by the parents/guardians and specified in the IEP.

Seclusion: The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of allowing the student to regain self-control.

Students with disabilities: School-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education, with or without related services. School-aged children who have identified disabilities but do not require special education may be entitled to accommodations or services or to enroll in courses of study in the district which serve students with disabilities pursuant to other law or Board policy.

DETAILED POLICY STATEMENT: PDLCS utilizes positive behavior support as a primary method of addressing problem behaviors. A positive Behavior Support Plan, in the context of Individuals with Disabilities Education Act (IDEA), is a special education service for eligible students whose behaviors

impede learning. This policy is designed to enable students with individualized education plans (IEPs), who need a Behavior Support Plan, to benefit from their free and appropriate education program within the least restrictive environment. Therefore,

- Behavior Support Plans shall be developed for all eligible students whose behavior, as determined by the IEP team, is a manifestation of the student's disability and for students who have been identified as seriously and emotionally disturbed.
- Behavior Support Plans shall be based on Functional Behavior Assessments and include a variety of research-based techniques to develop and maintain skills that will enhance opportunities for learning.
- The use of restraints shall be considered a measure of last resort and shall only be used after other less restrictive measures, such as verbal and other de-escalation techniques that do not require the use of physical manipulation. Restraints may be included in an IEP only if:
 - The restraint is used with specific component elements of a positive Behavior Support Plan.
 - The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.
 - Staff is authorized to use the restraint and have received appropriate training.
 - The Behavior Support Plan includes efforts to eliminate the use of restraints.
- Development of a separate Positive Behavior Support Plan is not required when appropriate positive behavioral interventions, strategies and supports can be incorporated into a student's IEP.
- Student IEPs that permit the use of restraints explain how restraints will be used only with Positive Behavior Support and with the teaching of socially acceptable behavior.
- The IEP will also contain a plan for eliminating the use of restraints.
- When an intervention is necessary to address problem behavior, the types of intervention chosen for a student shall be the least intrusive possible. It is expected that school staff will implement positive behavior supports and interventions, functional behavioral assessments and related behavior plans, and constructive methods to de-escalate potentially dangerous situations.
- When included in a student's IEP, the LEA must obtain parental consent prior to the use of restraints or intrusive procedures.
- If a student is restrained, the parent must be notified and an IEP meeting must be convened within 10 school days (or a written waiver provided by the parent).

PROHIBITIVE ADVERSE TECHNIQUES (FORBIDDEN BY STATE REGULATIONS AND STANDARDS): The following adverse techniques of handling behavior are considered inappropriate and MAY NOT be used by agencies in education programs:

- 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;
- Noxious substances;
- Deprivation of basic human rights, such as withholding meals, water or fresh air.
- Suspensions constituting a pattern under 22 PA Code 14.143(a);
- Treatment of a demeaning nature;
- Electric shock;
- Methods implemented by untrained personnel;
- Methods which have not been outlined in the agency's plan.
- Prone restraints

STUDENTS REFERRED TO LAW ENFORCEMENT: In the event that a student with a disability and a behavior support plan is referred to law enforcement, the district shall update the functional behavior plan and therefore the Behavior Support Plan. If the referral results in the student being detained or placed in a residential setting outside of PDLCS, the Director of Special Education or designee shall inform the responsible school district or setting of the need to conduct a Functional Behavior Assessment and subsequently revise the Behavior Support Plan. For students with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the district shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy.

MECHANICAL RESTRAINTS: Mechanical restraints, which as 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, as agreed to by the student's parents/guardians.

Mechanical restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.

STAFF TRAINING: Training for staff must occur every two years. The following five components of training shall be included:

- Appropriate procedures for preventing the need for physical restraint/crisis intervention, including the de-escalation of problematic behavior, relationship building and the use of alternatives to such restraints.
- A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint/crisis intervention and methods for evaluating the risk of harm in individual situations, in order to determine whether the use of physical restraint and crisis interventions are warranted.

- The simulated experience of administering and receiving physical restraint/crisis intervention instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance.
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints.
- Demonstration by participants of proficiency in administering physical restraint/crisis intervention.