

REGULATION

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J-4612

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STUDENT DISCIPLINE

(Behavior Management and Discipline of All Students ~~With Disabilities~~)

Practices and procedures for the behavior management and discipline of special needs students shall be determined and applied in accord with the following standards:

Behavior Management and Discipline of All Students ~~Special Needs Students~~

Each school shall implement positive, evidence-based, safe, and timely plans and procedures for all special needs students including those who exhibit behaviors that interfere with learning or who place themselves or others in danger. Administration, staff, parents and students are to be engaged in the development of the plans. The purpose of the plan is to identify practices that are agreed upon and complied with and reinforced by members of the school community, including the Governing Board. An objective of the plan is to provide consistency in the manner in which deviations from appropriate behavior are addressed. The plans are to be submitted to the Superintendent.

- Plans are to be:
 - *Proactive*: Students are to be taught the critical social skills needed for success. Positive behavioral interventions and supports enable the school to set clear expectations for behavior, to acknowledge and reward appropriate behavior, and to implement a consistent continuum of consequences for challenging behavior.
 - *Comprehensive*: Positive behavioral interventions and supports are to be employed uniformly throughout the school, including non-instructional areas such as the cafeteria, hallways, and buses. School personnel are to be trained in positive behavioral interventions and supports, in data reporting, and receive support in implementation of the practices. School personnel are to be trained in areas of crisis intervention such as use of restraints and seclusion.
 - *Data driven*: The school is to rely on data for the development and modification of its positive behavioral interventions and supports approach. The data is to be tracked through office referrals as well as from classroom reports, school-based intervention teams, and crisis intervention documentation. Positive behavioral interventions and support teams are to use the data to design specific interventions to prevent challenging behaviors before they occur and to confirm the effectiveness of interventions.

- Plans are to ensure that parents of students enrolled in the school have comprehensive information regarding behavioral expectations within the school and the planned responses should the expectations not be met. Parents are to:
 - have ready access to the school plan, and
 - be informed how to provide input into the plan.

Response to Intervention

The plans are to provide for and the school is to have in place a multi-level approach to teaching students appropriate behaviors that provide progressively intense support for students according to need.

- Interventions shall be consistent with plans for creating and maintaining a positive school climate.
- Provide for small group direct instruction on a regular basis to those students who are experiencing difficulty understanding or abiding by the established standards of behavior. Supports should include such strategies as increased and targeted social skills training, increased monitoring and reinforcement systems, self-management techniques, and family mentoring and involvement programs.
- Provide a range of individualized interventions designed to address the specific behaviors continuing to cause the student difficulty. These may include counseling, more intense direct instruction, behavioral contracts, specific behavioral consequences, alternative educational programming, consideration for a referral for an evaluation for special education, and other strategies agreed upon with the parents. A functional behavioral assessment (FBA) and a behavior intervention plan (BIP) may be included and shall be required for students with disabilities when a manifestation determination is necessary.
 - The FBA must identify the triggers for the challenging behavior and what subsequent responses by staff or other students reinforce the continuation of the challenging behavior.
 - The BIP should be developed from a functional behavioral assessment and prescribe methods the staff will use to prevent, manage, replace, and monitor changes to the behavior. The BIP must be based on evidence-based practices and support the goal of making the challenging behavior irrelevant, ineffective and inefficient. The BIP must be implemented with integrity by staff trained to do so.

Crisis Management

Crisis management in the context of behavior management is defined as the methods used by school personnel to respond to imminent danger to the student, other students or staff. The two (2) most commonly used methods of crisis management are restraint (either physical or mechanical) or seclusion of the student.

● **Confinement.** Disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:

- A process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil's enrollment packet or admission form.
 - A process for written parental consent before confinement is allowed for any pupil in the School District. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.
- **Use of seclusion.** *Seclusion* for the purpose of the plan is the confinement of a student alone in any space from which the student is physically prevented from leaving.

Seclusion means the involuntary confinement of a student alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

~~Seclusion does not mean (a) time-out when it is used for a limited or specified time, as a behavior management technique during which the student is placed in an environment where access to positive reinforcement is unavailable and the student's movement is not physically restricted, and (b) student self-imposed voluntary isolation or time-out for the purpose of calming him/herself and the student is monitored by a staff member.~~

- The use of seclusion is to be used only in an emergency to protect persons from imminent, serious physical harm.
- Any area used for seclusion must be free of objects that could cause harm, must provide for adequate visual and audio supervision of the student, must provide adequate lighting and ventilation, and must not be locked.
- Any area used for seclusion must comply with the State Fire Code.

- School personnel must observe the student at all times during the seclusion period and reassess the child every thirty (30) minutes. When seclusion continues beyond the second assessment, an administrator or the administrator's designee must review and approve continued seclusion.
 - The student must be released from seclusion as soon as the student regains self-control.
 - If seclusion is necessary, parents and administrators must be notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was secluded, the location of the seclusion, and the person who observed the student during the seclusion must follow. When a student has been in seclusion for longer than one (1) hour, parent contact must be initiated immediately.
 - A debriefing with affected staff, parents, and, if appropriate, the student shall be conducted within forty-eight (48) hours. During the debriefing, a determination must be made regarding the need for a functional behavior assessment (FBA).
 - Each incident must be recorded in the student management system.
 - A student who has required crisis management by the school staff more than three (3) times in a semester must have a functional behavior assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) within a reasonable time following the third (3rd) incident.
 - The District and the school must have a strategy in place to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).
- ***Prohibited uses of seclusion:***
 - Seclusion is not to be used as punishment for violations of school rules, for repetitive behaviors, or because of teacher anger toward the student.
 - Seclusion is not to be harsh, severe, or out of proportion with the offense committed and the age and physical condition of the student.
 - Seclusion is not to be used to prohibit reasonable access for the care of the student's bodily needs.
 - Seclusion must not deny a free, appropriate public education to students with disabilities through excessive or extensive use.

