POLICY ON PHYSICAL RESTRAINT AND SECLUSION

The Southeastern Cooperative Educational Programs' (SECEP) personnel may implement physical restraint or seclusion only when other interventions are, or would be, in the reasonable judgment of SECEP personnel implementing physical restraint or seclusion in an emergency situation, ineffective, and only to:

1. Prevent a student from inflicting serious physical harm or injury to self or others;
2. Quell a disturbance or remove a student from the scene of a disturbance in which the student's behavior or damage to property threatens serious physical harm or injury to persons;
3. Defend self or others from serious physical harm or injury; or
4. Obtain possession of controlled substances or paraphernalia or weapons or other dangerous objects that are upon the person of the student or within the student's control.

Physical restraint and seclusion shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency situation has dissipated. Norfolk Public Schools prohibits the use of seclusion and supine restraint. The SECEP REACH Program does not implement physical restraint or seclusion. The School Board of Virginia Beach City Public Schools prohibits the use of dedicated seclusion rooms.

Nothing in this policy shall be construed to require SECEP personnel to attempt to implement a less restrictive intervention before using physical restraint or seclusion where, in the reasonable judgment of the SECEP personnel in an emergency situation, a less restrictive intervention would be ineffective.

SECEP encourages the use of positive interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion.

The SECEP Executive Director is responsible for developing procedures to address the requirements of the Virginia Board of Education Regulations regarding physical restraint and seclusion in public schools and subject to approval by the SECEP Joint Board.

SECEP will review this policy at least annually and update it as needed.

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Southeastern Cooperative
Educational Programs (SECEP)
Physical Restraint and Seclusion Procedures

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§ 1. Glossary of terms

For the purposes of these Procedures, the following terms and definitions are provided.

Applied Behavior Analysis: A scientific approach based on principles of learning, behavior strategies, and environmental modifications that focus on interventions that systematically teach socially appropriate behaviors to individuals.

Aversive stimuli: Interventions that are intended to induce pain or discomfort to a student for purposes of punishing the student or eliminating or reducing maladaptive behaviors, such as:

1. Noxious odors and tastes;
2. Water and other mists or sprays;
3. Blasts of air;
4. Corporal punishment as defined in Va. Code§ 22.1-279.1;
5. Verbal and mental abuse;
6. Forced exercise, when:
    a. The student's behavior is related to the student's disability;
    b. The exercise would have a harmful effect on the student's health; or
    c. The student's disability prevents participation in such activities.
7. Deprivation of necessities, including:
    a. Food and liquid at a time it is customarily served;
    b. Medication; or
    c. c. Use of a restroom.

Behavioral Intervention Plan or BIP is a plan that utilizes positive interventions and supports to address behaviors that interfere with the learning of a student, the learning of others, or that require disciplinary action.

Business day means Monday through Friday, 12 months of the year. It does not include federal and state holidays.

Calendar days mean consecutive days, including Saturdays and Sundays. Whenever an action expires on a Saturday, Sunday, or federal or state holiday, the period of time for taking such action is extended to the next day that is not a Saturday, Sunday, or a federal or state holiday.

Child with a disability or student with a disability means a student who is eligible under the Individuals with Disabilities Education Act (IDEA)[1] or Section 504 of the Rehabilitation Act (Section 504).[2]

I 20 U.S.C. § 1401(3).
2 29 U.S.C. § 705(20)(A)

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Crisis Intervention Program refers to a formal training program designed to teach personnel how to effectively manage a potentially negative or even dangerous situation with students. Examples of crisis intervention programs include, but are not limited to, The Mandt System, Nonviolent Crisis Intervention, Safety-Care Behavioral Safety Training, and Handle With Care Behavior Management System. SECEP currently uses the Handle With Care Behavior Management System.

Day means a calendar day unless otherwise designated as a business day or school day.

Physical Escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. A Physical Escort is not a restraint.

Exclusion means a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined. Students may self-select this intervention. Students are not confined or prevented from leaving the space.

Evaluation means procedures used in accordance with the IDEA (or Section 504) to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

Functional Behavioral Assessment or FBA is a process to determine the underlying cause or functions of a student's behavior that impedes the learning of the student or the learning of the student's peers. A functional behavioral assessment can include a review of existing data or new testing data or evaluation.

Imminent danger means the immediate threat of serious physical harm or death to the individual themselves or to others that could occur in the immediate area and within a short period of time.

Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised at least annually in a team meeting in accordance with the IDEA. The IEP specifies the individual educational needs of the child and what special education and related set-vices are necessary to meet the child's educational needs.

Individualized Education Program team or IEP team means a group of individuals described in the Virginia special education regulations (at 8 VAC 20-81-110) that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

Instruction: In addition to academic and/or functional academic content, it includes instruction on any of the following: social skills, self-regulation, problem-solving, communication, choice-making, organizational skills, and other functional life skills.

