

## **FCC: Restraints or Seclusion Policy**

Restraints and seclusion shall be implemented in a nondiscriminatory manner and in compliance with this policy on any student identified as exhibiting dangerous behavior as defined below:

### **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.
- ✓ **Mechanical restraint** is any device or object used to restrict or limit a student's body movement or any normal function or any portion of his/her body to prevent or manage dangerous behavior. Mechanical restraints are prohibited in the Divide County Schools.
- ✓ **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 or restraint.
- ✓ **Seclusion** is placing a student in a room or limited space alone except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. Seclusion does not include timeouts.
- ✓ **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.

### **Positive Behavior Interventions & Strategies (PBIS)**

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

1. Conduct a school-wide identification and assessment of students in need of PBIS.
2. Train staff on identifying the need for PBIS and on implementing these interventions once established.
3. Develop a behavioral intervention plan (BIP) for identified students. This plan should at least identify environmental triggers 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.

4. Involve parents in the development of the BIP and receive their consent on the document. In the case of mentally or physically disabled students, behavior intervention strategies should be addressed in the Individual Education Program (IEP) or 504 Plan.

### **Prohibitions**

The Divide County 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 situation necessitates 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.

### **The District further prohibits district staff from the following:**

1. Using restraints and seclusion interventions simultaneously
2. Using restraint or seclusion to discipline a student.
3. Using restraint or seclusion as behavioral intervention when behavior does not pose an immediate risk of harm or has not resulted in harm to the student or others.
4. Using mechanical restraints
5. Using drugs or medication to control a child
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 threat to the student or others has passed.

### **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. If behavior does not pose an immediate risk of harm or has not resulted in harm to the student or others, physical restraint or seclusion must not be used.
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 staffs 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 seclusion area free from any objects that the child could use to harm him/herself. If the school 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 specialist such as a therapist or psychologist. The District recommends receiving this approval to ensure that proposed physical restraint or seclusion intervention does not substantially depart from accepted professional judgement, 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.

Students engaging in unforeseen dangerous behavior shall be assessed to determine the need for BIP, IEP, or 504 Plan.

### **Staff Training**

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

If a trained staff member is unavailable in an emergency situation in which a student is engaging in dangerous behavior, 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, or 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 Superintendent 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, & 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 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, IEP, or 504 Plan to determine the effectiveness of current intervention strategies and shall assess any implicated staff member's need for more training.

### **Policy Violation**

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 & Review**

The Board 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/setting 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 PBIS and staff development
6. Whether policy continues to protect students and staff. Whether policy is still aligned with any applicable law.

**Divide County  
School District**

**POLICY ADOPTED: 12/11/2012  
POLICY REAFFIRMED:  
POLICY AMENDED:**