LENAPE AREA VOCATIONAL TECHNICAL SCHOOL

SECTION: PROGRAMS

TITLE: BEHAVIOR SUPPORT

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	113.2 BEHAVIOR SUPPORT
1. Purpose	Students with disabilities shall be educated in the least restrictive environment (LRE) in accordance with their Individualized Education Program (IEP) and 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 and cannot meet the needs of the student. The IEP team for a student with a disability shall develop a Positive Behavior Support Plan if the student requires specific intervention to address behavior that interferes with learning. A representative from the school shall participate on the IEP team to provide input regarding placement decisions and development of the Positive Behavior Support Plan.[1][2][3][4][5][6]
2. **Authority**	The Joint Operating Committee directs that the school shall implement students' Positive Behavior Support Plans 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 behavioral assessment and shall include a variety of research-based techniques to develop and maintain skills that will enhance students' opportunity for learning and self-fulfillment. [1][2][6][7][8][9][10][11]
3. **Definitions**	The following terms shall have these meanings, unless the context clearly indicates otherwise.[2] **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. **Positive Behavior Support Plan or Behavior Intervention Plan** – plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A Positive Behavior Support Plan shall be developed by the IEP team, be based on a functional behavioral assessment

	and become part of 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. **Restraints –** application of physical force, with or without the use of any device, designed to restrain free movement of a student's body, excluding the following: 1. Briefly holding a student, without force, to calm or comfort the student. 2. Guiding a student to an appropriate activity. 3. Holding a student's hand to escort the student safely from one area to another. 4. Hand-over-hand assistance with feeding or task completion. 5. 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/guardians and specified in the IEP. 6. 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. **Students with disabilities -** school-aged children 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 and related services.[10]
4. **Delegation of Responsibility**	The Administrative Director or designee shall ensure that this Joint Operating Committee policy is implemented in accordance with federal and state laws and regulations. The Administrative Director or designee shall develop administrative regulations to implement this policy. The Administrative Director or designee shall provide regular training, and retraining as needed, of staff in the use of specific procedures, methods and techniques, including de-escalation techniques, emergency responses and restraints, that will be used to implement positive behavior supports or

	interventions in accordance with students' IEPs, Positive Behavior Support Plans and Joint Operating Committee policy.[2] The Administrative Director or designee shall maintain and report data on the use of restraints to **the student's school district of residence**, as required.[2]
5. **Guidelines**	When an intervention is necessary to address problem behavior, the positive techniques and types of intervention chosen for a student shall be the least intrusive necessary.[2] <u>Physical Restraints</u> Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner that presents a clear and present danger to the student, other students or employees, and only when less restrictive measures and techniques have proven to be or are less effective.[2] The Administrative Director or designee shall notify the parent/guardian and student's school district or residence as soon as practicable of the use of restraints to control the aggressive behavior of the student and shall request a meeting of the IEP team to convene within ten (10) school days of the use of restraints, unless the parent/guardian, after written notice from the student's school district of residence, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, re-evaluation, a new or revised Positive Behavior Support Plan, or a change of placement to address the inappropriate behavior.[2] <u>Mechanical Restraints</u> Mechanical restraints, which are used to control involuntary movement or lack of muscular control of a student 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 and school district of residence.[2] Mechanical restraints shall prevent a student from injuring the student or others, or promote normative body positioning and physical functioning. <u>Aversive Techniques</u> The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:[2] 1. Corporal punishment. 2. Punishment for a manifestation of a student's disability.

3. Locked rooms, locked boxes, other 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 as defined in state regulations.[12]
7. Treatment of a demeaning nature.
8. Electric shock.
9. Methods implemented by untrained personnel.
10. Prone restraints, which are restraints by which a student is held face down on the floor.

Referral to Law Enforcement

The Administrative Director or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from school or a school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the **law enforcement agency** 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 **law** enforcement and Joint Operating Committee policies. The Administrative Director or designee, in coordination with the student's school district of residence, shall respond to such incidents in accordance with law and regulations and, if applicable, the procedures, methods and techniques defined in the student's Positive Behavior Support Plan.
[2][7][11][13][14][15][16][17][18][19][20][21][22][23][24][25]**[26][27]**

For a student with a disability who has a Positive Behavior Support Plan at the time of referral, subsequent to notification to law enforcement, the school shall contact the student's school district of residence to request an updated functional behavioral assessment and Positive Behavior Support Plan. [2][9][16]

For a student with a disability who does not have a Positive Behavior Support Plan, subsequent to notification to law enforcement, the school shall contact the student's school district of residence to convene the student's IEP team to consider whether a Positive Behavior Support Plan should be developed to address the student's behavior, in accordance with law and regulations.[2][16]

Relations with Law Enforcement

The school shall provide a copy of its administrative regulations and procedures for implementing positive behavior support plans to each law enforcement agency that has jurisdiction over school property. Updated copies shall be provided each time the administrative regulations and procedures are revised by the school.[16][25]

The school shall invite representatives of each law enforcement agency 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.[2][16][25]

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Legal References
1. 20 U.S.C. 1414
2. 22 PA Code 14.133
3. 22 PA Code 14.145
4. 22 PA Code 339.21
5. 34 CFR 300.114
6. 34 CFR 300.324
7. 20 U.S.C. 1415
8. 34 CFR 300.34
9. 34 CFR 300.530
10. Pol. 113
11. Pol. 113.1
12. 22 PA Code 14.143
13. 22 PA Code 10.2
14. 22 PA Code 10.21
15. 22 PA Code 10.22
16. 22 PA Code 10.23
17. 22 PA Code 10.25
18. 34 CFR 300.535
19. Pol. 103.1
20. Pol. 218
21. Pol. 218.1
22. Pol. 218.2
23. Pol. 222
24. Pol. 227
25. Pol. 805.1
26. 24 P.S. 1306.2-B
27. 24 P.S. 1319-B
20 U.S.C. 1400 et seq

	34 CFR Part 300 Pennsylvania Training and Technical Assistance Network, Question and Answer Compendium, January 2020