

Sylvan Heights Science Charter School

Policy Title: Behavior Support

Policy Number: 113.2

Adopted: 11-16-2011

Revised: 7-20-2020

PURPOSE

This policy is designed to enable students with disabilities who need a Behavior Support Program to obtain a Free Appropriate Public Education (FAPE) within the Least Restrictive Environment (LRE), who shall only be placed in settings other than the regular education class when the nature or severity of the student's disability is such that education in the regular education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily, in accordance with the Individuals with Disabilities Education Act (IDEA) and its accompanying regulations, and Pennsylvania's regulations (22 PA Code Chapter 711).

AUTHORITY

The Board directs that Sylvan Heights Science Charter School's (the School) behavior support programs shall be based on positive rather than negative behavior techniques to ensure that students shall be free from demeaning treatment and unreasonable use of restraints or other aversive techniques. The use of restraints shall be considered a measure of last resort and shall only be used after other less restrictive measures, including de-escalation techniques. Behavior support programs and plans shall be based on a functional assessment of behavior and shall include a variety of research-based techniques to develop and maintain skills that will enhance students' opportunity for learning and self-fulfilment.

DEFINITIONS

In addition to or in conjunction with statutory and regulatory provisions regarding behavior support, the following words and terms have the following meanings, unless the context clearly indicates otherwise.

Aversive Techniques – deliberate activities designed to establish a negative association with a specific behavior (punishments).

Behavior Support – the development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

Positive Behavior Support Plan – a plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A Positive Behavior Support Plan (PBSP) shall be developed by the IEP team, be based on a Functional Behavior Assessment (FBA), and become part of the individual student's IEP. These plans must include methods that

use positive reinforcement and other positive techniques and related services 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.

Restraints – the application of physical force, with or without use of any device, designed to restrain free movement of a student’s body. The term does not include guiding a student to an appropriate activity; hand-over-hand instruction; hand or arm holding to guide the student to or from a place or activity; and brief physical calming or comforting of the student. The term does not include hand-over-hand assistance with feeding or task completion, or techniques prescribed by a qualified medical professional for reasons of safety or for therapy or medical treatment as agreed to by the parent(s)/guardians(s) and specified in the student’s IEP. The term also does not include mechanical restraints governed by this policy, such as 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.

Seclusion – confinement of a student in an unlocked room with or without staff supervision, in order to provide a safe environment to allow the student to regain self-control.

DELEGATION OF RESPONSIBILITY

The Principal/Chief Academic Officer (CAO) or designee is authorized to carry out requirements of this policy and is responsible for ensuring that this policy is implemented in compliance with the IDEA and its implementing regulations. The Principal/CAO or designee shall develop procedures to implement this policy and appropriate behavior support activities.

The Principal/CAO or designee shall have responsibility for:

1. Ensuring that positive behavior supports used in school programs are in accordance with applicable statutory and regulatory requirements, including personnel training for specific procedures, methods, and techniques of behavior support.
2. Obtaining parental consent prior to the use of intrusive procedures and restraints as part of the student’s IEP.

The Principal/CAO or designee shall maintain and report data on the use of restraints, as required. Such report shall be readily available for review during the state’s cyclical compliance monitoring.

Positive, rather than negative, measures shall form the basis of behavior support programs to ensure that all students shall be free from demeaning treatment and the unreasonable use of restraints or other aversive techniques. Behavior support programs shall include a variety of research-based techniques.

The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques, are attempted first.

The School shall maintain and report data on the use of restraints as prescribed by the Secretary of Education of the Pennsylvania Department of Education or other proper authority.

Restraints

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 employees, and only when less restrictive measures and techniques have proven to be or are less effective. The Principal/CAO or designee shall notify the parent/guardian as soon as practicable of the use of restraints to control the aggressive behavior of the student and shall convene a meeting of the IEP team within ten (10) days of the use of restraints, unless the parent/guardian, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavior assessment, re-evaluation, or a new or revised positive behavior support plan, or a change of placement to address inappropriate behavior.

