


HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

	Special Education	SP21-1201
	Behavior Support for Students with a Disability	ADOPTED DATE: 12/21/2021  REVISED DATE: 4/16/2024

**Purpose**

The Board of Trustees recognizes that in accordance with applicable state and federal laws, including Chapter 711 of Title 22 of the Pennsylvania Code and the Individuals with Disabilities Education Act (IDEA), every eligible child has the right to a Free and Appropriate Public Education (FAPE).

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 disabilities shall develop a Positive Behavior Support plan if the student requires specific intervention to address behavior that interferes with learning. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal law and regulations.

**Authority**

The Board directs that the school’s 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 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.

**Definitions**

The following terms shall have these meanings, unless the context clearly 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.

**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

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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, seat belts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices.

**Seclusion** - confinement of a student in a room, with or without staff supervision in the same room at all times, in order to provide a safe environment to allow the student to regain self-control.

**Students with disabilities** - school-aged children within the jurisdiction of the school 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.

### Delegation of Responsibility

The CEO or designee shall ensure that this Board policy is implemented in accordance with federal and state laws and regulations.

The CEO or designee shall develop administrative regulations to implement this policy.

The CEO 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, restraints and seclusions, that will be used to implement positive behavior supports or interventions in accordance with students' IEPs, Positive Behavior Support Plans and Board policy.

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

### Guidelines

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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.

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.

### **Physical Restraints**

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.

The Director of Student Services 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) school 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 behavioral assessment, re-evaluation, a new or revised Positive Behavior Support Plan, or a change of placement to address the inappropriate behavior.

The use of restraints shall not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment. Restraints may be included in an IEP with parental consent only if:

1. The restraint is used with specific component elements of a Positive Behavior Support Plan.
2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.
3. Staff are authorized to use the restraint and have received appropriate training.
4. Positive Behavior Support Plan includes efforts to eliminate the use of restraints.
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### **Seclusion**

The school permits involuntary seclusion of a student for a limited period of time 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. School staff shall provide continuous supervision of students in seclusion, which need not always involve the presence of multiple staff within the same room.

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 shall not be used in educational programs:

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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.
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 CEO 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 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 Board policies. The CEO or designee shall respond to such incidents in accordance with the school's procedures, methods and techniques defined in the student's Positive Behavior Support Plan.

For a student with a disability who has a Positive Behavior Support Plan at the time of referral, subsequent to notification of law enforcement, the school shall convene the student's IEP team and an updated functional behavioral assessment and Behavior Support Plan shall be required for students with disabilities who have Positive 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 Director of Student Services or designee shall ensure that the responsible school or intermediate unit is informed of the need to update the student's functional behavioral assessment and Positive Behavior Support Plan.

For a student with a disability who does not have a Positive Behavior Support Plan, subsequent to notification to law enforcement, the school shall 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, regulations and Board policy.

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### **Relations With Law Enforcement**

The school shall provide a copy of its administrative regulations and procedures for behavior support, developed in accordance with the annual report, 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 annual report and positive behavior support program.