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Mechanical Restraint means the use of any material, device, or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained personnel or used by a student that have been prescribed by an appropriate medical or related service professional and are used with parental consent and for the specific and approved purposes for which such devices were designed, such as:

1. 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;
2. Vehicle restraints, including seat belts, when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization;
4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm; or
5. High-chairs and feeding stations used for age and/or developmentally appropriate students.

Pharmacological restraint means a drug or medication used on a student to control behavior or restrict freedom of movement that is not (i) prescribed by a licensed physician or other qualified health professional under the scope of the professional's authority for the standard treatment of a student's medical or psychiatric condition and (ii) administered as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority.

Physical Restraint means a personal restriction that immobilizes or reduces the ability of a student to move freely. Physical restraint does not include:

1. Briefly holding a student in order to calm or comfort the student;
2. Holding a student's hand or arm to escort the student safely from one area to another; or
3. The use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and control.

Restraint can include mechanical restraint, physical restraint, or pharmacological restraint.

School day means any day, including a partial day, that students are in attendance at school for instructional purposes. The term has the same meaning for all students in school, including students with and without disabilities.

School personnel means individual(s) employed by the school division on a full-time or part-time basis or as independent contractors or subcontractors as instructional, administrative, and support personnel, and includes individuals serving as a student teacher or intern under the supervision of appropriate school personnel.

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School Quiet Area (SQA): The name of the designated rooms or areas in which seclusion takes place. The SQA is free of objects or physical features that may cause injury to students and has sufficient lighting, heating, cooling, and ventilation as required by applicable Virginia regulations.

Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Provided that no such room or space is locked, the term "seclusion" does not include the following activities:

1. In-school suspension;
2. Detention;
3. Time-out/ exclusion;
4. Student-requested breaks in a different location in the room or a separate room;
5. Removal of a student for a short period of time to provide the student with an opportunity to regain self-control, so long as the student is in a setting from which the student is not physically prevented from leaving;
6. Removal of a student for disruptive behavior from a classroom by the teacher as provided in Va. Code§ 22.1-276.2; or
7. Confinement of a student alone in a room or area from which the student is physically prevented from leaving during an investigation and questioning by school personnel regarding the student's knowledge of or participation in events constituting a violation of the code of student conduct (e.g., physical altercation, or an incident involving drugs or weapons).

Section 504 Plan means a written plan of modifications and/or accommodations for qualified individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.§ 794).

Student means any student, with or without a disability, enrolled in a Virginia public school (as defined by Va. Code§ 22.1-1). It also includes those students who are:

1. Attending a public school on a less-than-full-time basis, such as those students identified in Va. Code§ 22.1-253.13:2.N;
2. Receiving homebound instruction pursuant to 8 VAC 20-131-180 and as defined in 8 VAC 20-81-10 without regard to special education eligibility;
3. Receiving home-based instruction pursuant to 8 VAC 20-81-10; and
4. Attending a pre-school program operated by the school division or receiving services in a pre-school program from school division personnel.

Under these procedures, a student does not include those children who are:

1. Enrolled in private, denominational, or parochial schools;
2. Receiving instruction by a tutor or teacher of qualifications approved by the division

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superintendent;

3. Receiving home instruction pursuant to Va. Code§ 22.1-254; and
4. Receiving instruction in a secured facility or detention home as defined in Va. Code §16.1-288 or in a facility operated by the Virginia Department of Behavioral Health and Developmental Services.

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§ 2. Application of the physical restraint and seclusion procedures.

These procedures govern the use of physical restraint and seclusion by SECEP personnel. If an action does not constitute restraint or seclusion, as those terms are defined herein, then SECEP personnel may act within their reasonable discretion. If the action falls within the definitions of restraint or seclusion, it may be used, but only under the circumstances described in these procedures.

These procedures apply to all students receiving educational services through SECEP and all SECEP personnel. Norfolk Public Schools prohibits the use of seclusion and supine physical restraint. Virginia Beach City Public Schools prohibits the use of designated seclusion rooms. The SECEP REACH Program does not implement physical restraint or seclusion.

§ 3. Positive interventions and support strategies.

SECEP encourages the use of positive interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion. The following are examples of positive interventions and support strategies to consider:

• Implementing SECEP's comprehensive behavioral system, the Core Foundation of Behaviors (CFB), to create a school-wide environment that reinforces appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion. Key elements of this framework include Module 1: Program and Classroom Structure, Module 2: Antecedent-Based Interventions Module; 3: Prompting, Module 4: Functions of Behavior; Module 5: Objective and Measurable Behavior Module 6: Measurement Procedures, Module 7: How to Read an IEP, and Module 8: Reinforcement and Differential Reinforcement.

