

## Franklin Towne Charter Elementary School

### Board of Trustees Policy

#### Behavioral Support Obligations Policy

In accordance with the Pennsylvania Department of Education's direction, the Charter School's Board of Trustees recognizes as follows:

Medicaid (MA) funded wraparound mental health services are available for students with disabilities for whom the Charter School has an obligation to provide a free appropriate public education (FAPE). The Board also recognizes that, regardless of what services are available through MA, the Charter School retains the obligation to guarantee its students with behavioral disabilities who need one-to-one support do not experience delays or gaps in service. The term "one-to-one support" means the individual support of an adult to address the behavioral needs of a student, over and above the individualized assistance that the child would normally receive from the teacher and other staff assigned to the child's class(es).

Some children need one-to-one support to address behavior problems in the school setting. When families agree and are eligible for MA, the school can often meet this need using the resources of the MA funded mental health system - usually MA funds train individuals called Therapeutic Staff Support, or TSS, to help in the school setting. However, regardless of whether MA funded resources might be available, the Charter School retains the ultimate responsibility for assuring that children with disabilities are provided with an appropriate education, including, when necessary, one to-one support.

Whenever an Individualized Education Plan (IEP) or 504 team formally determines that a child needs one-to-one support for all or part of a school day, the service must be listed on the child's IEP or service agreement. The Charter School will ensure there are no delays or gaps in service delivery, even if that means using qualified staff to provide the support. In short, the Charter School will not rely exclusively on the provision of a TSS by the MA system to meet its obligation to provide the one-to-one support needed to provide FAPE to its students.

Moreover, the Charter School recognizes it is never appropriate to deny a student access to school or school transportation because of the unavailability of a TSS.

#### Guidelines for Including One-to-One Support on IEPs and Service Agreements:

The key question for the IEP and service agreement teams is whether the child needs this degree of help to be maintained in the school setting, and to make meaningful progress in accomplishing his/her educational and behavioral goals. Again, if one-to-one support is needed, it must be listed on the IEP or service agreement, even if the family and the school expect that the support will be provided through MA.

Some sources of information for the teams are:

- The results of the child's functional behavioral assessment, and any other evaluations available to the teams, including evaluations from the child's mental health provider;
- Reports from the child's parents, teachers and other persons with information relevant to the child's behavioral needs;
- The child's past history in making meaningful progress in his or her educational program including the child's progress toward socialization goals -without one-to-one support
- The child's record of disciplinary offenses, including multiple short-term suspensions.

Students who are determined by their IEP or 504 teams to need one-to-one support must have a behavior plan that is part of the child's IEP or service agreement. That plan must list the one-to-one support, and describe it with specificity: i.e., the plan must include a description of the educational and behavioral needs of the child that will be addressed; the amount of service that will be provided; and how progress will be measured. This information must be sufficiently completed to permit adequate collaboration and cooperation with a MA mental health agency, and to permit the Charter School staff to provide the one-to-one support as described in the IEP or service agreement if the TSS, or another non-staff, is or becomes unavailable.

To the extent that the child's treatment plan as developed by the MA mental health agency includes information that is pertinent to the child's educational needs, or coordination among the Charter School and MA personnel, that information should be included, with the parents' consent, in the behavior plan. The IEP or service agreement should also identify other agencies or persons not employed by the Charter School who will be involved with the provision of one-to-one support to the child; describe the role of each agency/person in implementing the IEP goals; and describe the manner in which the TSS or other staff, and the teachers, aide(s) or other personnel, will coordinate their efforts.

In all cases in which the team and the family anticipate that the needed one-to-one support will be provided by a TSS, the team will specify in the IEP or service agreement how the Charter School will ensure that the service is provided without gaps or delays - especially when the child is unable promptly to obtain the TSS through MA, or the TSS becomes unavailable, If appropriate, the Charter' School will designate specific and sufficiently trained staff to provide the support, or develop a school-wide pool of adequately trained staff.

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. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal laws and regulations.

The Board directs that the 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.

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.

**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.

**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.

The Chief Executive Officer (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 report shall be readily available for review during the state's cyclical compliance monitoring. Procedures shall be established requiring reports be made to Franklin Towne Charter Elementary School (FTCES) by entities educating students with disabilities who attend programs or classes outside of FTCES, including private schools, agencies, intermediate units and career and technical schools.

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.



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 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, 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 parent 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.

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.

Mechanical restraints shall prevent a student from injuring the student or others or promote normative body positioning and physical functioning.

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 presence of 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.

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.

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 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 school 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 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.

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

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL.

ADOPTED this 14<sup>th</sup> day of March 2023

President 

  
Secretary: \_\_\_\_\_