



AVOIDING DISCIPLINE PROBLEMS: POSITIVE BEHAVIOR SUPPORT AND LIMITATIONS ON THE USE OF RESTRAINTS

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

HOW CAN THE IEP TEAM ADDRESS BEHAVIORAL ISSUES MY CHILD IS HAVING?

If you think that your child's behaviors are harming her success at school, you should write to the principal and request an IEP Team meeting. At the IEP meeting, the Team should discuss the problems the child has at school and suggest changes that might help stop the behaviors. The IEP Team must ask two questions: (1) Do the child's behaviors hurt the child's ability to learn? and (2) Do the child's behaviors hurt other children's ability to learn? If the answer is "yes" to either question, you should request that your child receive a "**functional behavior assessment**" (FBA) (an evaluation of what things cause the misbehavior). The FBA should be used by the Team to write a Positive Behavior Support Plan (PBSP).

A PBSP should include techniques and interventions that are based on research and are the least intrusive possible for the child. You should make sure that the PBSP is part of your child's IEP and is based on positive measures designed to help, not punish, your child. The IEP Team should include goals and specially designed instruction in the child's IEP that reinforce positive behavior, such as positive verbal statements from school staff. The Team should not include

negative or aversive techniques, which are techniques that make the child have a negative association with the problem behavior.

If the behaviors do not improve, the IEP Team may need to meet again to change the PBSP and other provisions of the IEP to address the behavior. The use of restraints (discussed in more detail below) to control a child's behavior may be used only as a last resort and only after other less restrictive measures have been tried.

Hopefully, with a Functional Behavior Assessment and an appropriate Behavior Support Plan using positive behavioral techniques, the child's behavior will improve. If the school does decide to discipline the child, for example by suspending, expelling, or transferring the child to another school setting, there are special protections that apply to special education children and to some children who may have disabilities that have not yet been identified.

Tip: A Functional Behavior Assessment Worksheet can be found at <http://www.pattan.k12.pa.us/files/Behavior/FBA070808.pdf>. A sample Positive Behavior Support Plan can be found at <http://www.pattan.k12.pa.us/files/Behavior/PBSP070808.pdf>. If your child is having behavior problems in school, you should get copies of these documents and share them with your IEP Team. The Pennsylvania Training and Technical Assistance Network's website also has more information about behavior supports, including consultants who can help schools do FBAs. Go to www.pattan.k12.pa.us and under "Evidence-Based Practices," click on "Behavior."

DOES THE LAW LIMIT THE USE OF RESTRAINTS BY SCHOOLS?

Yes. The law limits the use of restraints by schools to control the behavior of children with disabilities. Restraints are the use of physical force to stop a child from freely moving. An example of a restraint is a teacher holding down a child. If a school employee provides hand-over-hand assistance to a child to eat or holds a child's hand to cross the road safely, this is not considered a restraint that is subject to restrictions under the law.

A school can use restraints to control a child's serious or frequent aggressive or self-injurious behavior only if:

- the child is a clear and present danger to himself or to others, and
- other less restrictive methods to control the behavior will not work.

If a school does use restraints under these circumstances, it must hold an IEP Team meeting within **10 school days** of the incident, unless the parent agrees in writing that no meeting is needed. At the meeting, the Team should consider whether the child needs a functional behavior assessment, a reevaluation, a new positive behavior support plan, or a change of placement.

In addition, schools must collect and report information on the use of restraints to control aggressive behavior to the Pennsylvania Department of Education. The Bureau of Special Education has developed a web-based system for tracking the use of restraints by schools, and the Bureau must review this data whenever it regularly monitors a district for its compliance with special education laws.

For some children, the use of restraints may be appropriate as part of the child's IEP, at least for some time period. The IEP Team may decide to include the use of restraints in a child's IEP if the restraints are used along with Positive Behavior Support and the child is taught skills to stop the problem behavior. Staff that will use the restraints must receive appropriate training. If restraints are part of a child's IEP, there must be a plan in place to eliminate the need for restraints in the future. Restraints cannot be part of a child's IEP for the convenience of school staff or as punishment of the child.

Schools may use mechanical restraints (such as seatbelts and safety harnesses) to control a child's involuntary movements, prevent a child from harming himself, or promote proper body positioning only if use of such restraints is:

- recommended by a qualified medical professional,
- included in the child's IEP, and
- agreed to by the parents.

The use of prone restraints, in which a child is held face down on the floor, cannot be used at school under any circumstances.

If you believe that a school has used restraints inappropriately or used restraints that were not included in your child's IEP, you should ask for an IEP Team meeting to discuss the matter. You can also file a complaint with the Bureau of Special Education if the school failed to follow any procedures in your child's IEP about the use of restraints. If the misuse or unauthorized use of restraints has injured your child, you may want to consult with a private attorney about how to proceed.

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Disability Rights Network of Pennsylvania (DRN), pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 101-496, and the P&A for Mentally Ill Individuals Act, P.L. 99-319. DRN is located at 1414 N. Cameron Street, Suite C, Harrisburg, PA 17103. Telephone: 800-692-7443 or 717-236-8110. Website: www.drnpa.org.

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