The use of restraints may be specified in the IEP only if: (i) the restraint is used with specific component elements of a PBSP; (ii) the restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors; (iii) staff are authorized to use the restraint and have received appropriate training; (iv) the PBSP includes efforts to eliminate the use of restraints; and (v) there is parental consent. 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.

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/guardians.

Seclusion

The School permits involuntary seclusion of a student in accordance with the student's IEP or in an emergency to prevent immediate or imminent injury to the student or others, but the seclusion must be the least restrictive alternative. The School prohibits the seclusion of students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.

Aversive Techniques

The following aversive techniques of handling behavior are considered inappropriate and may not be used by the School in educational programs:

1. Corporal punishment.
2. Punishment for a manifestation of a student's disability.
3. Locked rooms, locked boxes or locked structures or spaces from which the student cannot readily exit.

4. Noxious substances.
5. Deprivation of basic human rights, such as withholding meals, water, or fresh air.
6. Suspensions constituting a pattern.
7. Treatment of a demeaning nature.
8. Electric shock.
9. Prone restraints (those restraints where a student is held face down on the floor).

Compliance

The School shall convene an IEP team meeting whenever a student injures him/herself or others, at which meeting the IEP team shall consider the behavior and provision of a FAPE, including creating or revision to a PBSP.

Law Enforcement Referrals

The Principal/CAO or designee shall immediately report required incidents (see School Handbook) and may report discretionary incidents committed on School property, at any School-sponsored activity, or on a conveyance providing transportation to or from a School or School-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the School's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and the Board policies. The Principal/CAO or designee shall respond to such incidents in accordance with the School's Special Education Plan and, if applicable, the procedures, methods, and techniques defined in the student's Behavior Support Plan.

Subsequent to notification to law enforcement, an updated functional behavioral assessment and Behavior Support plan shall be required for students with disabilities who have Behavior Support Plans at the time of such referral.

If, as a result of such referral, the student is detained or otherwise placed in a residential setting located outside the School, the Principal/CAO or designee shall ensure that the responsible school or intermediate unit is informed of the need to update the student's FBA and PBSP.

For a student with a disability who does not have a PBSP, subsequent to notification to law enforcement, the School shall convene the student's IEP team to consider whether a PBSP should be developed to address the student's behavior, in accordance with law, regulations, and Board policy. Subsequent to a referral to law enforcement, for students with disabilities who do have PBSPs, an updated FBA and PBSP shall be required.

Relations with Law Enforcement

The School shall work to develop and provide a copy of its administrative regulations and procedures for behavior support, developed in accordance with the Special Education Plan, to each local police department that has jurisdiction over school property. Updated copies shall be

provided each time the administrative regulations and procedures for behavior support are revised by the School.

The School shall invite representatives of each local police department that has jurisdiction over school property to participate in School training on the use of positive behavior supports, de-escalation techniques, and appropriate responses to student behavior that may require intervention, as included in the School's Special Education Plan and positive behavior support program.

References

20 U.S.C. 1400 et seq
20 U.S.C. 1414
20 U.S.C. 1415

24 P.S. 1302.1-A
24 P.S. 1303-A

34 CFR Part 300
34 CFR 300.114
34 CFR 300.324
34 CFR 300.34
34 CFR 300.530
34 CFR 300.535

22 PA Code 10.2
22 PA Code 10.21
22 PA Code 10.22
22 PA Code 10.23
22 PA Code 10.25
22 PA Code 14.104
22 PA Code 14.133
22 PA Code 14.143
22 PA Code 14.145
22 PA Code 711.61
22 PA Code 711.62

Pennsylvania Training and Technical Assistance Network (PaTTAN), Questions and Answers on the Restraint Reporting Requirements and System, June 2009

Board policies: 103.1, 113, 113.1, 113.3, 113.4, 218, 218.1, 218.2, 222, 227, 805.1