Restraint or Seclusion

Restraint and seclusion shall be implemented in a nondiscriminatory manner. Interventions authorized by this policy may be applied to any student enrolled in the Bismarck Public Schools so long as such interventions are implemented in compliance with this policy.

Definitions

For the purposes of this policy:

- *Dangerous behavior* is violent, disturbed, or depressed behavior which may **immediately** result, or has resulted, in harm to that person or other persons or behavior that has or may immediately result in extensive or extreme damage to property.

- *Chemical restraint* is medication used to control behavior or restrict freedom of movement that is not a standard treatment for the student's medical or psychological condition.

- *Mechanical restraint* is any device or object used to restrict or limit a student's body movement or any normal function of any portion of his/her body to prevent or manage dangerous behavior. Mechanical restraints are prohibited in Bismarck Public Schools. Mechanical restraints do not include devices used by trained school personnel or by a student him/herself for approved therapeutic or safety purposes for which devices were designed and, if applicable, prescribed.

- *Physical escort* is the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe or alternate location. This definition excludes physical prompts or physical escorts that are deemed developmentally or age appropriate by the school team.

- *Physical restraint* is the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to deescalate dangerous behavior or used as part of a parent-approved plan such as, but not limited to, a behavioral intervention plan (BIP), Individualized Education Program (IEP), or 504 Plan. This definition excludes physical prompts and physically escorting a student so long as the physical prompt/escort does not render a student immobile.

- *Behavioral intervention strategies* shall not be construed to mean a name-brand method of identifying and assessing students potentially in need of a behavioral intervention plan. Under this policy, *Behavioral intervention strategies* is defined as methods used to identify students who exhibited past incidents of dangerous behavior or exhibit the potential likelihood to engage in such behavior. Each

school shall determine the appropriate scope and method of conducting a needs assessment for implementation of behavioral intervention strategies under this policy and should document completion of this assessment.

- *Seclusion* is placing a student in a room or limited space alone to deescalate dangerous behavior or as part of a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. This definition excludes disciplinary sanctions designed to penalize students by separating them from the student population (such as, but not limited to, detention and in-school suspension), and alternative placement (which is often used to separate the student from the student population for safety reasons).

- *Timeout* is a behavior intervention strategy that occurs when the ability of a student to receive normal reinforcement in the environment is restricted. Timeout may be inclusionary (where the student remains in sight and sound of others in the classroom) or exclusionary (where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving). Timeouts are not a form of seclusion.

Behavioral Intervention Strategies

To minimize the need for physical restraint or seclusion to respond to dangerous behavior, the District shall use positive behavioral intervention strategies to the extent possible. To implement behavioral intervention strategies the District should at least take the following steps:

1. Identify students in need of behavioral intervention strategies because of past incident(s) of dangerous behavior or the potential to engage in such behavior in the future; and

2. Train staff on identifying the need for behavioral intervention strategies and on implementing these interventions once established; and

3. Develop a behavioral intervention plan (BIP) for identified students. This plan should at least identify antecedents that cause the student to engage in dangerous behavior, include procedures for diminishing or removing such environmental factors, list interventions that will be used to maintain appropriate behavior and respond to inappropriate behavior, and contain an overview of self-regulating techniques on which the student will be trained; and

4. Involve parents in the development of the BIP and receive their consent on the document. In the case of students with mental or physical disabilities, behavior intervention strategies, if necessary, should be addressed in the IEP or 504 Plan.

Prohibitions

The Bismarck Public School District prohibits district employees, contractors, volunteers, and other individuals serving or working in any capacity for the District (hereafter district staff) from

use of any form of restraint and/or seclusion on students except when the following conditions are met and then only in compliance with this policy: An emergency means the use of physical restraint or seclusion to control violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or to control behavior that has or may immediately result in extreme or extensive damage to property. Restraint or seclusion may also be used when authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.

The District further prohibits district staff from the following:

1. Using restraint and seclusion interventions simultaneously except when necessary, temporary measure (e.g., to evacuate a classroom, restrain a secluded student who is exhibiting self-destructive behavior).

2. Using restraint or seclusion to discipline a student.

3. Using restraint or seclusion as a behavioral intervention when:
   a. Behavior does not pose an immediate risk of harm or has not resulted in harm to the student or others,
   b. Behavior does not pose an immediate risk of extensive or extreme damage to property,
   c. Or when not authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.

4. Using mechanical restraints.

5. Using chemical restraints.

6. Using a physical restraint or seclusion technique that restricts breathing or ability to communicate (e.g., requiring a student to lie down or covering a child's face).

7. Using a restraint or seclusion technique that will knowingly cause harm to a child. An exception to this provision may be warranted if a district staff member is attempting to obtain possession of a weapon or other dangerous object within the control of a student, is attempting to stop a physical altercation between the student and another individual, or is acting in self-defense and inadvertently causes harm to the student in the process. Administration shall investigate anytime a student was harmed during restraint or seclusion to determine the appropriateness of the intervention technique under the circumstances.

8. Using physical restraint or seclusion for longer than when the dangerous behavior has subsided or longer than prescribed by the parent-approved plan.

