



**KENTUCKY DEPARTMENT OF EDUCATION
FREQUENTLY ASKED QUESTIONS
REGARDING THE IMPLEMENTATION OF**

704 KAR 7:160

***Use of Physical Restraint and
Seclusion in Public Schools***



July 26, 2013

Version II

Frequently Asked Questions Regarding Implementation of [704 KAR 7:160, Use of Physical Restraint and Seclusion](#)

Question: What is included in the web-based training developed by the Kentucky Department of Education (KDE)?

Answer: The KDE, in partnership with Kentucky Educational Television (KET), has developed a web-based option for the training required of all school personnel pursuant to Section 6(1) of 704 KAR 7:160. The training focuses on positive behavioral supports and interventions to help school personnel increase appropriate student behaviors, decrease inappropriate or dangerous student behaviors, and respond to unsafe situations.

The training includes information about the benefits of positive behavioral interventions and supports, creating school-wide support systems, managing behavior to promote student success, and implementing de-escalation strategies. There is video footage from Kentucky schools that are effectively implementing positive behavioral intervention and support systems; endorsements for the use of school-wide positive behavior systems by leaders in the behavior field, administrators and other school personnel; and video examples of evidence-based practices to assist with implementation. The training also includes brief and focused engagement activities.

Question: How do I access the web-based training developed by KDE?

Answer: *Promoting Positive Behavior in Schools* may be found at www.ket.pbslearningmedia.org. Users must either *Sign up for FREE* or *Login with your PBS account*. For assistance on enrolling and navigating through the course, download the [User's Guide](#) or watch the video tutorials on [How to Enroll](#) and [Navigating the Course](#).

For questions regarding the web-based training, please contact the following	
Training Content	Technical Questions
Gretta Hylton Exceptional Children Consultant Division of Learning Services Gretta.Hylton@education.ky.gov (502) 564-4970	Brett Smith Professional Development Division Kentucky Educational Television pd@ket.org 800-432-0951

Question: How long will it take school personnel to complete the KDE web-based training?

Answer: The training covers a broad range of information; yet is as concise as possible. The training covers all components required by Section 6 (1) and consists of four (4) online modules that may be completed within four (4) hours.

Question: Are districts required to use the KDE web-based training?

Answer: No. The KDE web-based training is not required. However, by using the free KDE web-based training, districts can be sure they have fully satisfied the training requirement contained in Section 6(1).

Question: Should school personnel complete the web-based training individually, in groups, or as a whole school?

Answer: The decision about how to deliver the training required by Section 6(1) of 704 KAR 7:160 will be made at the district level. The expectation is that each district will manage and maintain documentation showing that all school personnel have completed training.

Question: What documentation will show that the training has been completed?

Answer: After completion of all four modules, the participant is awarded a certificate of completion. The certificate is tied to the user's login credentials, and will print with the participant's name on it. For training conducted in the group setting, a sign-in sheet may suffice as documentation of completion.

Question: How will school personnel receive a certificate of completion if the training is completed in a group setting?

Answer: If the district prefers each individual have a certificate of completion, KET has created a spreadsheet that administrators fill in with each person's information such as name, school, and email address. The district administrator may send KET the spreadsheet plus a copy of their sign-in sheet, and KET will batch certificates and send them to the participant via email or mail (depending on the size of the file). The spreadsheet and sign-in sheets may be sent to pd@ket.org.

Question: Will the required training for all school personnel be counted as professional learning?

Answer: The training may be counted as professional learning as part of the four day professional development (PD) requirement, contained in KRS [156.095](#). If it is not included in that offering, it still must occur prior to the start of the school year.

Question: Will there be additional funds to help pay for the required annual training of school personnel?

Answer: No, but districts may use their state PD funds. This means the district can incorporate the training into their annual PD activities.

Question: Who should receive the training required by 704 KAR 7:160 Section 6(1)?

