

MANOR ISD SPECIAL EDUCATION

Operating Guidelines: Restraint of Students with Disabilities

I. What's Required/Purpose

Manor ISD will ensure that behavior management techniques or discipline management practices for students with disabilities will be implemented in such a way as to protect the health and safety of the student and others. Manor ISD will follow the state's specific requirements and procedures when the use of physical restraint or time-out for a student with a disability is necessary.

State regulations are intended to ensure that all students are treated with dignity and respect, as well as educated in a safe environment. Any behavior management technique and/or discipline management practice used in Manor ISD must be implemented in such a way as to protect the health and safety of the child and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the child of basic human necessities.

Manor ISD will also ensure that all instances where restraint or containment is necessary for a student with a disability are documented on the Manor ISD *Written Summary of Restraint Use* form in eSped, which automatically generates necessary PEIMS records. Parents* of students with disabilities/adult students and campus administrators will be notified in writing within 24 hours of any instance of use of containment or restraint.

II. Each campus will designate a Campus De-escalation/Restraint Team comprised of general education and special education staff members. Teams will be trained on the Texas Behavior Support Initiative and Crisis Prevention Institute (CPI) and will receive bi-annual refresher training. Campus teams will use the CPI approach in deescalating students who exhibit behaviors that present a danger to themselves and others. For purposes of this Operating Procedure, the following definitions are applicable:

- **Restraint** means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the child's body. Restraint must:
 - Be limited to the use of such reasonable force as is necessary to address the emergency;
 - Be discontinued at the point at which the emergency no longer exists;
 - Be implemented in such a way as to protect the health and safety of the child and others; and
 - Not deprive the child of basic human necessities.
- **Confinement** means the child with a disability, who receives special education services, must not be confined in a locked box, locked closet, or other specially-designed locked space as either a discipline management practice or a behavior management technique. This does not prevent the child's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if the child possesses a weapon and the confinement is necessary to prevent the child from causing bodily harm to the child or another person.
- **Emergency** means a situation in which the child's behavior poses a threat of imminent, serious a) physical harm to the child or others or b) property destruction.

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Exclusions to Restraint Definition:

Restraint **does not** include the use of:

- Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- Limited physical contact with the child to promote safety (e.g., holding the child's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, or provide comfort;
- Limited physical contact or appropriately prescribed adaptive equipment to prevent the child from engaging in ongoing, repetitive self-injurious behaviors; or
- Seat belts and other safety equipment used to secure children during transportation.

**For purposes of this Operating Procedure, “parent” is defined as: The biological or adoptive parent of a child; A foster parent of a child who meets the requirements set forth in rule; A guardian (but not the state if the child is a ward of the state); An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, An individual who is legally responsible for the child's welfare; or An individual assigned to be a surrogate parent*

II. How Compliance Is Monitored

- Regular and frequent review of documentation of restraint/containment, including notice to parents, review of Manor ISD *Written Summary of Restraint Use* forms, and review of *PEIMS Record 435—Special Education Child Restraint—Student*
- Monitoring of staff CPI and TBSI training records

III. Manor ISD Procedures: How It’s Done

The process in Manor ISD for ensuring that the use of restraint or containment for a student with a disability follows state requirements and is documented appropriately is as follows:

Action	Person(s) Responsible	Timeline
<u>Campus De-escalation/Restraint Team Designation and Training</u> 1. Each campus designates a Campus De-escalation/Restraint Team that includes the following positions: a. Campus Administrator b. Counselor	Campus Principal	At the beginning of the school year and at any time that a change in membership of the Campus De-escalation/Restraint Team is needed

