

# JEFFERSON-MORGAN SCHOOL DISTRICT

SECTION: PROGRAMS  
 TITLE: Behavior Support  
 ADOPTED: September 20, 2010  
 REVISED:

<p>1. Purpose                  Title 22                  Sec. 14.133,                  14.145                  20 U.S.C.                  Sec. 1414(d)                  34 CFR                  Sec. 300.114,                  300.324(a)</p> <p>2. Authority                  Title 22                  Sec. 14.133                  20 U.S.C.                  Sec. 1414(d),                  1415(k)                  34 CFR                  Sec. 300.34(c),                  300.324(a),                  300.530(d),                  (f)                  Pol. 113, 113.1,                  113.3</p> <p>3. Definitions  <b>Title 22</b>  <b>Sec. 14.133</b></p>	<p>Students with disabilities shall be educated in the least restrictive environment 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. 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.</p> <p>The Board directs that the district’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 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-fulfillment.</p> <p>The following terms shall have these meanings, unless the context clearly indicates otherwise.</p> <p><b>Aversive techniques</b> - deliberate activities designed to establish a negative association with a specific behavior.</p> <p><b>Behavior support</b> - development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.</p> <p><b>Behavior Support Plan or Behavior Intervention Plan</b> - 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</p>
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	<p>reinforcements, other positive techniques and related services required to assist a student with a disability to benefit from special education.</p> <p><b>Positive techniques</b> - 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.</p> <p><b>Restraints</b> - 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:</p> <ol style="list-style-type: none"> <li>1. Briefly holding a student, without force, to calm or comfort him/her.</li> <li>2. Guiding a student to an appropriate activity.</li> <li>3. Holding a student's hand to escort him/her safely from one area to another.</li> <li>4. Hand-over-hand assistance with feeding or task completion.</li> <li>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.</li> <li>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.</li> </ol> <p><b>Seclusion</b> - 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.</p>
Pol. 113	<p>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.</p>
4. Delegation of Responsibility	<p>The Superintendent or designee shall ensure that this Board policy is implemented in accordance with federal and state laws and regulations. The Superintendent or designee shall develop administrative regulations to implement this policy.</p>
Title 22 Sec. 14.133	<p>The Superintendent or designee 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.</p>
Title 22 Sec. 14.133	<p>The Superintendent 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. Procedures shall be established requiring reports be made to the district by entities educating students with disabilities who attend programs or classes outside the district, including private schools, agencies, intermediate units and vocational schools.</p>
5. Guidelines Title 22 Sec. 14.133 34 CFR	<p>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.</p> <p>When an intervention is necessary to address problem behavior, the types of</p>

<p>Sec. 300.324(a)</p> <p>Title 22 Sec. 14.133</p> <p>Title 22 Sec. 14.133</p> <p>Title 22 Sec. 14.133</p> <p>Title 22 Sec. 14.133</p> <p>Title 22 Sec. 14.133</p> <p>Title 22 Sec. 14.133</p> <p>Title 22 Sec. 14.133</p>	<p>intervention chosen for a student shall be the least intrusive necessary.</p> <p><b><u>Physical Restraints</u></b></p> <p>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.</p> <p>The Director of Special Education 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, reevaluation, a new or revised positive Behavior Support Plan, or a change of placement to address the inappropriate behavior.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. The restraint is used with specific component elements of a positive Behavior Support Plan.</li> <li>2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.</li> <li>3. Staff are authorized to use the restraint and have received appropriate training.</li> <li>4. Behavior Support Plan includes efforts to eliminate the use of restraints.</li> </ol> <p><b><u>Mechanical Restraints</u></b></p> <p>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.</p> <p>Mechanical restraints shall prevent a student from inuring him/herself or others or promote normative body positioning and physical functioning.</p> <p><b><u>Seclusion</u></b></p> <p>The district 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.</p> <p>The district prohibits the seclusion of students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.</p> <p><b><u>Aversive Techniques</u></b></p> <p>The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:</p>
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Title 22  
Sec. 14.143

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**

Title 22  
Sec. 14.133

Subsequent to a referral 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.

Title 22  
Sec. 14.133

If, as a result of such referral, the student is detained or otherwise placed in a residential setting located outside the district, the Director of Special Education or designee shall ensure that the responsible school district or intermediate unit is informed of the need to update the student's functional behavioral assessment and Behavior Support Plan.

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](http://www.pattan.net)  
Board Policy – 000, 113, 113.1, 113.3