Answer: 704 KAR 7:160, *Use of Physical Restraint in Public Schools*, requires that all school personnel be trained annually to use an array of positive behavioral supports and interventions to increase appropriate student behaviors, decrease inappropriate or dangerous student behavior and respond to dangerous behavior. The regulation defines school personnel as “teachers, principals, administrators, counselors, social workers, psychologists, paraprofessionals, nurses, librarians, school resource officers, sworn law enforcement officers, and other support staff who is employed in a school or who perform services in the school on a contractual basis.”

KDE has received feedback from a number of districts requesting clarification on the requirement that “all school personnel” be trained and whether the requirement extends to district central office staff. KDE’s position is that anyone performing a function that would typically be performed by school employees is included as “school personnel” and must be provided the required training. **This means personnel working in the school setting on a regular basis.**

For example, if the district determines an employee does not work in the school setting on a regular basis, the district may decide the employee does not need to be provided the required training. On the other hand, there may be district staff whose work station is at the district central office location, but who *is* regularly in the school setting. In this case, the individual should be included in the training.

Question: What training requirements apply to referees, ball game volunteers, or trip chaperones?

Answer: Referees, volunteers and trip chaperones are not employed by the school and are not performing services on a contractual basis or on a regular basis in the school; therefore, they are not required to complete the training.

Question: What training requirements apply to student teachers?

Answer: Student teachers perform duties that are typically performed by school employees and they work in the school on a regular basis; therefore, they must be trained.

It is imperative that university field experience supervisors and cooperating teachers in the district ensure that all student teachers have completed the required training necessary in fulfilling the requirements of this regulation prior to their placement in a P-12 classroom. The Education Professional Standards Board (EPSB) has advised that educator preparation programs are responsible for maintaining records to demonstrate this requirement has been met by every student teacher.

Question: I have heard that the regulation will not permit teachers to break up fights between students.

Answer: This is not true. Breaking up a fight is not the same as restraining a student. As defined in the regulation, when a student is physically restrained, the student is immobilized. Breaking up a fight does not necessarily require the physical restraint of a student. Typically, when teachers or other school personnel break up a fight or pull apart students who are fighting, they are using a less restrictive form of physical contact than “physical restraint.”

Under the regulation, school personnel are able to deal with unexpected emergencies while gaining skills to prevent minor student behaviors from escalating into dangerous ones. Most importantly, the regulation permits any school personnel to restrain (immobilize) a student to prevent physical injury to self or others, if there is no one close by who is formally trained in safely restraining or secluding the student.

School personnel implementing any physical restraint must be appropriately trained as required by Section 6 (3), except to the extent necessary to prevent physical harm to self or others in clearly unavoidable emergency circumstances where other school personnel intervene and summon trained school personnel as soon as possible.

Question: What, if any specialized training is required for the use of seclusion?

Answer: Seclusion may only be implemented in a public school or educational program if school personnel implementing the seclusion are appropriately trained to use seclusion. Module 4 of *Promoting Positive Behavior in Schools* contains the limitations on the use of seclusion, the guidelines for the setting for seclusion, and the warning signs of distress.

Question: What KDE staff person should be notified in the event of death or injuries during physical restraint or seclusion?

Answer: The Office of Guiding Support Services (OGSS) should be notified in this event. The OGSS may be reached at (502) 564-4474.

Question: What are the specific debriefing requirements when a School Resource Officer (SRO) or sworn law enforcement officer restrains or secludes a student during?

Answer: Unless the SRO or sworn law enforcement offer is acting in his or her role as “school personnel”, the debriefing requirement of the regulation does not apply.

Question: Does the KDE web-based training also include the additional training requirements, contained in Section 6(3), for core team members?

Answer: No.

Question: Is the annual training that is required by Section 6(1) also required of core team members?

Answer: Yes.

Question: Must the annual training be completed prior to the start of the school year?

Answer: Yes.