Sec. 1. BEHAVIOR MANAGEMENT TECHNIQUES

It is the Academy of Accelerated Learning, Inc. (AAL) policy to treat all students with dignity and respect, including students with disabilities who receive special education services. 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.

Tex. Educ. Code § 37.0021(a); 19 Tex. Admin. Code § 89.1053(a), (j).

Exceptions. Texas Education Code 37.0021 (regarding use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided by Texas Education Code § 37.0021(i); and
2. Juvenile probation, detention, or corrections personnel; or
3. An educational services provider with whom a student is placed by a judicial authority unless the services are provided in a AAL educational program.

Tex. Educ. Code § 37.0021(g).

Sec. 2. CONFINEMENT

A student with a disability who receives special education services may 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.

Tex. Educ. Code § 37.0021(a).

Texas Education Code § 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Texas Education Code § 37.007(a)(1).

Tex. Educ. Code §§ 37.0021(f), 37.007(a)(1); Tex. Penal Code § 46.01(1), (3), (6), 46.05.

Sec. 3. SECLUSION

An AAL employee or volunteer or an independent contractor of AAL may not place a student in seclusion. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

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1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Tex. Educ. Code § 37.0021(b)(2), (c).

Sec. 4. RESTRAINT

An AAL employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 Tex. Admin. Code § 89.1053(c).

a) *Definitions*

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

Tex. Educ. Code § 37.0021(b)(1); 19 Tex. Admin. Code § 89.1053(b)(2).

"Restraint" does not include the use of:

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

19 Tex. Admin. Code § 89.1053(f).

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 Tex. Admin. Code § 89.1053(b)(1).

b) *Training*

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Training for AAL employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth in 19 Texas Administration Code § 89.1053(d).

c) *Data Reporting*

Cumulative data regarding the use of restraint must be electronically reported through the Public Education Information Management System in accordance with reporting standards specified by the Texas Education Agency.

Tex. Educ. Code § 37.0021(i); 19 Tex. Admin. Code § 89.1053(f),(k).

d) *Documentation*

In a case in which restraint is used by AAL employees, volunteers, or independent contractors, AAL shall comply with the documentation requirements set forth in 19 Texas Administration Code § 89.1053(e).

Sec. 5. TIME-OUT

A AAL employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out;
2. Time-out must only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's individualized education program ("IEP") and/or behavior intervention plan ("BIP") if it is utilized on a recurrent basis to increase or decrease targeted behavior; and
3. Use of time-out shall 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.

19 Tex. Admin. Code § 89.1053(b)(3), (g).

"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:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

Tex. Educ. Code § 37.0021(b)(3); 19 Tex. Admin. Code § 89.1053(b)(3).

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a) *Training*

Training for AAL employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth in 19 Texas Administration Code § 89.1053(h).

b) *Documentation*

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.

19 Tex. Admin. Code § 89.1053(i).

Sec. 6. PROHIBITED AVERSIVE TECHNIQUES

AAL and employees, volunteers, and independent contractors of AAL may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied to a child.

Tex. Educ. Code § 37.0023(b).

"Aversive technique" means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that:

1. is designed to or likely to cause physical pain, other than an intervention or technique permitted under Section 37.0011;
2. notwithstanding Section 37.0011, is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;
3. involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;
4. denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility;
5. ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;
6. employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;
7. impairs the student's breathing, including any procedure that involves:
    a. applying pressure to the student's torso or neck; or
    b. obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;

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8. restricts the student's circulation;
9. secures the student to a stationary object while the student is in a sitting or standing position;
10. inhibits, reduces, or hinders the student's ability to communicate;
11. involves the use of a chemical restraint;
12. constitutes a use of time-out that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or
13. except as provided by Section 37.0023 (c), deprives the student of the use of one or more of the student's senses.

Tex. Educ. Code § 37.0023(a).

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