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Action	Person(s) Responsible	Timeline
c. Bi-annual refresher training is provided for each Campus De-escalation/ Restraint Team, Special Education Teacher, and Special Education Aide	CPI Trainer secured by Special Education Department (3c)	Annually at the beginning of the school year starting in July (3c)
4. Any campus personnel who are called upon to use containment in an emergency and who have not received prior training must receive training within 30 school days following the use of containment		
a. Campus principals will e-mail the Special Education Department and the Director of Special Education to request training for necessary campus personnel	Campus Principals (4a)	Within 24 hours following the use of containment (4a)
b. The Special Education Department will schedule CPI training	Special Education Department (4b)	Within 30 school days following the use of containment (4b)
<u>Use of Containment and Documentation of Use</u>		
5. In the event that a student with a disability engages in behavior that constitutes an emergency under the definition above, the containment must be implemented according to the procedures addressed in CPI training	Campus De-escalation/ Restraint Team Member, SpEd Teacher, SpEd Aide	At the time that containment is required in an emergency
6. After the containment incident is over and the student has de-escalated, the SpEd Teacher or campus administrator, with input from the person applying the containment, must:	SpEd Teacher or campus administrator with input from the person applying containment	
a. Have the student and staff members involved in the restraint visit the school nurse		Immediately following use of containment (6a-6d)
b. Complete the Manor ISD <i>Screen: Restraint Documentation</i> forms, located in eSped (click "Add Restraint" tab to access <i>Written Summary of Restraint Use</i> form)		

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Action	Person(s) Responsible	Timeline
i. Follow directions on the <i>Restraint Notification Procedures for Special Education Students</i> checklist and eSped screenshots, including the Parent Contact Log and Restraint Documentation form ii. Check off and initial each step on the checklist iii. In completing the restraint form: • Use factual language (state only the facts) • Avoid potentially inflammatory descriptors c. Seek assistance from the SpEd Assessment Coordinator in completing the restraint form as needed d. All persons applying the containment must sign the form e. Immediately verbally notify Campus Principal and the SpEd Director of the containment and present the completed form to the Campus Principal for review and further action f. Share information about the incident only with those who have a “legitimate educational interest”		On the same day that the containment occurs (6e) On the same day and after the containment occurs (6f)
7. The Campus Principal, staff administering restraint, and staff member who will make contact with parent/adult student: a. carefully review the containment form for accuracy and	Campus Principal, Staff administering restraint, Staff member who will contact parent/adult student	On the same day the containment occurs

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b. ensure that all information is included before Campus Principal signs the document and returns it to the SpEd Teacher		
8. The Campus Principal, with input from the person applying the containment, notifies the parent/adult student of the use of containment a. Notify the parent/adult student verbally on the day of use of containment b. Written notification must be provided to the parent/adult student within one day of use of containment (mail or hand-delivered) i. Written notification must include a copy of the completed restraint form and the accompanying <i>Restraint: Cover Letter</i> entitled <i>Written Summary of Restraint Use</i>, available in eSped ii. The campus administrator (not teachers or other staff) should sign the cover letter iii. Three copies of the signed documents should be made and disseminated to: a) Parent/adult student (mailed or hand-delivered) b) Campus administrator c) Student's campus case folder	Campus Principal with input from the person applying the containment	On the same day the containment occurs (8a) Within one day of use of containment (8b)

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c. The original restraint documentation should be sent to the SpEd Department PEIMS Specialist i. The SpEd Director will verify that the person applying the restraint has had CPI training during the current school year ii. If the person has not had CPI training or has not been trained during the current school year, follow the procedures in Step 4		
9. The <i>Written Summary of Restraint Use</i> form is archived in eSped by the SpEd Teacher with input from the person applying the containment	SpEd Teacher with input from the person applying the containment	Within 24 hours of use of containment

IV. Resources and Attachments, Legal Requirements

A. Resources

- Manor ISD *Restraint Notification Procedures for Special Education Students* checklist and eSped screenshots
- Manor ISD *Written Summary of Restraint Use* form in eSped
- Manor ISD *Restraint: Cover Letter* to parents in eSped
- TEA PEIMS Data Standards
http://tea.texas.gov/Reports_and_Data/Data_Submission/PEIMS/PEIMS_Data_Standards/PEIMS_Data_Standards/
 - 435 Record—Student Restraint
- ESC Region 2 Texas Behavior Support Initiative
<https://behavior.esc2.net/content/tbsi>
 - Resources on building capacity in Texas schools for the provision of Positive Behavioral Interventions and Supports (PBIS) to all students
- Manor ISD Board Policies on discipline and restraint