• SECEP personnel use preventive assessments (e.g., FBAs) to identify where, under what conditions, with whom, and why specific inappropriate behavior may occur as well as implementing de-escalation techniques to defuse potentially violent, dangerous behavior. Preventive assessments can include (1) a review of existing records; (2) interviews with parents, family members, school staff, and/or students; and (3) an examination of previous and existing behavioral intervention plans. Data from such assessments could help SECEP identify

a. Identify when inappropriate behavior is likely to occur
b. Identify the factors that lead to the occurrence of these behaviors and
c. Develop and implement preventive behavioral interventions that teach appropriate behavior and modify the environmental factors that escalate the inappropriate behavior.

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• Using planned behavioral strategies or plans (e.g., BIPs) in place to: (1) attempt to de-escalate potentially violent dangerous behavior; (2) identify and support positive behavior to replace dangerous behavior; and (3) support and positively reinforce appropriate behavior in class and/ or throughout the school, especially if a student has a history of escalating dangerous behavior.

• Designing a highly structured learning environment to delineate areas of the classroom. Utilizing physical boundaries, such as dividers or movable furniture, is used to maintain safety and provide structure and space between a student and others in the classroom, to decrease visual or auditory stimuli, and to lessen the likelihood of the student causing physical harm to others. The physical barriers must be safe and secure, and staff must maintain visual monitoring and support the student. Such events must be recorded as behavior data. The student will continue to have access to instructional services and supports.

Any intervention used by personnel should be consistent with a student's rights to be treated with dignity and to be free from abuse.

§ 4. Prohibited actions by SECEP personnel.

The following actions are not permitted:

1. Use of mechanical restraints;
2. Use of pharmacological restraints;
3. Use of aversive stimuli;
4. Use of corporal punishment;
5. Use of restraint or seclusion under the following circumstances:
    a. In any manner that restricts a student's breathing or harms the student. For example:
        i. Prone (i.e., lying face down) restraints or other restraints that can restrict breathing or speaking should not be used;
        ii. Other maneuvers that place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat should not be used;
        iii. Breathing or speaking can also be restricted if loose clothing becomes entangled or tightened or if the student's face is covered by a staff member's body part (e.g., hand, arm, or torso) and, thus, such techniques should not be used.
    b. As punishment or discipline (e.g., disrespect, noncompliance, insubordination, out-of-seat behavior, etc.).
    c. As a means of coercion or retaliation;
    d. As a convenience;
    e. To solely prevent property damage;

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f. In any other manner not consistent with these procedures; or
g. When medically or psychologically contraindicated as documented by an IEP team, 504 team, school professionals, a licensed physician, psychologist, or other qualified health professional under the scope of the professional's authority.

6. Use of seclusion rooms or freestanding units not meeting the standards set forth in § 5.1 of these procedures.

Nothing in this section, however, shall be construed to prohibit the use of physical restraint or seclusion under the conditions outlined in § 5 (Permitted actions by personnel) and § 5.1 (Structural and physical standards for rooms and areas used for seclusion). Norfolk Public Schools prohibits the use of seclusion and supine restraints. The School Board of Virginia Beach City Public Schools prohibits the use of dedicated seclusion rooms. Dedicated seclusion rooms are no longer used in Virginia Beach City Public Schools.* The SECEP REACH Program does not implement physical restraint or seclusion.

§ 5. Permitted actions by SECEP personnel.

SECEP personnel may implement physical restraint or seclusion only when other interventions are, or would be, in the reasonable judgment of SECEP personnel implementing physical restraint or seclusion in an emergency situation, ineffective, and only to:

1. Prevent a student from inflicting serious physical harm or injury to self or others;

1. Quell a disturbance or remove a student from the scene of a disturbance in which the student's behavior or damage to property threatens serious physical harm or injury to persons;
2. Defend self or others from serious physical harm or injury; or
3. Obtain possession of controlled substances or paraphernalia or weapons or other dangerous objects that are upon the person of the student or within the student's control.

The specific technique used should be safe for the student and appropriate to the student's age, disability, and medical needs.

A less restrictive intervention does not have to be attempted prior to using physical restraint and seclusion when, in the reasonable judgment of SECEP personnel in an emergency situation, a less restrictive intervention would be ineffective.

Property damage alone does not justify the use of physical restraint or seclusion. But physical restraint or seclusion might be justified in an emergency situation when a student's damage to property creates an imminent risk of serious physical harm or injury to the student or others.

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If physical restraint is used upon a student whose primary mode of communication is sign language or an augmentative mode, the student should be permitted to have a hand(s) free of restraint for a brief period of time, unless staff determines that such freedom appears to likely result in harm to the student or others.

