

Behavior problems sometimes are the result of a child's disability. When behavior caused by the disability results in the violation of school rules, school officials must use appropriate discipline.

When the IEP team determines that a student's behavior is likely to disrupt learning, it must be addressed in the IEP. Programs to manage or change behavior must be designed using positive approaches to help children correct or manage their behavior. Positive approaches include recognizing and rewarding appropriate behaviors so that they will replace those behaviors that are inappropriate. They do not include punishing, embarrassing, or isolating your child.

Discipline must not include use of restraints except in an emergency situation where there is a danger that the child will be harmed or will harm someone else. If restraints are used in those situations, the school must schedule an IEP team meeting within 10 school days of the incident to review the current IEP to make sure it is appropriate and is still effective. Mechanical restraints may be used only when specified by an IEP and as suggested by a qualified medical professional to control involuntary movement or lack of muscular control.

None of the following methods of punishment may be used with children:

- Corporal punishment (that is, bodily punishment)
- Punishment for behavior that is caused by the student's disability
- Locked rooms, locked boxes, or other locked structures or spaces from which the student cannot readily exit
- Noxious (that is, harmful) substances
- Withholding of basic rights, such as withholding meals, water, or fresh air
- Treatment of a demeaning nature (for example, making a student feel less important than other students)
- Electric shock
- Prone restraints when the student is held face down on the floor
- Suspension or removals from school for disciplinary reasons that form a pattern. (The following provides additional information with regard to those removals.)

There are special regulations in Pennsylvania for excluding children receiving special education services for disciplinary reasons. Before a student is excluded from school for more than 10 school days in a row or 15 total school days in any one school year for disciplinary reasons, the IEP team must meet. A Notice of Recommended Educational

Placement (NOREP)/Prior Written Notice form must be given to you and signed, because keeping a child out of school under these circumstances is considered a change in his/her educational placement. The exclusion of a child with an intellectual disability/mental retardation for **any** amount of time is considered a change in placement and requires all of the steps mentioned above. When a student is removed from school for more than 10 days in a year, but less than 15, these removals may be a change in placement, and if so require prior notice to the parents for approval. This determination is done on a case-by-case basis. Factors such as the length of time of each removal, the total amount of time the child is removed, and how close the removals are to one another are used to determine if the series of removals is a change in placement. If you do not agree with the change in placement on the NOREP, your child remains in the existing placement until due process is complete. School officials may seek a court order to exclude your child from school to “override” your disapproval.

If no behavioral plan is included in the IEP, a functional behavioral assessment (FBA) must be done and a behavioral plan developed. An FBA reviews the child’s behavior where the problems are occurring and helps to determine what is happening to trigger and reinforce the inappropriate behaviors. The IEP team then outlines steps to take to reduce problem behaviors and replace them with appropriate ones. If a plan already exists, it must be reviewed and, if necessary, changed.

In addition, a review must be conducted by the IEP team to decide if your child’s behavior was caused by or is a manifestation of your child’s disability. This review is called a “manifestation determination.” The team must decide if the conduct in question was caused by or had a direct relationship to your child’s disability; or if the conduct in question was the direct result of failure to implement your child’s IEP. Children with disabilities cannot be disciplined for behaviors that are related to, or are manifestations of, their disabilities. In school situations where your child was involved in possession of a weapon, possession or use of illegal drugs, the sale of a controlled substance, or serious bodily injury, the Individuals with Disabilities Education Act (IDEA 2004) allows school officials to change your child’s placement for no more than 45 school days, without your permission. In the new 45-day education placement (called an interim alter-native educational setting), your child must be able to receive the services in the IEP and continue to demonstrate progress in the general curriculum. The new placement must also offer services to manage your child’s behavior.