

**SOUTHERN LEHIGH SCHOOL DISTRICT**

**SECTION: PROGRAMS | POLICY NO. 113.2: POSITIVE BEHAVIOR SUPPORT FOR STUDENTS WITH DISABILITIES**

**ADOPTED: MAY 21, 2007 | REVISED: APRIL 8, 2013; OCTOBER 28, 2024**

	113.2: POSITIVE BEHAVIOR SUPPORT FOR STUDENTS WITH DISABILITIES
1. Purpose	<p>The Southern Lehigh School District believes in the importance of supporting students with disabilities using Positive Behavior Support (PBS) techniques for the development, change, and maintenance of behaviors that are designed to be the least intrusive to the student.</p> <p>The Southern Lehigh School District will use Positive Behavior Support (PBS) techniques in accordance with 22 Pa. Code Chapter 14, Special Education Services and Programs, including the training of personnel for the use of specific procedures, methods, and techniques.</p> <p>Additionally, this policy is designed to enable students with Individualized Education Programs (IEP's) who need a Positive Behavior Support (PBS) Plan to obtain a Free Appropriate Public Education (FAPE) within the Least Restrictive Environment (LRE) per the Individuals with Disabilities Education Act (IDEA) and the accompanying Pennsylvania Regulations (Chapter 14).</p>
2. Authority	<p>The Superintendent or designee(s) are authorized to carry out the requirements of this policy and are responsible for ensuring that this policy is implemented in compliance with the IDEA and its implementing regulations and state laws and regulations. The Superintendent or designee(s) shall develop administrative guidelines to implement this policy and appropriate behaviors support activities including the training of personnel for the use of specific procedures, methods, and techniques.</p>
3. Definitions 22 PA Code 14.133 Pol. 113	<p>The following terms, when used in this section, shall have these following meanings unless the context clearly indicates otherwise:</p> <ol style="list-style-type: none"><li>1. <b>Aversive techniques</b> - deliberate activities designed to establish a negative association with a specific behavior.</li><li>2. <b>Behavior support</b> - the development, change, and maintenance of selected behaviors through systematically application of positive behavior change techniques.</li><li>3. <b>Positive Behavior Support Plan or Behavior Intervention Plan</b> - a plan for students with disabilities and eligible young children 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 behavior assessment, and become part of the individual student's IEP. These plans must include methods that utilize positive reinforcements, other positive techniques, and related services required to assist a student with a disability to benefit from special education.</li><li>4. <b>Positive techniques</b> - methods utilizing 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.</li><li>5. <b>Restraints</b> - devices and techniques designed and used to control acute or</li></ol>