Physical restraint and seclusion must be used only for limited periods of time, using only the force that is necessary, and should cease immediately when the emergency situation has dissipated. An alternative plan should be in place in the event that the student does not begin to calm down within a reasonable time period, usually just a few minutes.

*School Board of the City of Virginia Beach, Policy 5-54; February 24, 2026; Added by Executive Director, February 2026.

The student must be continuously and visually observed and monitored while he or she is restrained or placed in seclusion. Those observing the application of a restraint should confirm that the restraint does not cause harm to the student, such as restricting the student's breathing. Continuous visual monitoring of restraint or seclusion includes, for example: (1) continuous assessment of staff and student status, including potential physical injuries; (2) termination of restraint or seclusion when imminent danger of serious physical harm to self or others has dissipated; (3) evaluation of how procedures are being implemented; and (4) consideration of opportunities for redirection and defusing the dangerous behavior.

- *Exception to the visual monitoring requirement*. Visual monitoring is not required during an emergency situation if securing someone to perform visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the school employee, result in serious physical harm or injury to persons.

Staff trained in the use of cardiopulmonary resuscitation (CPR) and First Aid should be available in the event of an emergency related to the use of physical restraint or seclusion. A portable automatic electronic defibrillator (AED) should also be available in the school.

Following the use of physical restraint or seclusion:

• School health clinic personnel or, if the clinic personnel is not available, an administrator must promptly assess the student;
• The school principal or designee should be notified of the incident and any related first-aid as soon as possible and no later than the end of the school day;
• Reasonable efforts must be made to notify the student's parent of the incident and any related first-aid on the same school day;
• An incident report (see appendix) should be completed and submitted to the school principal within two (2) school days and sent to the parent within seven(7)calendar days; and

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• A debriefing must occur within two school days with the assigned administrator and school personnel who implemented the use of physical restraint or seclusion to discuss: (1) Whether the use of restraint or seclusion was properly implemented; and (2) How to prevent or reduce the future need for physical restraint or seclusion; and
•Staff members will document the student's missed instructional time and how that instruction was provided to the student.

See§§ 6 and 7 for more detailed information regarding notification, reporting, and debriefing requirements.

See § 8 for a discussion of the required meetings following multiple uses of physical restraint or seclusion in a school year regarding a specific student.

§ 5.1 Structural and physical standards for rooms and areas used for seclusion.

Any designated seclusion room or area, if used, must meet the following specifications:

1. Be safe and free of any potential or predictable safety hazards;
2. Be of reasonable size, permitting students to lie or sit down or stand;
3. Have adequate ventilation, including heat and air conditioning as appropriate;
4. Have adequate lighting;
5. All space in the room or area shall be visible through the door, either directly or by mirrors;
6. Provide for direct continuous visual and auditory monitoring of the student either by the presence of SECEP personnel in the seclusion room or area or observation through a window, viewing panel, or half-door;
7. Windows shall be constructed to minimize breakage;
8. Permit automatic release of any locking device if a fire or other emergency in the school exists; and
9. Be inspected at least annually, including by fire or safety inspectors.

In addition to the above requirements, the appropriate use and duration of seclusion should be based upon the age and development of the student.

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§ 6. Notification and reporting requirements following use of physical restraint or seclusion.

Whenever a student has been physically restrained or secluded, the school principal or designee and the student's parent(s) must be promptly notified. Written incident documentation will be provided to the parent within 7 days. If an IEP meeting is necessary (as defined in section 8, below), the parent will be notified of the option to request a copy of the incident report in advance of an IEP meeting if the IEP meeting is scheduled to occur before the regulatory deadline for preparing the incident report.

§6.1 Each incident of restraint and seclusion must be reported to the school principal or designee and the student's parent on the day of the occurrence whenever possible.

1. Report to school principal: SECEP personnel involved shall report the incident and the use of any related first aid to the school principal or the principal's designee as soon as possible and in no instance later than the end of the school day in which the incident occurred.

2. Notice to parent. The school principal or the principal's designee, or other SECEP personnel, shall make a reasonable effort to contact the student's parent, either in person, through telephone conversation, or other means of communication authorized by the parent, such as email, to notify the parent of the incident and any related first aid administered to the student on the day the incident occurred. Staff must document the parent contact and indicate the type (phone, email, in-person, etc.) and content of the interaction.

3. Notice to the placing division: All restraint/seclusion reports will be available to the placing divisions. If an IEP meeting is necessary, a representative from the placing the division will be invited to participate.

If the physical restraint or seclusion occurred after the regular school day, the above notifications shall be made as soon as practicable in compliance with SECEP's school crisis, emergency management, and medical emergency response plan required by Va. Code§ 22.1-279.8.

§ 6.2 Following each instance of physical restraint or seclusion, SECEP personnel must complete an incident report.

