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Use of Restraint and Seclusion¹

Section 1. Statement of Purpose

1.1 It is the policy of this supervisory union that students not be subjected to inappropriate restraint or seclusion as defined by Vermont State Board of Education Rule 4500. It is the supervisory union's intent to create and maintain a positive and safe learning environment, and promote positive behavioral interventions and supports in supervisory union schools. This policy is further intended to assist in creating a common understanding within the supervisory union of appropriate interventions by supervisory union staff.

Section 2. Definitions. The following terms, as defined in State Board Rule 4500.3, shall apply to this policy.²

2.1 **Behavioral Intervention Plan** means a plan that details strategies to address behaviors that impede learning, or are ongoing, and do not readily respond to general intervention or classroom management techniques, by teaching pro-social skills and other positive replacement behaviors. The plan may include positive strategies, program or curricular modifications, and supplementary aids and supports required to address problem behaviors.

2.2 **Chemical Restraint** means a drug, medication or chemical used on a student to control behavior or restrict movement that is not:

- a. Prescribed by a student's licensed physician for the standard treatment of a student's medical or psychiatric condition; and
- b. Administered as prescribed by the licensed physician.

¹ This model policy supersedes former model policy F26 on Restrictive Behavioral Intervention. It is intended to assist districts in ensuring compliance with the provisions of State Board of Education Rule 4500 on Restraint & Seclusion, which were adopted by the State Board at its February, 2011 meeting and will be effective on August 15, 2011. The State Board Rules do not require adoption of a policy by individual school boards, however the VSBA recommends that boards consider adopting a policy, based on this model, that requires compliance with the Rule 4500 and establishes criteria for the development of administrative procedures to implement practices consistent with the Rule.

² Each of the terms defined in this model policy is defined in State Board Rule 4500.3. At the board's option, the policy could refer to the Rule as the source for definitions of terms used in the policy. Including the definitions in the body of the policy might provide greater assurance that school staff will apply the correct definitions when implementing the policy and rules.

2.3 Functional Behavioral Assessment means the analysis of a student's behavior patterns before, during, and after rule-breaking or other inappropriate behavior for the purpose of guiding the development of a behavioral intervention plan.

2.4 Mechanical Restraint means the use of any device or object that restricts a student's movement or limits a student's sensory or motor functions unless under the direction of a healthcare professional for medical or therapeutic purposes. The term does not include devices implemented by trained school personnel, or utilized by a student for the specific and approved therapeutic and safety purposes for which such devices were designed including:

- a. Restraints for medical immobilization,
- b. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment;
- c. Vehicle safety restraints including a seat belt or harness used for balance or safety on a car or bus; or
- d. Seat belts in wheelchairs or on toilets.

2.5 Parent means:

- a. A biological or adoptive parent of the child;
- b. A legal guardian of the child;
- c. A person acting in place of a biological or adoptive parent, including a grandparent, stepparent or other relative with whom the child lives, or a person legally responsible for the child's welfare;
- d. A foster parent or developmental home provider who has been appointed the educational surrogate parent by the Educational surrogate Parent Program; or
- e. An educational surrogate parent.

2.6 Physical Escort means the temporary touching or holding, without the use of force, of the hand, wrist, arm, or back of a student who is exhibiting minimal resistance for the purpose of directing movement from one place to another.

2.7 Physical Restraint means the use of physical force to prevent an imminent and substantial risk of bodily harm to the student or others. Physical restraint does not include:

- a. Momentary periods of physical restriction by direct person-to-person contact, accomplished with limited force and designed either
 - i. to prevent a student from completing an act that would result in potential physical harm to himself/herself or another person; or
 - ii. to remove a disruptive student who is unwilling to leave the area voluntarily;
- b. The minimum contact necessary to physically escort a student from one place to another;
- c. Hand-over-hand assistance with feeding or task completion; or
- d. Techniques prescribed by a qualified medical professional for reason of safety or for therapeutic or medical treatment.

2.8 Positive Behavioral Interventions and Supports means an approach to preventing and responding to targeted behavior that:

- a. Is based on evidence-based practices;
- b. Is proactive and instructional, rather than reactive;
- c. Can operate on individual, group, classroom, or school wide levels;
- d. Includes a system of continual data collection; and
- e. Relies on data-driven decisions.

2.9 Prone Physical Restraint means holding a student face down on his or her stomach using physical force for the purpose of controlling the student's movement.

2.10 School means a learning environment receiving public funds or over which the Vermont Department of Education has regulatory authority.