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	<p>episodic aggressive behaviors or to control involuntary movements or lack of muscular control due to organic causes or conditions. The term includes physical and mechanical restraints.</p> <p>(a) Restraints to control acute or episodic aggressive behaviors 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 self, to other students, or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.</p> <p>(i.) The use of restraints to control the aggressive behavior of an individual student shall cause notification to the parent/guardian of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the restraint, unless the parent/guardian, after written notice, agrees in writing to waive the meeting.</p> <p>(ii.) 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.</p> <p>(iii.) SLSD staff shall maintain and report data on the use of restraints as required by the Secretary of the Pennsylvania Department of Education or other proper authority.</p> <p>(iv.) 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 as 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 self or others or promote normative body positioning and physical functioning. 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 are examples of mechanical restraints, which are excluded from this definition.</p> <p>(b) The following does not constitute restraint:</p> <p>(i.) The term does not include briefly holding, without force, to calm or comfort a student, guiding a student to an appropriate activity, or holding a student's hand to safely escort the individual from one area to another.</p> <p>(ii.) The term does not include 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/guardians and specified in the IEP.</p> <p>6. <b>Seclusion</b> - 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.</p> <p>7. <b>Students with disabilities</b> - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more</p>
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<p>4. Guidelines 22 PA Code 14.133 22 PA Code 14.145 20 U.S.C. 1414 34 CFR 300.114 34 CFR 300.324 20 U.S.C. 1415 34 CFR 300.34 34 CFR 300.530 Pol. 113 Pol. 113.1 Pol. 113.3 22 PA Code 14.143 24 P.S. 1302.1-A 22 PA Code 10.2 22 PA Code 10.21 22 PA Code 10.22 22 PA Code 10.23 22 PA Code 10.25 22 PA Code 14.104 34 CFR 300.535 Pol. 103.1 Pol. 218 Pol. 218.1 Pol. 218.2 Pol. 222 Pol. 227 Pol. 805.1 24 P.S. 1303-A 20 U.S.C. 1400 et seq 34 CFR Part 300 Pennsylvania Training and Technical Assistance Network, Question and Answer Compendium, January 2020</p>	<p>disabilities as defined by law, and who require, because of such disabilities, special education and related services.</p> <p>The use of restraints can only be included in a student's IEP when:</p> <ol style="list-style-type: none"><li>1. Prior parental consent to include restraints in an IEP is obtained.</li><li>2. The staff is authorized to use and properly trained on the use and implementation of the restraint technique.</li><li>3. The student with an IEP has a positive behavior support plan that also includes positive approaches to addressing the behaviors of concern (e.g., de-escalation techniques).</li><li>4. The restraint is used in conjunction with teaching socially acceptable alternative skills to replace problem behavior.</li></ol> <p>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. The identification, evaluation, and plan or program shall be conducted and implemented per state and federal laws and regulations.</p> <p>The 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.</p> <p>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. Positive Behavior Support (PBS) plans must include:</p> <ol style="list-style-type: none"><li>1. A record of the IEP team's attempts to include parents/ guardians/ surrogates, via written notification to participate in the team meeting, in developing the student's positive behavior support (PBS) plan.</li><li>2. A meeting with members of the IEP team to design a positive behavior support (PBS) plan.</li><li>3. Positive techniques, rather than negative techniques, for developing, changing, and maintaining behaviors shall be the least intrusively necessary and address the behaviors of concern.</li><li>4. A functional behavior assessment (FBA) that addresses the antecedents, behaviors of concern, consequences maintaining the behavior, and function of the behavior.</li><li>5. Research-based practices and techniques are used to develop the desired behaviors.</li><li>6. Replacement skills, alternative teaching strategies and consequence strategies in decreasing the behaviors of concern as well as increasing the desired behaviors should be included.</li><li>7. Interventions selected should be the least intrusively necessary.</li><li>8. Parental consent shall be obtained before using restraint or intrusive procedures.</li><li>9. Subsequent to a referral to law enforcement, for students with disabilities who have positive behavior support plans, an updated functional behavior assessment and positive behavior support plan shall be required.</li></ol>
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Physical Restraints

The Director of Special Education and 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.

Seclusion

The district permits involuntary seclusion of a student for a limited period per 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. District staff shall provide continuous supervision of students in seclusion, which does not always require staff presence within the same room. The district 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:

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. Use of prone restraints, which are restraints by which a student is held face down on the floor, as defined in 22 Pa. Code 14 (c)(3)

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Referral to Law Enforcement

The Superintendent 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 Superintendent or designee shall respond to such incidents in accordance with the district's Special Education Plan and, if applicable, the 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 to law enforcement, the district shall convene the student's IEP team and an updated functional behavioral assessment and Positive Behavior Support Plan shall be required.

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 and Student Services 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 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 district 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.

Training and Reporting

School entities have the primary responsibility for ensuring that positive behavior support programs are in accordance with this chapter, including the training of personnel for the use of specific procedures, methods, and techniques, and for having a written policy and procedures on the use of positive behavior support techniques and obtaining consent prior to use of restraints. In accordance with their plans, agencies may convene a review, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints.

Any restraint that results in an injury to a student and/or staff person will be reported via an e-mail to the Bureau of Special Education within three (3) days of the occurrence. This information will be communicated to the Director of the Bureau of Special Education, who will notify Departmental staff based on the severity of the injury.