1. Within two school days of the incident: SECEP personnel involved in the incident or other SECEP personnel, as may be designated by the principal, should complete and provide to the principal (or designee) a written incident report.

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2. Within seven calendar days of the incident: SECEP will provide the parent with a copy of the written incident report.

The written incident report must contain the following information:

1. Student name, age, gender, grade, and ethnicity;
2. Location of the incident;
3. Date, time, and total duration of incident, including documentation of the beginning and ending time of each application of physical restraint or accurate identification of each instance of seclusion in which a student was placed in a room alone and not permitted to leave.
4. Date of report;
5. Name of person completing the report;
6. SECEP personnel involved in the incident, their roles in the use of physical restraint or seclusion, and documentation of their completion of the division's training program;
7. Description of the incident, including the behaviors that required the use of restraint and/or seclusion, the strategies/interventions used prior to the use of restraint and/or seclusion; the resolution and process of return of the student to the student's educational setting, if appropriate;
8. Detailed description of the physical restraint or seclusion method used;
9. Student behavior that required the use of physical restraint or seclusion;
10. Description of prior events and circumstances prompting the student's behavior, to the extent known;
11. Less restrictive interventions attempted prior to the use of physical restraint or seclusion, and an explanation if no such interventions were employed;
12. Whether the student has an IEP, a Section 504 plan, a BIP, or other plan;
13. The duration of missed instructional time and/or related services due to the restraint/seclusion and how the missed instructional time and/or related services were made up.
14. Whether an IEP, a Section 504 or other meeting needs to be scheduled to discuss whether modifications to the student's current services/interventions are needed; whether evaluations are necessary; or whether compensatory services are owed due to missed instructional time;
15. In the instance that an IEP meeting is needed
    a. whether the parent was informed of the option to request an expedited copy of the incident report in advance of the IEP meeting, when the IEP meeting is scheduled to occur before the regulatory deadline for preparing the incident report; and
    b. whether the parent accepted or rejected the option to receive an expedited copy of the incident report.

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16. If a student, SECEP personnel, or any other individual sustained bodily injury, the date and time of nurse or emergency response personnel notification and the treatment administered, if any;
17. Date, time, and method of parental notification of the incident; and
18. Date, time, and method of SECEP personnel debriefing.

An incident checklist and a sample incident report form can be located in the appendix.

§ 7. Staff and student debriefing.

Following each incident of physical restraint or seclusion, the SECEP principal or designee must promptly review the incident with SECEP personnel and, if appropriate, the student.

Within two school days, the principal or designee must review the incident with all SECEP personnel who implemented the use of physical restraint or seclusion to discuss:

1. Whether the use of restraint or seclusion was implemented in compliance with these procedures; and
2. How to possibly prevent or reduce the future need for physical restraint or seclusion.

Within two school days or upon the student's return to school, as appropriate, depending on the student's age and developmental level, the principal (or designee) should review the incident with the student involved to discuss:

1. Details of the incident to assist the student and SECEP personnel in identifying patterns of behaviors, triggers, or antecedents; and
2. Alternative positive behaviors or coping skills the student could use to reduce behaviors or prevent physical restraint or seclusion.

An incident checklist and a sample debriefing report form can be located in the appendix.

§ 8. Prevention/ multiple uses of restraint or seclusion.

The use of physical restraint or seclusion, particularly when there is repeated use for an individual student, multiple uses within the same classroom, or multiple uses by the same individual, will trigger a review and, if appropriate, development or revision of behavioral strategies or an IEP or Section 504 team meeting. If an IEP or Section 504 meeting held, the parent and representative from the student's Local Education Agency will be invited to participate.

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§ 8.1 Required meetings for students who have an IEP or a 504 Plan.

In the initial development and subsequent review and revision of a student's IEP or Section 504 Plan, the student's IEP or Section 504 team shall consider whether the student displays behaviors that are likely to result in the use of physical restraint or seclusion. If the IEP or Section 504 team determines that future use is likely, the team shall:

1. Consider whether the student requires an FBA;
2. Review the effectiveness of the supports or interventions used prior to the restraint or seclusion;
3. Consider the relative effectiveness of supports and interventions used prior to the restraint and seclusion and adverse effects resulting from or related to the repeated use of restraint or seclusion.
4. Consider whether the student requires a new or revised BIP that effectively addresses the underlying causes or purposes of the behaviors as well as effective de-escalation strategies, conflict prevention, and positive behavioral interventions or adverse effects regarding the use of restraint or seclusion;
5. Consider whether the student requires any new or revised behavioral goals, services, or supports; and
6. Consider whether the student requires any additional evaluations or reevaluations.
7. Consider whether a free appropriate public education ("FAPE") was offered.
8. Consider whether compensatory services are owed.

