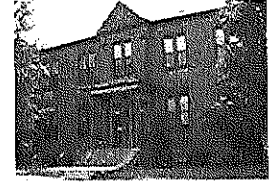


**La Academia: The Partnership Charter School  
(LAPCS)**  
*Special Education Policies and Procedures*



**– POSITIVE BEHAVIOR SUPPORT POLICY –**

The Individualized Education Program (IEP) of each student who exhibits behaviors which interfere with his/her ability to learn or with the learning of others must include provisions for positive behavior support. The purpose of this policy is to establish direction for formulating behavior support plans for eligible students with disabilities in accordance with 22 Pa. Code Chapter 711.

Behavior support programs and techniques used with students with disabilities should be varied and individually designed to promote the development and maintenance of skills that will enable students to receive a free and appropriate public education (FAPE). The Local Education Agency (LEA) shall adopt and implement appropriate guidelines addressing positive behavior support to ensure consistency with state and federal law and regulations.

Definitions:

- **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** – 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 him/her.
  2. Guiding a student to an appropriate activity.
  3. Holding a student's hand to escort him/her 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 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 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 and related services.

Positive rather than negative measures shall form the basis of the LEA's behavior support programs. LEA personnel shall work collaboratively with parents/guardians and other support personnel to provide appropriate behavioral supports for eligible students with disabilities who exhibit behaviors that interfere with the student's ability to learn or the learning of others.

Behavior support programs shall include a variety of techniques to develop and maintain skills that will enhance opportunities for learning and self-fulfillment. The methods of intervention chosen for a particular student shall be the least intrusive necessary. Aversive techniques, restraints or discipline procedures shall not be used as a substitute for a positive behavior support plan.

#### **Aversive Techniques:**

The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:

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.

#### **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/guardians.

Mechanical restraints shall prevent a student from injuring him/herself or others or

promote normative body positioning and physical functioning.

### **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 IEP team member designee, representing the LEA, 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, reevaluation, 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 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. Behavior Support Plan includes efforts to eliminate the use of restraints.
5. The LEA obtains parental consent prior to the use of restraints.

### **Seclusion:**

The LEA 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 LEA prohibits the seclusion of students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.

### **Referral to Law Enforcement:**

The LEA shall provide each local law enforcement agency having jurisdiction over property of the LEA a current copy of its procedures on behavior support services, and shall provide updated copies of such behavior support procedures each time revisions are made.

### *Referral of Students with Disabilities*

When any student with a disability commits an infraction listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the LEA shall respond in a manner that is consistent with the training provided in accordance with the LEA's Special Education Plan,

and, if applicable, with the procedures, methods and techniques defined in the student's behavior support plan.

For any student with a disability who has a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an infraction listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the LEA shall act in accordance with its positive behavior support program.

For any student with a disability who does not have a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the LEA shall convene the student's IEP team. At this meeting, the IEP team shall consider whether a positive behavior support plan should be developed to address the student's behavior.

### *Referral of Protected Handicapped Students*

When a protected handicapped student commits an infraction listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the LEA shall respond in a manner that is consistent with the student's service agreement.

For any protected handicapped student whose service agreement includes a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an infraction listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the LEA shall act in accordance with Chapter 15 of the State Board of Education regulations.

For any protected handicapped student whose service agreement does not include a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an infraction listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the LEA, in consultation with the student's parents, shall consider whether a positive behavior support plan should be developed as part of the service agreement to address the student's behavior. Subsequent to a referral to law enforcement, an updated functional behavioral assessment and Behavior Support Plan shall be required for students with disabilities and protected handicapped students who have Behavior Support Plans at the time of such referral.

If, as a result of such referral to local law enforcement, a student is detained or otherwise placed in a residential setting located outside the LEA, the IEP team member designee, representing the LEA, shall ensure that the responsible LEA or intermediate unit is informed of the need to update the student's functional behavioral assessment and Behavior Support Plan.

The Chief Academic Officer shall ensure that this policy is implemented in accordance with applicable laws and regulations.

The LEA shall provide regular training, and retraining as needed, of staff in the use of specific procedures, methods and techniques, including restraints and seclusions, that will be used to implement positive behavior supports or interventions in accordance with students' IEPs and Board policy.

The LEA 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. Procedures shall be established requiring reports be made to the district by entities educating students with disabilities who attend programs or classes outside the LEA, including private schools, agencies, intermediate units and vocational schools.

Development of a separate 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 types of intervention chosen for a student shall be the least intrusive necessary.

References:

School District of Lancaster Board Policy – 113.2 Behavior Support

State Board of Education Regulations – 22 PA Code Sec. 10.23, 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](http://www.pattan.net)

