

## EDUCATION OF STUDENTS WITH EXCEPTIONALITIES

The St. Mary Parish School Board shall make available a free appropriate public education in the least restrictive educational environment to each student with an exceptionality, ages three through twenty-one, who is a resident of the geographical boundaries of the school district. Special education and related services may be provided by the School Board to eligible children with exceptionalities under three years of age. Generally, identified children shall be screened and evaluated to determine eligibility to receive special education and related services. If it is determined through the evaluation process that a child has a disability and, by reason thereof, needs special education and related services, then the child is classified in accordance with Louisiana's *Pupil Appraisal Handbook*, Bulletin 1508, and becomes eligible to receive special education services. All special education services shall be provided to eligible students with exceptionalities in accordance with the regulations outlined in *Regulations for the Implementation of the Exceptional Children's Act*, Bulletin 1706 and all other applicable federal and state regulations.

The School Board shall establish and maintain policies and procedures in accordance with federal and state laws and regulations to ensure that students with exceptionalities and their parents are provided the necessary procedural safeguards with respect to the provision of free appropriate public education by the School Board.

### NOTIFICATION OF INDIVIDUAL RIGHTS

Each school shall provide parents, legal guardians, or tutors of students with exceptionalities written information regarding legal procedures affecting the transfer of individual rights from parent, legal guardian, or tutor to child when the child attains the age of majority, including but not limited to supported decision making, power of attorney, continuing or permanent tutorship, and limited and full interdiction. The document shall inform parents, legal guardians, or tutors and how each option relates to such transfer of rights.

At the child's first Individualized Education Program (IEP) meeting of the school year, the document shall be provided to a parent, legal guardian, or tutor of each child who is fourteen, fifteen, sixteen, or seventeen years old who participates in alternate assessment pursuant to La. Rev. Stat. Ann. §17:24.4(F)(3) or an alternate pathway to promotion pursuant to La. Rev. Stat. Ann. §17:24.4(H). Parents, legal guardians, or tutors shall be provided a form by which to confirm receipt of the information.

### SECLUSION AND RESTRAINT

The School Board recognizes that, in order for students to receive a free appropriate public education, a safe learning environment needs to be provided. In doing so, the

School Board also recognizes that there are circumstances in school under which reasonable and appropriate measures and techniques will need to be employed in dealing with students with exceptionalities who pose an imminent risk of harm to self or others.

The School Board fully supports the use of positive behavior interventions and support when addressing student behavior. The School Board reserves its right, however, to use physical restraint and/or seclusion consistent with state law to address the behavior of a student with an exceptionality when school personnel reasonably believe the behavior poses an imminent risk of harm to the student or others. The School Board shall not preclude the use of physical restraint and/or seclusion performed consistent with the requirements of a student's *Individualized Education Program* (IEP) or behavior intervention/management plan.

The provisions regarding seclusion and restraint shall not be applicable to a student who has been deemed to be gifted or talented under Bulletin 1508, unless the student has been identified as also having a disability under Bulletin 1508.

### Definitions

*Crisis intervention* means the implementation of an action plan for school personnel to implement when a student exhibits disruptive behaviors that prevent him from participating in classroom or daily activities. Crisis intervention may include the following:

The use of positive behavioral supports and sensory rooms or other calming spaces intentionally designed to help comfort and stabilize a student so that he may return to the classroom or daily activities.

In extraordinary circumstances, the use of seclusion and physical restraint as a means to safely de-escalate a situation in which a student poses a risk of imminent risk of harm to self or others.

Information about a school's use of crisis intervention, including the proper use of seclusion and physical restraint, shall be included in a school's student handbook and made available to the parent and legal guardian of each student with an *Individualized Education Program* or *Behavioral Intervention Plan*.

*Imminent risk of harm* shall mean an immediate and impending threat of a person causing substantial physical injury to self or others.

*Seclusion* shall mean a procedure that isolates and confines a student in a designated separate room or area until he or she is no longer an imminent risk of harm to self or others. Seclusion shall be used only as a last resort when de-escalation and other positive behavioral support attempts have failed and the student continues to pose an imminent risk of harm to self or others. Seclusion shall not be used as a routine school safety, discipline, or intervention measure or to address behaviors such as general non-compliance, self-stimulation, academic refusal, and other behaviors that, while disruptive to a classroom setting or other daily school activities, do not present an imminent risk of harm to self or others. School employees shall respond to such behaviors with less

strenuous and less restrictive techniques, such as those included in a school's or student's crisis intervention plan or a student's Individualized Education Program or Behavioral Intervention Plan.

*Seclusion room* means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a safe, secure and supervised setting and from which the student is involuntarily prevented from leaving until he/she is no longer at risk of imminent harm to self or others. A seclusion room shall:

- Be free of any object that poses a danger to the student placed in the room.
- Have an observation window and be of a size that is appropriate for the student's size, behavior, and chronological and developmental age.
- Have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

*Sensory room* means a room or space that is used for the monitored separation of a student in an unlocked setting in which school personnel may use positive behavioral interventions and support to help to calm or stabilize a student's disruptive behavior. A sensory room may also be referred to as a "calming room", "calming space", "comfort room", "comfort space", "sensory space", "timeout room", or "timeout space". The appropriate use of sensory rooms shall not be considered seclusion, which shall only be used for the limited purpose of responding to a student posing an imminent risk of harm to self or others.

*Mechanical restraint* means the application of any device or object used to limit a person's movement. Mechanical restraint does *not* include: (1) A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider; and (2) Any device used by a duly licensed law enforcement officer in the execution of his/her official duties.

*Physical restraint* means the use of manual restraint techniques that involve physical force applied to restrict the movement of all or part of a person's body. Physical restraint does *not* include:

1. Consensual, solicited, or unintentional contact.
2. Momentary blocking of a student's action if the student's action is likely to

result in harm to the student or other person.

3. A school employee holding a student for less than three consecutive minutes within any given hour for the protection of the student or others.
4. A school employee holding a student for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted.
5. Minimal physical contact for the purpose of safely escorting a student from one area to another.
6. Minimal physical contact for the purpose of assisting the student in completing a task or response.

*Positive behavioral interventions and support* means a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

*School employee* means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

*School health designee* means a school employee designated to assess the use of seclusion and physical restraint in the event that a school nurse is not present on a school campus at the time such measure is used.

*Written guidelines and procedures* means the written guidelines and procedures adopted by the School Board regarding appropriate responses to student behavior which may require immediate intervention.

### Documentation and Notification

Each principal or his/her designee shall notify each parent or legal guardian of a student enrolled at the school with an Individualized Education Program of the prohibition of the use of seclusion and physical restraint if the student has a condition who is known to have any medical or psychological condition that precludes such action, as certified by a pediatrician, neurologist, or mental health provider in a written statement provided to the school in which the student is enrolled. Such notification shall be made annually and be incorporated into the student's Individualized Education Program meeting

A school nurse or school health designee shall visit the student as soon as possible, but no later than the end of the same school day, to look for and document any signs of injury or distress.

The school employee who secluded or physically restrained the student shall notify the

school principal as soon as practicable but no later than one hour following the release of the student, or the end of the same school day, whichever comes first.

The principal or his designee shall electronically notify the director or supervisor of special education as soon as practicable but no later than one hour following the release of the student, or the end of the same school day, whichever comes first.

The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified by phone as soon as is practicable but no later than the end of the same school day. The student's parent or other legal guardian shall also be notified in writing of each incident of seclusion or physical restraint. The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

A school employee who secluded or physically restrained a student shall document and report the incident in accordance with School Board policies. The employee shall submit such report to the school principal by the end of the next school day following the incident. The principal or his designee shall submit the report to the parent by the end of the next school day following receipt of the report. At a minimum, the incident report shall include the following:

1. The name, age, grade, gender, race, and disability of the student secluded or restrained.
2. The date, time, location, and duration of the seclusion or physical restraint.
3. The name and title of each school employee involved and who was a witness.
4. A description of the events requiring the use of seclusion or physical restraint, including a description of the procedures and types of restraint used, any actions taken in an attempt to de-escalate the situation, and the student's behavior that suggest the student posed an imminent risk of harm to self or others.
5. A description of any student injuries, visible marks, or medical emergencies that occurred during or after the seclusion or physical restraint.
6. A description of the actions taken immediately following the student's release from seclusion or physical restraint, including actions to notify the student's parent or legal guardian.
7. A description of the student's actions immediately following the student's release from seclusion or restraint.

All instances where seclusion or physical restraint is used to address student behavior

of students with disabilities under Bulletin 1508 shall be reported, in accordance with the Louisiana Board of Elementary and Secondary Education (BESE) policy, by the School Board to the LDE.

### Guidelines and Procedures

The School Board shall adopt written guidelines and procedures governing the proper use of crisis intervention plans, including the use of positive behavioral interventions and support, sensory rooms, seclusion, and physical restraint, and how these strategies differ; all seclusion and physical restraint safety, reporting, and notification requirements, including follow-up procedures; an explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint; and an explanation of how school employees may utilize and be trained in a crisis intervention training program.

The written guidelines and procedures shall be provided to all school employees and every parent or legal guardian of a student with an exceptionality and shall be posted on the School Board's website at the beginning of each school year. The School Board shall annually submit its adopted guidelines and procedures and other required information to the Louisiana Department of Education and its local special education advisory council (SEAC) and shall report, in accordance with BESE policy, all instances of the use of seclusion or physical restraint to address student behavior.

### Follow-Up

Following any situation resulting in the use of seclusion or physical restraint of a student, a *Functional Behavioral Assessment* (FBA) should be considered. If a student subject to the use of seclusion or physical restraint is involved in three (3) such incidents in the school year, the student's *Individualized Education Program* (IEP) team shall review and revise the student's Behavior Intervention Plan (BIP), including any crisis intervention plans, to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates, requiring repeated use of seclusion or physical restraint, the special education director or supervisor or his/her designee shall review the student's plans at least once every three (3) weeks.

### Employee Training Requirements

The Superintendent or his/her designee shall be responsible for conducting or obtaining appropriate training programs for school personnel designed to address the use of seclusion and restraint techniques with students with disabilities. In addition, positive behavioral intervention strategies, crisis intervention, and de-escalation, as well as other procedures, may also be included in any training.

## Charter Schools

Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with State law, including its approved charter and the school's officers and employees, shall be subject to the School Board's policy and written procedures and guidelines regarding the use of seclusion and restraint with students with exceptionalities.

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Ref: 20 USC 1400 et seq. (*Individuals with Disabilities Education Act*); 34 CFR 300 (*Assistance to States for the Education of Children with Disabilities*); La. Rev. Stat. Ann. § § 17:7, 17:416.21, 17:1941, 17:1942, 17:1943, 17:1944, 17:1945, 17:1946, 17:1947; *Pupil Appraisal Handbook*, Bulletin 1508; *Regulations for the Implementation of the Exceptional Children's Act*, Bulletin 1706, Louisiana Department of Education; Board minutes, 5-28-92, 12-15-11, 9-26-13, 11-17-16, 10-28-21, 11-21-24, 12-11-25.