Within 10 school days following the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, the student's IEP or Section 504 team shall meet to:

1. Consider whether the student requires an FBA;
2. Consider whether the student requires a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive interventions;
3. Consider whether the student requires any new or revised behavioral goals;
4. Consider whether the student requires any additional evaluations or reevaluations.
5. Consider whether a FAPE was offered.
6. Consider whether compensatory services are owed.
7. Review the effectiveness of the supports or interventions used prior to the restraint or seclusion;

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§ 8.2 Required meeting for general education students.

Within 10 school days of the second school day in a single school year on which an incident od physical restraint or seclusion has occurred, a team consisting of the following individuals will be invited to meet to discuss the incident:

1. The parent;
2. The SECEP principal (or designee);
3. A representative from the Local Educational Agency (LEA)
4. A teacher of the student;
5. SECEP personnel involved in the incident (if not the teacher or administrator already invited); and student if appropriate.
6. Other appropriate SECEP school personnel, such as a school psychologist, school counselor, or school resource officer, as determined by SECEP.

During the meeting, the team should discuss the incident and consider, among other things, the need for:

1. An FBA;
2. A new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive interventions; and
3. A referral for evaluation under the IDEA and/or Section 504 if the team suspects a disability.

Nothing in this section shall be construed to (i) excuse the team or its individual members from the obligation to refer the student for evaluation if the team or members have reason to suspect that the student may be a student with a disability; or (ii) prohibit the completion of an FBA or BIP for any student, with or without a disability, who might benefit from these measures but whose behavior has resulted in fewer than two incidents of physical restraint or seclusion in a single school year.

§ 8.3 The SECEP principal or designee should regularly review incidents of restraint and seclusion to ensure that school staff are complying with SECEP's procedures.

In addition to the above-required team meetings, the principal (or designee) should regularly review the use of physical restraint or seclusion within the school building to ensure compliance with SECEP's policy and procedures.

When there are multiple incidents of physical restraint or seclusion within the same classroom or by the same individual, the principal or designee should take appropriate steps to address the frequency of use, such as conducting additional training for school staff, convening IEP and Section 504 team meetings, and completion of the FBA and BIP process, etc.

Restraint and Seclusion data will be monitored monthly by the student's assigned administrator.

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§ 9. Training and staff development.

SECEP personnel, as defined herein, must complete the initial training described in Section§ 9.1, below.

SECEP personnel will receive training that focuses on skills related to positive interventions and support, conflict prevention, de-escalation, and crisis response. Training will include follow-up support and social-emotional strategy support for students, staff, and families.

SECEP personnel will receive training regarding the regulations, policies, and procedures governing the use of physical restraint and seclusion.

SECEP will ensure that any initial or advanced training is evidence-based.

§ 9.1 Training

SECEP personnel (excluding the REACH Program) will receive initial training on the following:

1. Core Foundations of Behavior Framework/Positive Programming
2. Instruction regarding incident documentation and reporting requirements, and the procedures for investigating injuries and complaints
3. The Virginia Department of Education (VDOE), in partnership with Old Dominion University (ODU), has developed a series of modules to provide professional development to Virginia school personnel on physical restraint and seclusion. According to the VDOE, these free, on-demand online modules fulfill the first level of training requirements. The modules can be found on the ODU-VDOE joint webpage at https://cieesodu.org/initiatives/restraint-and-seclusion/
4. Initial training and certification in SECEP's Crisis Intervention Program.

Attendance at each training session should be documented, and such documentation should be maintained. The specific content of the recertification training is usually prescribed by the specific crisis intervention program selected by SECEP. Such training may include the following elements:

• Certification in a recognized behavior management system that addresses physical restraint and seclusion;
• Regular updates for training and recertification;
• Education in the use of positive, instructional, and preventative methods for addressing student behavior;
• Instruction in de-escalation strategies and conflict management;
• Identifiable conditions under which physical restraint and seclusion are allowed;
• Procedures to be followed when physical restraint and seclusion are implemented;
• Education about the potential harm of using restraint and seclusion;
• Methods for monitoring a student's well-being when using restraint and seclusion;

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Attendance at each training session should be documented, and such documentation should be maintained.

§ 9.2 Recertification Training

All SECEP staff must complete annual recertification in SECEP's Crisis Management Program.

§ 10. Annual review of the procedures.

SECEP will review these physical restraint and seclusion procedures at least annually and update them as appropriate.

As part of the annual review process, SECEP should consider the distinctions in emotional and physical development between elementary and secondary students and between students with and without disabilities.3

3 The Code of Virginia, at§ 22.1-279.1:1, expressly required the Virginia Board of Education ("VBOE") to address in its restraint and seclusion regulations the "distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students." The VBOE regulations on restraint and seclusion do not, however, address this requirement.