- The use of seclusion is not to be limited, by policy or practice, to students with disabilities.
- ***Use of physical and mechanical restraints:*** Restraint means any method or device that immobilizes or reduces the ability of a student to move the student's torso, arms, legs or head freely, including physical force or mechanical devices.
~~For the purposes of this regulation physical restraint is defined as the application of physical force by one (1) or more individuals that prevents or significantly restricts a student's movement. Restraint is a last resort emergency safety intervention.~~

~~For the purposes of this regulation mechanical restraint is defined as the restriction of movement by devices such as straps, duct tape, cords, or garments.~~ Not to be included in this definition are:

Restraints used in schools for the purpose of providing support to students' orthopedic and assistive technology needs in order to permit them to learn and participate in school activities as identified in an individualized education program (IEP).

Restraints, such as weighted vests or blankets, identified by an IEP team as appropriate for a student to enhance participation in learning activities.

Vehicle safety restraints used in accordance with state and federal regulations.

Restraints employed by law enforcement officers in school settings that are used in accord with their policies and appropriate professional standards. *These instances are subject to the same reporting requirements by the school as restraints used by school personnel.*

- Physical restraint is to be a last resort emergency safety measure used only in an emergency situation when a student is imminently dangerous to him/herself or others. Instances where reasonable and appropriate restraint may be used include, but are not limited to:
 - ~~Breaking up a fight;~~
 - ~~Taking a weapon away from a student;~~
 - ~~Briefly holding a student to calm and comfort the student;~~
 - ~~Applying minimum contact necessary to physically escort a student from one area to another;~~
 - ~~Assisting a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration;~~

~~➤ Momentarily holding a student in order to prevent an impulsive behavior that threatens the student's safety, the safety of others, or the destruction of property.~~

- Personnel using the restraint must take extreme care to provide for the safety and comfort of the student during the restraint procedure.
- Personnel authorized to use restraints must have been extensively and repeatedly trained by personnel who have maintained approval by a training program to provide training in:
 - Alternatives to restraint (e.g., de-escalation strategies, and problem- solving techniques);
 - The proper use of the restraint; and
 - Safety precautions and procedures for continuous monitoring of a student by a third party during restraint.
- The student must be released from the restraint as soon as the student regains self- control.
- Parents and administrators must be notified as soon as possible within the same school day, followed by a written notice stating the circumstances that preceded the behavior, the behavior, the length of time the student was restrained, the location of the restraint and the person(s) who observed the student during the restraint.
- A debriefing with affected staff and parents and, if appropriate, the student must be conducted within forty-eight (48) hours. During the debriefing a determination will be made regarding the need for a functional behavioral assessment (FBA).
- An incident report of the event must be recorded in the student management system.
- A student who has required crisis management on the part of the school staff more than three (3) times in a semester must have a functional behavioral assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) developed within a reasonable time following the third (3rd) critical incident.
- The District and the school must have a strategy to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).

- ***Prohibited uses of physical and mechanical restraints:***
 - Physical and mechanical restraints, such as prone restraint, that places excess pressure on the chest or back or impedes the ability to breathe or communicate are prohibited.
 - The use of mechanical restraint by a staff member who has not been trained in the use of restraints is prohibited except when the case is one presenting extreme danger to the student or to others, and:
 - The restraint is not out of proportion to the danger, the age, and the physical condition of the student;
 - The restraint is not used to prohibit reasonable access for the care of the student's bodily needs.
 - Restraints that provide support to a student's orthopedic needs shall not be used as a means of punishment for noncompliant behaviors.
 - No policy or practice shall limit the use of restraints to students with disabilities.

- ***Training in uses of seclusion and restraint procedures:***
 - Personnel who use seclusion and restraints procedures must have training in conflict prevention, crisis de-escalation, possible effects of seclusion, and any local or state regulations regarding the seclusion space and its use.
 - The training of personnel must be recurrent with annual updates appropriate to the type of school setting, to the age and developmental level of students. The training must include information about commonly accepted standards for the use of seclusion and restraint in the school setting.
 - The training must include content and skill development on the use of positive, instructional, and preventive methods for addressing student behavior.
 - The training must include information about the effects of medications students may be receiving and how seclusion and restraint procedures might affect the physical wellbeing of the student during seclusion or restraint.

- The training must include multiple methods for monitoring a student's well-being during a restraint.
- The training must include certification in First Aid and cardiopulmonary resuscitation (CPR) in the event of an emergency during seclusion.
- The training must include the requirements for reporting to parents and administration.
- ***Corporal punishment.*** For the purposes of this regulation *corporal punishment* is defined as the deliberate infliction of pain intended to discipline or reform a person's bad attitude and/or behavior.
 - Corporal punishment is prohibited.