Determining Appropriate Interventions when Need for Physical Restraint or Seclusion is Foreseeable

When the District identifies a foreseeable need for physical restraint or seclusion, it shall determine the appropriate physical restraint or seclusion intervention based on at least the following criteria:

1. Behavior at issue.

2. Age of the child.

3. Whether a proposed intervention would violate restraint or seclusion interventions prohibited by policy. Such interventions shall not be used.

4. The child's needs.

5. Terms of the child's BIP, IEP, and/or 504 Plan.

6. Whether staff have received appropriate training in the intervention proposed.

7. Number of staff needed to administer the intervention. At a minimum, two staff members should be on hand when physical restraint or seclusion is used—one to witness implementation of interventions.

8. Whether a staff member will be available to continually monitor a student who is restrained or placed in seclusion. The District requires continuous monitoring of a student placed in seclusion.

9. If seclusion is the recommended intervention, whether the school has a seclusion area free from any objects that the child could use to harm him/herself. If the District does not have such a room or area, alternative interventions must be used.

10. Whether the proposed interventions have been reviewed and approved by a qualified licensed or education specialist such as, but not limited to, a therapist, an individual certified in special education, or psychologist. The District recommends receiving this approval to ensure that proposed physical restraint or seclusion intervention does not substantially depart from accepted professional judgment, practice, or standards.

11. A review of physical restraint or seclusion interventions used to respond to the child in the past. Any interventions that were ineffective should be modified using the above criteria.

12. Whether parents have authorized the proposed physical restraint or seclusion intervention. Such authorization is required and should be documented in a BIP, IEP, or 504 Plan.

Determining Appropriate Interventions when Need for Physical Restraint or Seclusion is Unforeseeable

When a student engages in unforeseen dangerous behavior (i.e., dangerous behavior not covered by the BIP, IEP, or 504 Plan), trained staff members shall implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy, should respond in at least a team of two, should consider the age of the child and his/her needs when determining the appropriate intervention method, and shall take necessary measures to ensure the safety of the student including continuously monitoring a student placed in restraint or seclusion. Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy.

Student engagement in unforeseen dangerous behavior shall be reviewed by a team convened by the building principal to review the circumstances surrounding the incident and determine the need for a BIP, IEP, or 504 Plan.

Staff Training

The District shall provide training to appropriate staff in physical restraint and seclusion and shall provide a copy of this policy to all district staff via the District's website. Only trained staff members should implement physical restraint or seclusion interventions.

If a trained staff member is unavailable in situation necessitating use of restraint or seclusion as defined by this policy, the untrained staff member should contact a trained staff member to seek assistance. If the urgency of the situation prohibits contacting a trained staff member for assistance, the untrained staff member shall implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy and in the BIP/IEP/504 Plan (if the staff member is aware of the contents of such plan, if such plan exists). Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy. The building principal shall ensure that the staff member is debriefed after the incident and arrange for the staff member to receive training on physical restraint and seclusion if deemed appropriate.

Documentation, Notification, and Re-Evaluation

Whenever any student is placed in seclusion or is restrained, the intervening staff member shall contact the building principal or designee as soon as practical. The building principal or designee shall determine if the seclusion or restraint is necessary and compliant with this policy; determine the appropriate duration of the physical restraint or seclusion, not to exceed the length of the school day; and shall at least issue his/her decision in writing.

Anytime restraint or seclusion is used, the school staff member administering the intervention should document it using the district's restraint or seclusion reporting form and submit it to administration as soon as practical. An administrator or designee shall attempt to contact the student's parent as soon as practical to inform him/her of the restraint or seclusion intervention used. If parents cannot be reached, the administrator should document a description of his/her notification attempts.

This notification requirement may only be waived if the parent agreed in writing to this waiver in the student's BIP, IEP, or 504 Plan and if the restraint or seclusion intervention used was part of the student's BIP, IEP, or 504 Plan.

School administration shall monitor the number and content of restraint and seclusion reporting forms received. If restraint or seclusion is repeatedly used, used multiple times within the same classroom, or used multiple times by the same individual, the District shall review the student's BIP/504 Plan/IEP to determine the effectiveness of current intervention strategies and shall assess any implicated staff member's need for more training.

Policy Violations

District staff who violate this policy may be subject to disciplinary action up to and including termination in accordance with law, district policy, and, if applicable, the negotiated agreement.

Policy Adoption and Review

The District should seek input of district parents prior to adoption of this policy and should form a committee to review this policy and implementation of restraint and seclusion interventions at least annually. As part of the policy review, the committee should examine the following:

1. Frequency of use of restraint or seclusion.

2. Outcomes of restraint or seclusion interventions.

3. Demographics of students subject to restraint or seclusion, programs/settings in which such interventions are used, and frequency of each staff member's use of these interventions to determine if policy is applied consistently.

4. Whether use of restraint or seclusion is reported accurately and consistently.

5. Whether data collected on restraint and seclusion are used to plan behavioral intervention strategies and staff development

6. Whether policy continues to protect students and staff.

7. Whether policy is still aligned with any applicable law.

Complementary Documents

- FCC-E, Restraint or Seclusion Reporting Form
- FFK, Suspension and Expulsion
- FFK-AR, Suspension and Expulsion Administrative Rule

End of Bismarck Public School District Administrative Policy FCC Adopted: 9/24/2019