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§ 11. Annual reporting requirements.

SECEP must annually prepare and file the following reports:

SECEP Coordinator of Accountability Report:

- This will report the use of physical restraint and seclusion in SECEP and be submitted to the SECEP Executive Director.
- This report should be based on the incident reports completed by SECEP personnel following each occurrence of physical restraint or seclusion.

Executive Director's Annual Report

- The Executive Director shall annually report the frequency of incidents of physical restraint and seclusion at SECEP to the State Superintendent of Public Instruction.
- This information should also be made available to the public.

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§ 12. Quarterly Monitoring Program

On a quarterly basis the SECEP Coordinator of Accountability and the Assistant Directors of Programs will monitor and assess the use of restraint and seclusion in its programs to ensure that the use of restraint and seclusion is appropriate and in accordance with SECEP's policy and procedures and with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

Specifically, the SECEP Coordinator of Accountability will review the following on a quarterly basis:

- Restraint and seclusion data collected from each Center and school having a SECEP program, including disaggregation by action taken (i.e. physical restraint, seclusion, or exclusion) and by student;
- All restraint and seclusion documentation forms (i.e., incident reports and SQA logs);
- Whether the use of restraint and seclusion reflected an individualized determination based on the student's need and was consistent with SECEP policy and procedures and related training;
- Whether the behavior(s) that led to the restraint and seclusion of a student were part of a pattern of behavior(s) that should lead SECEP staff to seek an evaluation or reevaluation of the student;
- Whether the impact of the restraint and seclusion on the student was appropriately considered, and whether an evaluation or reevaluation of the student is needed;
- Whether students' regular or special education and disability-related aids and services allowed them to receive FAPE, students' IEPs and behavior interventions were implemented, students' behavior interventions were effective, and students were appropriately and timely re-evaluated;
- Whether the restraint and seclusion caused missed instruction and disability related services resulting in the denial of a FAPE, and, if so, whether students' IEP or 504 teams met to consider the need for compensatory services to address any denial of a FAPE;
- Whether students not previously identified as students with disabilities who experienced restraints and seclusions were evaluated for a disability, if appropriate;
- Whether further instructional staff training is necessary;
- Whether incidents of restraint and seclusion were appropriately documented;
- Whether SECEP is communicating appropriately with participating school divisions and parents; and
- Data collected (i.e., incidents of restraint and seclusion broken down by Center or school, staff, grade level, program, etc.) to assess whether incidents of restraint and seclusion have increased or decreased in number and duration and whether there are

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any particular location(s) or program(s) where numerous incidents of restraint and seclusion occurred.

§ 13. Construction and interpretation of these procedures.

Nothing in these procedures shall be construed to modify or restrict:

- The initial authority of teachers to remove students from a classroom pursuant to§ 22.1-27 6.2 of the Code of Virginia;
- The authority and duties of school resource officers and school security officers, as defined in§ 9.1-101 of the Code of Virginia, except to the extent governed by a memorandum of understanding between the local law enforcement agency and the applicable school division;
- The authority of the Virginia Department of Juvenile Justice with regard to students in its custody at any of its sites or in any of its programs; or
- The civil immunity afforded teachers employed by local school boards for any acts or omissions resulting from the supervision, care, or discipline of students when such acts or omissions are within such teacher's scope of employment and are taken in good faith in the course of supervision, care, or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct, as provided in§ 8.01-220.1:2 of the Code of Virginia.

A copy of these procedures must be available to employees and the public.

- A current copy of the policy and procedures must be posted on SECEP's website;
- Printed copies should be available as needed for citizens who do not have online access.

SECEP welcomes parent input into SECEP's use of physical restraint and seclusion.

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§ 14. Resources regarding restraint and seclusion.

Va. Code Ann.§ 22.1-279.1, Corporal Punishment Prohibited, law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-279.1 /

Va. Code Ann.§ 22.1-279.1:1, The use of seclusion and restraint in public schools, law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-279.1:1 /

8 VAC 20-750-5 *et seq.*, Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools, law.lis.virginia.gov/admincode/title8/agency20/chapter750/

Superintendent's Memo #192-20 Ouly 24, 2020), ***Regulations Governing the Use ojRc.,troint and Seclusion in Elementary and Secondary Schools in Vi1:gi11ia***
www.doe.virginia.gov/administrators/superintendents_memos/2020/index.shtml#jul

Virginia Department of Education, *Guidelinesfor the Development* **ef** *Policies and Procedures for ManC1gi11g Student Behaviors In Emergenry Situations in Virginia Public Schools* (September 2009),
www.doe.virginia.gov/support/student_conduct/guidelines_managing_behaviors_emergency.pdf