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- EHBA Legal
- FNCG Legal
- FO (Legal) and FO (Local) on Student Code of Conduct
- FOF (Legal) on Student Discipline/Students with Disabilities

B. Legal Requirements

Federal Regulations	Texas Administrative Code (TAC)
N/A—There are no federal regulations related to restraint	§89.1053. Procedures for Use of Restraint and Time-Out. (a) Requirement to implement. In addition to the requirements of 34 Code of Federal Regulations (CFR), §300.324(a)(2)(i), school districts and charter schools must implement the provisions of this section regarding the use of restraint and time-out. In accordance with the provisions of Texas Education Code (TEC), §37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), it is the policy of the state to treat with dignity and respect all students, including students with disabilities who receive special education services under TEC, Chapter 29, Subchapter A. (b) Definitions. (1) Emergency means a situation in which a student's behavior poses a threat of: (A) imminent, serious physical harm to the student or others; or (B) imminent, serious property destruction. (2) Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body. (3) Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting: (A) that is not locked; and (B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object. (c) Use of restraint. A school employee, volunteer, or independent contractor may use restraint only in an emergency as defined in subsection (b) of this section and with the following limitations. (1) Restraint must be limited to the use of such reasonable force as is necessary to address the emergency. (2) Restraint must be discontinued at the point at which the emergency no longer exists. (3) Restraint must be implemented in such a way as to protect the health and safety of the student and others. (4) Restraint must not deprive the student of basic human necessities.

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Federal Regulations	Texas Administrative Code (TAC)
	(d) Training on use of restraint. Training for school employees, volunteers, or independent contractors must be provided according to the following requirements. (1) A core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint. (2) Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint. (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint. (4) All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint. (e) Documentation and notification on use of restraint. In a case in which restraint is used, school employees, volunteers, or independent contractors must implement the following documentation requirements. (1) On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint. (2) On the day restraint is utilized, a good faith effort must be made to verbally notify the parent(s) regarding the use of restraint. (3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint. (4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the admission, review, and dismissal (ARD) committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a behavioral intervention plan (BIP). (5) Written notification to the parent(s) and documentation to the student's special education eligibility folder must include the following: (A) name of the student; (B) name of the staff member(s) administering the restraint; (C) date of the restraint and the time the restraint began and ended; (D) location of the restraint; (E) nature of the restraint; (F) a description of the activity in which the student was engaged immediately preceding the use of restraint; (G) the behavior that prompted the restraint; (H) the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and (I) information documenting parent contact and notification.

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	(f) Clarification regarding restraint. The provisions adopted under this section do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced in subsection (b)(2) of this section does not include: (1) physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning; (2) limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort; (3) limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the individualized education program (IEP) as required by 34 CFR, §300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or (4) seat belts and other safety equipment used to secure students during transportation. (g) Use of time-out. A school employee, volunteer, or independent contractor may use time-out in accordance with subsection (b)(3) of this section with the following limitations. (1) Physical force or threat of physical force must not be used to place a student in time-out. (2) Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior. (3) Use of time-out must not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP. (h) Training on use of time-out. Training for school employees, volunteers, or independent contractors must be provided according to the following requirements. (1) General or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out. (2) Newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out. (3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the

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	student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP. (4) All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out. (i) Documentation on use of time-out. Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use. (j) Student safety. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. (k) Data reporting. With the exception of actions covered by subsection (f) of this section, data regarding the use of restraint must be electronically reported to the Texas Education Agency (TEA) in accordance with reporting standards specified by the TEA. (l) Peace officers. The provisions adopted under this section apply to a peace officer only if the peace officer is employed or commissioned by the school district or provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the school district and a local law enforcement agency, except that the data reporting requirements in subsection (k) of this section apply to the use of restraint by any peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. (m) The provisions adopted under this section do not apply to: (1) juvenile probation, detention, or corrections personnel; or (2) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.