2.11 School Personnel means individuals working in schools as defined in 4500.3(10) who are employed by the school or who perform services for the school on a contractual basis, and school resource officers, while acting in that capacity.

2.12. Seclusion means the confinement of a student alone in a room or area from which the student is prevented or reasonably believes he or she will be prevented from leaving. Seclusion does not include time-out where a student is not left alone and is under adult supervision.

2.13 Substantial Risk means an imminent threat of bodily harm where there is an ability to enact such harm. Substantial risk shall exist only if all other less restrictive alternatives to defuse the situation have been exhausted or failed or the level of risk prohibits exhausting other means.

2.14 Supine Physical Restraint means holding a student on his or her back using physical force for the purpose of controlling the student's movement.

2.15 Student means a student enrolled in a school as defined in paragraph 2.10.

Section 3. Policy

3.1 The superintendent or his or her designee shall develop administrative procedures to ensure supervisory union compliance with the requirements of Vermont State Board of Education Rule 4500. The administrative procedures shall include at least the components in 3.2 through 3.10.

3.2 Prohibitions against the imposition on students of mechanical or chemical restraints by school personnel and contract service providers.³

3.3 Prohibitions against the imposition on students of physical restraint in circumstances designated as impermissible by State Board of Education rules.⁴

³ See Vermont State Board of Education Manual of Rules and Practices Rule 4501.1.

3.4 Restrictions on the use of physical restraint and seclusion to circumstances allowed by State Board of Education rules, including provisions that allow the inclusion of restraint or seclusion as part of a student's individual safety plan only when that plan meets the conditions set forth in State Board of Education rules, and provisions that require the termination of restraint or seclusion, and the monitoring of students subjected to restraint or seclusion, as established by State Board of Education rules.⁵

3.5 Procedures to ensure that only school personnel or contract service providers who are trained in the use of restraint and seclusion are authorized to impose restraint or seclusion unless, due to the unforeseeable nature of the danger of a particular circumstance, trained personnel are not immediately available.⁶

3.6 Processes to ensure that impositions of restraint or seclusion are reported to school administrators, parents, superintendents and the Commissioner of the Vermont Department of Education under circumstances and within the time limitations required by State Board of Education rules.⁷

3.7 Processes to ensure that each school in the supervisory union maintains written records of each use of restraint and seclusion in accordance with the requirements of State Board of Education rules.⁸

3.8 Procedures to ensure that each school in the supervisory union implements follow-up procedures that are consistent with the requirements of State Board of Education rules.⁹

3.9 Annual notification procedures to ensure that each school in the supervisory union informs school personnel and parents of students enrolled in the school of the policies and procedures pertaining to the use of physical restraint and seclusion, and the intent of the school to emphasize the use of positive behavioral interventions as well as supports and its intention to avoid the use of physical restraint or seclusion to address targeted student behavior.¹⁰

3.10 Processes for the filing, investigation and resolution of complaints by school personnel or parents regarding the use of restraint or seclusion, including the designation of school officials who are authorized to receive complaints. The procedures for resolving complaints shall require that any complaint regarding the use of restraint or seclusion is investigated and written findings are issued within thirty (30) days of the complaint's receipt. If a complaint regarding the use of

⁴ See SBE Rule 4501.2.

⁵ See SBE Rule 4502.

⁶ See SBE Rules 4502.3 and 4502.4.

⁷ See SBE Rule 4503.

⁸ See SBE Rule 4504.

⁹ See SBE Rule 4505.

¹⁰ See SBE Rule 4506.

restraint or seclusion is unresolved at the school building level, it shall be directed to the superintendent in accordance with the supervisory union's complaint processes.¹¹

Section 4. Implementation

The superintendent shall ensure that appropriate staff are provided training by programs recommended by the Vermont Department of Education unless he or she submits a plan to the Commissioner of Education demonstrating how a training program not recommended by the Department of Education contains the elements required of recommended programs and meets the purposes of the State Board of Education rules on restraint and seclusion.¹²

The superintendent shall report annually to the Board on the implementation of the administrative procedures required by this policy, and shall include in his or her report recommendations for changes, if any, to related school supervisory union policies or procedures.¹³

¹¹ See SBE Rule 4507

¹² See SBE Rule 4509, 4510.

¹³ 16 V.S.A. 563 authorizes, but does not require, boards to approve administrative rules and regulations. Likewise, the provision for annual reports from the superintendent in this model policy is not required by state law.