

Program Policy #113.1 Positive Behavior Support for Exceptional Children

Purpose:

SusQ-Cyber Charter School (“Charter School”) 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 for ensuring 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 will lead to noncompliance.

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 systematic 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 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.
- **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.

➤ **Restraints –**

(i) The application of physical force, with or without the use of a device, for the purpose of restraining the free movement of a student's body. The term does not include briefly holding, without force, a student to calm or comfort him, guiding a student to an appropriate activity, or holding a student's hand to safely escort him from one area to another.

(ii) Excluded from this definition are 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 parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheel chairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition.

Guidelines:

SusQ-Cyber Charter School utilizes positive behavior support as a primary method of addressing problem behaviors. A Positive Behavior Support Plan (PBSP), in the context of Individuals with Disabilities 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/or emotionally disturbed.
- Behavior Support Plans shall be based on Functional Behavior Assessments (FBA) 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 require the use of physical manipulation.
- Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself/herself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.
- Development of a separate Positive Behavior Support Plan (PBSP) is not required when appropriate positive behavioral interventions, strategies and supports can be incorporated into a student's IEP. When an intervention is necessary to address problem behavior, the types of intervention chosen for a student shall be the least intrusive necessary.

Emergency Procedures

Emergency procedures for behavior that presents a clear and present danger to the student or others may be delineated in the IEP. These emergency procedures may include such activities as:

- Parent contact to immediately remove the student from school.
- Notifying the police.
- Notifying mental health.
- Calling emergency services and ambulance.
- Nonviolent therapeutic physical crisis intervention by trained staff which may include Level IV techniques.

If a student's behavior is considered to be life threatening in nature, the classroom teacher will immediately take appropriate action to protect all individuals involved, followed by documentation after the incident. The parent/guardian will be notified of the incident as soon as possible by the school personnel. Parental notification should occur within one school day of a restraint incident unless other procedures are written in the student's IEP.

A meeting must be convened with parent/guardian, representatives of the education agency and other appropriate agencies prior to the student returning to the classroom.

Notification of Use of Restrain and Procedures:

The use of restraints to control the aggressive behavior of an individual student shall cause Charter School to notify the parent of the use of restraint and shall cause a meeting of the IEP team within ten (10) school days of the inappropriate behavior causing the use of restraints in order to review the effectiveness and appropriateness of the current IEP, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a Functional Behavioral Assessment (FBA), Reevaluation (RR), a new or revised Positive Behavior Support Plan (PBSP) or a change of placement to address the inappropriate behavior.

Inclusion of Restraints in Student's Individualized Education Plan (IEP):

The use of restraints may only be included in a student's IEP when:

- (i) Utilized with specific component elements of positive behavior support.
- (ii) Used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
- (iii) Staff are authorized to use the procedure and have received the staff training required.
- (vi) There is a plan in place for eliminating the use of restraint through application of positive behavior support.
- (v) 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.

Prohibition Against Prone Restraints:

The use of prone restraints is **prohibited** in educational programs. Prone restraints are those in which a student is held face down on the floor.

Mechanical Restraints:

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 must prevent a student from injuring himself or others or promote normative body positioning and physical functioning.

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 students 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.

Restraint Reporting and Procedures:

Charter School shall maintain and report data on the use of restraints as prescribed by the Secretary of the Department of Education (PDE). The report is subject to review during cyclical compliance monitoring conducted by the Department.

Charter School Administration is directed to write internal procedures that detail who is responsible for reporting restraints, who is responsible for notifying key administrators regarding the use of a restraint, and who is responsible for entering restraints in any PDE system to reporting on the use of restraints. Administration is further directed to comply with PDE guidelines regarding the reporting of the use of restraints.

Staff trained and/or certified in a program of positive behavioral supports and de-escalation techniques, and safe physical management techniques will be designated as the individuals to intervene in crisis management situations that might require restraint of a student. Physical interventions should only be undertaken by staff persons who have successfully completed a comprehensive crisis management course that covers: crisis definition and theory; the use of de-escalation techniques; crisis communication; anger management; passive physical intervention techniques; the legal, ethical, and policy aspects of physical intervention use; decision making related to physical interventions and debriefing strategies.

Any restraint that results in an injury to a student and/or staff person must be reported to the Chief Executive Officer (“CEO”) who will comply with any requirement to report the injury to the Pennsylvania Department of Education Bureau of Special Education.

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 charter school shall update the functional behavior plan and therefore also updated the Behavior Support Plan.

If the referral results in the student being detained or placed in a residential setting outside of SusQ-Cyber Charter School, the CEO 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.

Training of Personnel:

The Board of Trustees hereby directs that school personnel be trained each school year on the general use of positive behavior support, de-escalation techniques, and emergency responses.

In addition to general positive behavior support training, when students are identified as in need of these supports, individual teachers and personnel are notified and trained, so that they can act in accordance with the student's specific Positive Behavior Support Plan (PBSP) and de-escalation techniques, and respond appropriately in emergencies.

Per guidance from the Pennsylvania Department of Education (PDE), the core training components the positive support plan and de-escalation (restraint reduction) staff trainings should include:

- The growing concern and potential legal issues surrounding physical restraints;
- How to create a commitment to the reduction of the use of physical restraints;
- Creating a safe environment where positive rather than negative measures form the basis of behavior management programs;
- How staff can avoid taking conflict personally; avoiding power struggles;
- Prevention of problem behaviors through a system of recognition of signs of anxiety and distress in students and staff;
- Identification of the phases of crisis events and matching behaviors to interventions;
- Demonstration and modeling of the de-escalation techniques and other alternatives to physical restraint;
- Effective positive behavior support plans that include methods of utilizing positive reinforcement and other positive techniques to shape replacement behavior(s);
- Research-based practices that develop and maintain replacement behaviors that enhance student learning and skills for life;
- Risks associated with the use of physical interventions including the signs of physical distress, positional asphyxiation, and the psychological effects of restraint;
- Safe techniques for the use of physical restraints (prone restraints prohibited);
- Documentation of the incident and compliance with notification procedures; and
- Post intervention debriefing with student and staff

Additional Requirements and Administrative Procedures:

The CEO or his/her designee is directed to ensure that behavior support programs administered at Charter School are in accordance with Title 22 Pa. Code Chapter 711, including the training of personnel for the use of specific procedures, methods and techniques, and for having written procedures on the use of behavior support techniques and obtaining parental consent prior to the use of restrictive or intrusive procedures or restraints.

The CEO or his/her designee is further directed to make professional development opportunities provided by the Bureau of Special Education available to train staff regarding Positive Behavior Support.

The CEO or his/her designee is charged with using the most updated forms available through the Bureau of Special Education related to positive behavior support, including the use of any forms promulgated for functional behavior assessments and behavior support plans.

References:

- State Board of Education Regulations – 22 PA Code Sec. 14.133, 14.143, 14.145
- Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.
- Individuals with Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300
- Pennsylvania Training and Technical Assistance Network, Questions and Answers on the Restraint Reporting Requirements and System
- June 2009 – www.pattan.net

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENT.