po5630.01

POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION

5630.01 - **POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION**

The Board of Education is committed to implementation of Positive Behavior Intervention and Supports (PBIS) framework on a District-wide basis and the establishment of a school environment focused on the care, safety, and welfare of all students and staff members. Staff are directed to work to prevent the use of physical restraint and/or seclusion. The PBIS framework shall serve as the foundation for the creation of a learning environment that promotes the use of evidence-based academic and behavioral practices aimed at enhancing academic, social and behavioral outcomes for all students. An emphasis shall be placed on promoting positive interventions and solutions to potential crises. If a student's behavior, however, presents a threat of immediate physical harm to the student or others, staff may, as a last resort (i.e., there is no other safe and effective intervention available) and in accordance with the terms of this policy, use approved physical restraint or seclusion to maintain a safe environment.

All physical restraint and seclusion shall only be done in accordance with this policy, which is based on the standards adopted by the State Board of Education regarding the use of student restraint and seclusion.

Training in methods of PBIS and the use of physical restraint and seclusion will be provided to all professional staff and support staff determined appropriate by the Superintendent. Training will be in accordance with the State's Standards. Absent an emergency, only school staff who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Every use of restraint and seclusion shall be documented and reported in accordance with this policy.

The Board shall annually notify parents of this policy, which will be published on the District’s website.

DEFINITIONS

Aversive behavioral interventions mean interventions that are intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful, and/or intrusive stimuli, including any form of noxious, painful, or intrusive spray, inhalant, or taste, or other sensory stimuli such as climate control, lighting, and sound.

Behavioral Intervention Plan ("BIP") means a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills and by providing positive behavior intervention and supports and services to address behavior.

Chemical restraint means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

A. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition; and

B. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio law.

De-escalation techniques are interventions that are used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent and disruptive incidents.

Functional behavior assessment (FBA) is a school-based process for students with disabilities and students without disabilities that includes the student's parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment. Consent from the parent and, as appropriate, the child (eighteen (18) years of age or older), must be obtained at the initial Functional Behavior Assessment.

Mechanical restraint means any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, by using an appliance or device manufactured for this purpose. Mechanical restraint does *not* mean a device used by trained Student Personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which the device was designed and, if applicable, prescribed, including:

A. restraints for medical immobilization;

B. adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

C. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent means:

A. a biological or adoptive parent;

B. a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State);

C. an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

D. a surrogate parent who has been appointed in accordance with Ohio Administrative Code 3301-51-05(E); or

E. any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of the child.

Physical escort means 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 location.

Physical restraint means the use of physical contact that immobilizes or reduces the ability of a student to move the student's arms, legs, body, or head freely. Physical restraint does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes to:

A. break up a fight;

B. knock a weapon away from a student's possession;

C. calm or comfort;

D. assist a student in completing a task/response if the student does not resist the contact; or

E. prevent imminent risk of injury to the student or others.

Positive Behavior Intervention and Supports (PBIS) means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes, and increasing learning for all students. PBIS includes a decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students. PBIS encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

PBIS Leadership Team means the assigned team at the District and building level that plans, coaches and monitors PBIS implementation in the District and buildings. The PBIS Leadership Teams may include, but is not limited to, school administrators, teacher representatives across grade level and programs, staff able to provide behavioral expertise, and other representatives identified by the District or school such as bus drivers, food service staff, custodial staff, and paraprofessionals.

Prone restraint means physical or mechanical restraint while the student is in the face-down position.

Seclusion means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.

Student means an individual enrolled in the District.

Student Personnel means teachers, principals, counselors, social workers, school resource officers, teachers' aides, psychologists, bus drivers, related service providers, nursing staff, or other District staff who interact directly with students.

Timeout means a behavioral intervention in which the student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS FRAMEWORK

The District will implement PBIS on a system-wide basis in accordance with R.C. 3319.46 and A.C. 3301-35-15. The District's PBIS framework involves comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms. The administration is encouraged to use data-based decision making to select, monitor, and evaluate outcomes, practices, and systems. The PBIS framework further involves a school-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction. Evidence-based practices along a multi-tiered continuum of supports will be used. The District's PBIS framework will further focus on improving staff climate and culture regarding the role of discipline in the classroom, by using positive and proactive communication and staff recognition. Finally, classroom practices shall be linked to and aligned with the school-wide system so progress monitoring can occur with fidelity and target outcomes. The PBIS framework will strive to enable accurate and sustainable implementation of practices.

As part of its implementation of the PBIS framework, the District will provide Student Personnel with appropriate professional development, engage in explicit instruction of school-wide behavior expectation, employ consistent systems of acknowledging and correcting behavior, create teaching environments designed to eliminate behavior triggers, and promote family and community involvement.

The PBIS framework shall apply to all students and staff, and in all settings. It shall include:

A. school staff trained to identify conditions such as where, under what circumstances, with whom, and why specific behaviors occur;

B. functional behavior assessments that include:

    1. review of existing data;

    2. interviews with parents, family members, and students; and

    3. examination of previous and existing behavior intervention plans.

C. development and implementation of positive behavior interventions and supports, and the teaching of appropriate behavior, including:

    1. modification of environmental factors that escalate inappropriate behavior;

2. supporting the attainment of appropriate behavior; and

3. use of de-escalation techniques to defuse potentially violent dangerous behavior.

PROFESSIONAL DEVELOPMENT FOR IMPLEMENTATION OF PBIS

In order to successfully implement the PBIS framework on a District-wide basis, the Board shall provide or Student Personnel shall receive professional development as follows:

A. the professional development will occur at least every three (3) years;

B. the professional development must be provided by a building or District PBIS Leadership Team or an appropriate State, regional, or national source in collaboration with the building or District PBIS Leadership Team;

C. the trained PBIS Leadership team will provide the professional development in accordance with the District-developed PBIS training plan, which the Superintendent will develop;

D. the Superintendent shall retain records of completion of the professional development; and

E. the professional development will include the following topics:

1. an overview of PBIS;

2. the process for teaching behavioral expectations;

3. data collection;

4. implementation of PBIS with fidelity;

5. consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors; and

6. consistency in discipline and discipline referrals.

F. the training will be appropriately modified for the intended audience.

The Superintendent is charged with arranging for continuous training structures to be in place to provide ongoing coaching and implementation with fidelity.

SECLUSION

Seclusion may be used only when a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available. Seclusion may be used only as a last resort to provide the student with an opportunity to regain control of the student's actions. Seclusion must be used in a manner that is age and developmentally appropriate, for the minimum amount of time necessary for the purpose of protecting the student and/or others from physical harm, and otherwise in compliance with this policy and the Ohio Department of Education's (ODE) model policy.

Seclusion shall be implemented only by Student Personnel who are trained to protect the care, welfare, dignity, and safety of the student, including trained to detect indications of physical or mental distress that require removal and/or immediate medical assistance. Student Personnel must document their observations of the student during the seclusion.

Additional requirements for the use of seclusion:

If Student Personnel use seclusion, they must:

A. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control ( ) as quickly as possible;

C. remove the student from seclusion when the immediate risk of physical harm to the student and/or others has dissipated;

D. assess the student for injury or psychological distress after the use of seclusion, and monitor the student as needed following the incident;

E. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and

F. complete all required reports and document their observations of the student;

G. ensure safety of other students and protect the dignity and respect of the student involved;

H. combine the use of seclusion with other non-physical interventions (which are always preferred) that will diminish the need for seclusion in the future;

I. if at any point the staff assess that the intervention is insufficient to maintain safety of all involved, contact emergency personnel;

J. use seclusion for the least amount of time necessary.

Requirements for a room or area used for seclusion:

A room or area used for seclusion must provide for adequate space, lighting, ventilation, and clear visibility in order to allow Student Personnel to observe the student.

A room or area used for seclusion *must not be locked* or otherwise prevent the student from exiting the area should staff become incapacitated or leave the area.

Additional prohibited seclusion practices:

Seclusion shall not be used:

A. for the convenience of staff;

B. as a substitute for an educational program;

C. as a form of discipline or punishment;

D. as a substitute for other less restrictive means of assisting a student in regaining control;

E. as a substitute for inadequate staffing;

F. as a substitute for staff training in positive behavior intervention and supports framework and crisis management; or

G. as a means to coerce, retaliate, or in a manner that endangers a student.

Seclusion of preschool-age children is prohibited, except that a preschool-age child may be separated from classmates, either in the classroom or in a safe, lighted, and well-

ventilated space, for an amount of time that is brief in duration and appropriate to the child's age and development, if the child is always within sight and hearing of a preschool staff member.

PHYSICAL RESTRAINT

Prone restraint, including any physical restraint that obstructs the airway of the student, or any physical restraint that impacts a student's primary mode of communication, is prohibited. Student Personnel may use physical restraint only as a last resort and in accordance with this policy and the requirements of A.C. 3301-35-15.

Physical restraint may be used only when the student's behavior poses an immediate risk of physical harm to the student and/or others and no other safe or effective intervention is available. The physical restraint must be implemented in a manner that is age and developmentally appropriate, does not obstruct the student's ability to breathe, does not interfere with the student's ability to communicate in the student's primary language or mode of communication, and otherwise in compliance with this policy and the ODE's corresponding model policy.

Only Student Personnel trained in safe restraint techniques may implement physical restraint, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available. Student Personnel must be trained to protect the care, welfare, dignity, and safety of the student.

Additional requirements for the use of physical restraint:

If Student Personnel use physical restraint, they must:

A. continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;

C. remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has dissipated;

D. assess the student for injury or psychological distress after the use of physical restraint, and monitor the student as needed following the incident;

E. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;

and

F. complete all required reports and document their observations of the student;

G. implement in a manner that accommodates age and body size diversity;

H. ensure safety of other students and protect the dignity and safety of the student involved;

I. combine with other non-physical interventions (which are always preferred) that will diminish the need for physical intervention in the future;

J. use the least amount of force necessary for the least amount of time necessary;

K. if at any point the staff assesses that the intervention is insufficient to maintain safety for all involved, contact emergency personnel.

Physical restraint shall not be used for punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control.

Prohibited Practices

The following practices are prohibited under all circumstances, including emergency safety situations:

A. prone restraint;

B. any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:

1. involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;

2. uses pressure point, pain compliance, or joint manipulation techniques;

3. otherwise involves techniques that are used to unnecessarily cause pain;

4. causes loss of consciousness or harm to the neck or restricting respiration in any way;

5. involves dragging or lifting of the student by the hair or ear or any type of mechanical restraint;

6. uses other students or untrained staff to assist with the hold or restraint;

7. involves securing a student to another student or fixed object;

C. corporal punishment as defined in R.C. 3319.41;

D. child endangerment as defined in R.C. 2919.22;

E. deprivation of basic needs;

F. seclusion or restraint of preschool-age students in violation of A.C. 3301-37-10(D) and A.C. 3301-35-15;

G. mechanical restraint;

H. chemical restraint;

I. aversive behavioral interventions; and

J. seclusion in a locked room or area.

CONTACT LAW ENFORCEMENT AND/OR EMERGENCY RESPONSE PERSONNEL

In accordance with the Board's Emergency Management Plan (see Policy 8400), District personnel shall contact law enforcement and/or appropriate emergency response personnel if at any point they determine that an intervention (either a physical restraint or seclusion) is insufficient to maintain the safety of all involved.

MULTIPLE INCIDENTS OF RESTRAINT AND/OR SECLUSION – CONDUCTING A FUNCTIONAL BEHAVIORAL ASSESSMENT AND DEVELOPING A BEHAVIOR INTERVENTION PLAN

After a student's third incident of physical restraint or seclusion in a school year, a meeting must occur within ten (10) school days of the third incident as follows:

A. For a student who has been found eligible for special education services or has a 504 plan, the student's individualized education program or 504 team must meet to consider the need to conduct or develop a FBA or BIP, or amend an existing FBA or BIP.

B. For all other students (i.e., students not described in the preceding paragraph), a team, consisting of the student's parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members must meet to discuss the need to conduct or review a FBA and/or develop a BIP.

C. Nothing in this section is meant to prevent the completion of a FBA or BIP for any student who might benefit from these measures, but has fewer than three (3) incidents of restraint or seclusion.

D. Nothing in this section is meant to prevent the District from conducting any evaluations or other obligations the staff feel are appropriate under the Individuals with Disabilities Education Improvement Act.

TRAINING AND PROFESSIONAL DEVELOPMENT FOR USE OF CRISIS MANAGEMENT AND DE-ESCALATION TECHNIQUES

The District shall provide training and professional development for the use of crisis management and de-escalation techniques that includes the use of restraint and seclusion. Specifically, the District shall annually train an appropriate number of personnel in each building in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. At a minimum, the training will cover the following topics:

A. proactive measures to prevent the use of seclusion or restraint;

B. crisis management;

C. documentation and communication about the restraint or seclusion with appropriate parties;

D. the safe use of restraint and seclusion;

E. instruction and accommodation for age and body size diversity;

F. directions for monitoring signs of distress during and following physical control; and

G. debriefing practices and procedures.

The training will occur face-to-face and allow for a simulated experience of administering and receiving physical restraint so that participants can demonstrate

proficiency in the topics identified above.

The Superintendent is charged with maintaining written or electronic documentation concerning the training provided that includes the following:

A. the name, position, and building assignment of each person who has completed training;

B. the name, position, and credentials of each person who has provided the training;

C. when the training was completed; and

D. what protocols, techniques, and materials were included in training.

As part of the required training, Student Personnel shall be trained to perform the following functions:

A. identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and

B. use preventative assessments that include at least the following:

1. a review of existing data;

2. input from parents, family members, and students; and

3. examination of previous and existing behavior intervention plans.

Only individuals trained in accordance with this policy in the appropriate use of restraint and seclusion may use those techniques.

MONITORING AND COMPLAINT PROCEDURES

The Superintendent shall monitor the implementation of A.C. 3301-35-15 and this policy, and annually conduct a review of A.C. 3301-35-15 and this policy related to the use of PBIS, physical restraint, and seclusion. Additionally, the administration will annually notify parents of the District's policy and procedures related to the requirements of PBIS, physical restraint, and seclusion, including the following complaint process.

Any parent of a child enrolled in school in the District may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent shall investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint. The Superintendent will make reasonable efforts to have an in-person follow-up meeting with the parent.

If the parent is not satisfied with the response provided, the parent may request to meet with the Board in executive session to address the situation.

A parent may also file a complaint with local law enforcement, the county department of job and family services, or the office of integrated student supports within the Ohio Department of Education. The procedures and timeline for filing a complaint with the Ohio Department of Education are outlined in A.C. 3301-35-15(L).

REQUIREMENTS FOLLOWING AN INCIDENT OF SECLUSION OR PHYSICAL RESTRAINT

Each use of physical restraint or seclusion shall be:

A. reported to the building administration immediately;

B. reported to the parent immediately; and

C. documented in a written report (see Ohio Department of Education's Model Restraint and Seclusion Debriefing Form).

A copy of the written report shall be issued to the student's parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. The District shall maintain the written report, including placing a copy of the written report in the student's file.

All written documentation of the use of restraint or seclusion are educational records pursuant to the Family Educational Right to Privacy Act (FERPA), and District personnel are prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with FERPA's requirements.

The Superintendent shall develop a process for the collection of data regarding the use of physical restraint and seclusion.

The administration shall develop a support plan for substitute teachers if they need assistance with PBIS or crisis management and de-escalation (including restraint and seclusion).

The Superintendent shall report information regarding the District's use of restraint and seclusion annually to the Ohio Department of Education in the form and manner prescribed by the Department as requested by that agency and make the District's records concerning PBIS, restraint and seclusion available to the staff of the Ohio Department of Education upon request.

* Adapted from the Ohio Department of Education's Positive Behavior Intervention and Supports and Restraint and Seclusion Model Policy and Procedures, issued July 2021.

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