[See POLICY ALERT Nos. 192, 215 and 216]

[THIS REGULATION IS ONLY REQUIRED IF THE BOARD ALLOWS THE USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES FOR STUDENTS WITH DISABILITIES IN ACCORDANCE WITH POLICY 5561.]

R 5561 USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES FOR STUDENTS WITH DISABILITIES

A. Definitions

"Mechanical Restraint" means the use of any device or equipment to restrict a student's freedom of movement, but does not include devices implemented by trained school personnel, or utilized by a student that has been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed such as:

- **Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;**
- **Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;**
- **Restraints for medical mobilization; or**
- **Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.**

"Physical restraint" means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

"Seclusion technique" means the involuntary confinement of a student

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alone in a room or area from which the student is physically prevented from leaving**,** but does not include a timeout.

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"Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of calming.

B. Physical Restraint

A school district, an educational services commission, or an approved private school for students with disabilities (APSSD) that utilizes physical restraint on students with disabilities shall ensure that:

1. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

2. A student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;

3. Staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the Board to be qualified to provide such training, and that the training is updated at least annually;

4. The parent of a student **shall be** ~~is~~ immediately notified when physical restraint is used on the student. This notification may be by telephone or electronic communication. **In addition, a** ~~A full~~ **post-incident** written **notification** report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident**.**

   a. The post-incident written notification report shall include, but not be limited to, details regarding the nature of the behavior that precipitated the use of the restraint; the staff involved; and recommendations for follow-up activities including, if appropriate, revisions to the student's individualized education plan (IEP) or administration of a functional assessment.



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b. The post-incident written notification report shall be maintained in a manner consistent with State and Federal regulations regarding the confidentiality of student records, while also serving as a mechanism for gathering data which allows the IEP team to make informed decisions regarding the student's needs.

5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan **(BIP)** at the next **IEP** meeting.

a. Each incident that requires the use of restraint shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.

b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.



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c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's **BIPs** developed by the **IEP** team.

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C. Seclusion

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on students with disabilities shall ensure that:

1. A seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities; and

3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the BIP at the next IEP meeting.

a. Each incident that requires the use of a seclusion technique shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.

b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.

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c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's BIP developed by the IEP team.

C. Interventions

1. Classroom interventions may include, but not be limited to, the following strategies:

   a. The staff member may ignore the behavior;

   b. The staff member may redirect the student to a task with verbal or non-verbal prompts or gestures. Proximity and the use of gentle humor may help, when appropriate;

   c. The staff member shall be clear, polite, and respectful when redirecting the student's behavior. The staff member should make eye contact and tell the student what to do such as "I can't teach when you are talking, throwing things, …" or "Please stop and listen, read, write, ..." The staff member should remind the student of consequences for non-compliance and rewards if they comply with the staff member's request;

   d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and quietly give the student adequate wait time. If the staff member moves on, the student may comply after the initial confrontation if attention goes back to the lesson;

   e. The staff member may advise the student to proceed to a time out area in the classroom for a limited time (elementary and middle school); and

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f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.

2. Security interventions may include, but are not limited to, the staff member:

a. Standing quietly in the doorway and asking the student to accompany the staff member; and

b. Informing the student of the violation of the school discipline code and procedure and assure the student they have the choice to leave the classroom quietly.

D. Use of Physical Restraint

1. If necessary, the staff member shall restrain the student until the emergency no longer exists (i.e. the student stops punching, kicking, spitting, damaging property, etc.).

2. The school staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.

3. The Principal's or designee's or any school staff member's report regarding the incident shall be documented in writing in sufficient detail to enable staff to use this information to develop or improve the **BIP** at the next **IEP** meeting. The documentation of physical restraint shall be placed in the student's school file.

4. The use of physical restraint is subject to the following additional requirements:

a. Physical restraint techniques shall consider the student's medical conditions and shall be modified as necessary;



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b. Students shall not be subjected to physical restraint for using profanity, other verbal displays or disrespect, or for non-compliance. A verbal threat will not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat;

c. In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff should consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of the other students in the vicinity;

d. A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing harm to himself/herself, others, or imminent property destruction; and

e. The student shall be examined by the school nurse after any restraint.

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F. Restraint and Seclusion Training Requirements

1. All staff members working directly with students with disabilities shall receive training on Policy and Regulation 5561 and in safe techniques for physical restraint and seclusion from an entity determined by the Board to be qualified to provide such training.

a. The Principal or designee shall determine the school staff members that shall receive restraint and seclusion training.

b. The training shall be identified in the school district's professional development plan and should be considered as a topic for ongoing professional learning communities (PLCs).

c. The training shall emphasize the use of appropriate de-escalation techniques and the use of Positive Behavior Supports (PBS) as mechanisms to avoid the need for the use of physical restraint and seclusion.

d. Training may include current professionally accepted practices and standards regarding behavior management.

e. The training program shall be updated at least annually.



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2. In addition to district-wide training and PLCs, the Board may also consider additional training for all staff members who will be responsible for implementing the IEPs which include BIPs for students with disabilities.

a. This additional training should include a framework that emphasizes de-escalation techniques, identifying PBSs, and behavior strategies which support appropriate behavior in all school settings.

b. Staff members responsible for implementing BIPs for student IEPs should be trained on the use of continuous monitoring techniques and the collection of data which can be used to inform decision making regarding the continued use of restraint and seclusion.

3. Training for school administrators shall include information on the effectiveness of school-wide positive behavior programs, a tool for evaluating the effectiveness of the Policy and Regulation 5561, and a tool for evaluating the effectiveness of the school district's trainings.

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