

# PINE GROVE AREA SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS  
WITH DISABILITIES

ADOPTED: June 21, 2001

REVISED: December 4, 2006

<p>1. Purpose Title 22 Sec. 14.133</p> <p>2. Authority 20 U.S.C. Sec. 1400 et seq Title 22 Sec. 14.143 34 CFR Sec. 300.519- 300.529</p> <p>3. Definitions Title 22 Sec. 14.133</p>	<p style="text-align: center;">113.2. DISCIPLINE OF STUDENTS WITH DISABILITIES</p> <p>The Pine Grove Area School District Board of Directors must ensure that all district students are educated in settings free from restrictions or injuries caused by challenging behaviors of others. At the same time, the Board recognizes that every special education student in the district is entitled to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). Any student with disabilities who has an Individual Education Plan (IEP) and exhibits significant behaviors that interfere with appropriate functioning within educational settings must have a plan for behavior support included in the IEP.</p> <p>Behavior support programs must be based on positive rather than negative measures. The Board acknowledges that all necessary district personnel must be trained in the proper use of specific procedures, methods, and techniques. The behavior support methods and procedures must be applied in a nondiscriminatory manner and in full compliance with the requirements of applicable state and federal law.</p> <p>The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of district policy or school rules and regulations. No student with a disability shall be expelled if the student's particular misconduct is a manifestation of his/her disability.</p> <p>The following words and terms, when used in this policy or in its implementing guidelines, shall have the following meanings, unless the context clearly indicates otherwise.</p> <p><b>Aversive Techniques</b> - deliberate activities designed to establish a negative association with specific behavior.</p> <p><b>Behavior Support</b> - the development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.</p>
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<p>4. Guidelines</p> <p>Title 22 Sec. 14.133</p>	<p><b>Behavior Support Plan</b> - a plan addressing a disabled student's behavioral needs and intervention within an IEP.</p> <p>Behavior support plans include a variety of techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment. Potential causes of behavior problems such as physical or medical conditions, environmental factors, staffing, and program concerns shall be reviewed and addressed prior to development of a behavior support plan.</p> <p><b>Functional Behavioral Assessment</b> - an assessment of a student, the purpose of which shall be to determine the environmental, behavioral, or circumstantial factors that precede or accompany the problem behavior and the effectiveness of the interventions undertaken to address the behavior.</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 behavior to specific tangible rewards.</p> <p><b>Restraints</b> - devices and techniques designed and used to control acute or 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><b>Eligible Student</b> - a student with disabilities under provisions of the Individuals With Disabilities Education Act (IDEA Sec. 1401) and its implementing regulation, and Chapter 14 of the regulations of the Pennsylvania State Board of Education. For the purposes of this policy and its implementing guidelines, the definition of disabled students include students whom the district suspects or has reason to suspect are students with disabilities and to students who are in the process of a multidisciplinary team evaluation at the time of the incident for which discipline is imposed.</p> <p><u>Behavior Support Requirements</u></p> <p>Positive rather than negative measures shall form the basis of behavior support programs. Behavior support programs include a variety of techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment. The types of intervention chosen for a particular student shall be individualized and the least intrusive necessary.</p>
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<p>Title 22 Sec. 14.133</p>	<p>Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner as to be a clear and present danger to him/herself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.</p> <p>The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program or employed as punishment.</p> <p>The use of restraints to control aggressive behavior of an individual student shall cause a meeting of the IEP team to review the current IEP for appropriateness and effectiveness.</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. Mechanical restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.</p> <p>The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:</p> <ol style="list-style-type: none"><li>1. Corporal punishment.</li><li>2. Punishment for a manifestation of a student's disability.</li><li>3. Locked rooms, locked boxes, or other locked structures or spaces from which the student cannot readily exit.</li><li>4. Noxious substances.</li><li>5. Deprivation of basic human rights, such as withholding meals, water, or fresh air.</li><li>6. Suspension constituting a pattern under 22 PA Code 14.143(1).</li><li>7. Treatment of a demeaning nature.</li><li>8. Electric shock.</li></ol>
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	<p>The district must obtain parental approval through the IEP process for all procedures identified within the child’s individualized behavioral support plan. The district must obtain parental consent prior to the use of highly restraining or intrusive procedures.</p> <p>The Pine Grove Area School District has primary responsibility for ensuring that behavior support programs are in accordance with this policy, including the training of personnel for the use of specific procedures, methods, and techniques.</p> <p>Aversive techniques, restraints, or discipline procedures may not be used as a substitute for a behavior support program.</p> <p>Pol. 218 Components of the district and school Codes of Student Conduct shall be applied when appropriate.</p> <p><u>Discipline</u></p> <p>Title 22 Sec. 14.143 A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, regardless of whether the student’s behavior is a manifestation of his/her disability.</p> <p>Title 22 Sec. 14.143 Any removal from school is a change of placement for a student identified with mental retardation.</p> <p>34 CFR Sec. 300.524 Pol. 218, 233 A student with a disability whose behavior is not a manifestation of his/her disability may be expelled pursuant to district policy and procedures.</p> <p>34 CFR Sec. 300.521, 300.522 The Local Educational Agency (LEA) may unilaterally remove a student with a disability to an alternative setting for forty-five (45) days where the district demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.</p> <p>34 CFR Sec. 300.527, 300.528 Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.</p>
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<p>18 U.S.C. Sec. 930(g) 34 CFR Sec. 300.520</p>	<p><u>Weapons Violations</u></p> <p>A student with a disability who carries a weapon to school or a school function may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.</p>
<p>34 CFR Sec. 300.520</p>	<p><u>Drugs/Controlled Substances Violations</u></p> <p>A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.</p>
<p>34 CFR Sec. 300.520</p>	<p><u>Serious Bodily Injury</u></p> <p>A student with a disability who causes substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.</p>
	<p>References:</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq</p> <p>Title 18, U.S.C. Sec. 930</p> <p>Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>State Board of Education Regulations – 22 PA Code Sec. 14.133, 14.143</p> <p>Board Policy – 218, 233</p>