U.S. Department of Education, *Restraint and Seclusion: Resource Document* (May 2012), www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf

Policy on Physical Restraint and Seclusion

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Appendices

A. Physical Restraint and Seclusion Incident Checklist

B. Physical Restraint/Seclusion Incident Report Form

C. Sample Notification Letter to Parent/Guardian

D. Physical Restraint/Seclusion Incident Debriefing

E. Core Foundations of Behavior Framework

F. Corporal Punishment Defined Va. Code § 22.1-279.1.

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APPENDIX A

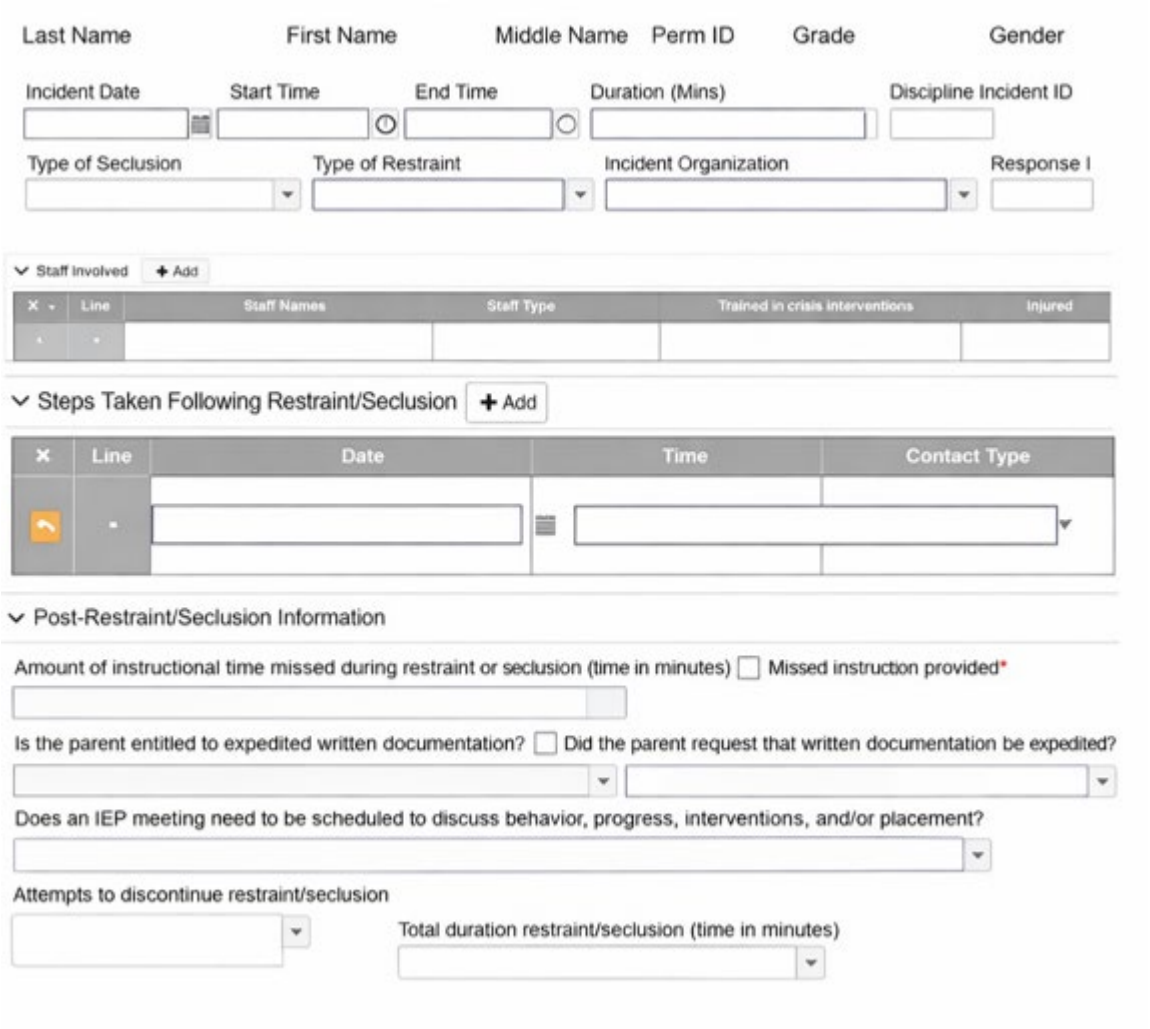
Restraint and Seclusion Checklist

Timeline	Action Steps
Before dismissal on the day of the incident	**Staff:** ☐ Notify principal ☐ Notify parent If a meeting is needed, inform parents of expedited documentation –log response ☐ Log parent notification in Synergy ☐ Submit incident report in Synergy ☐ Include Antecedent, Behavior,Consequence (ABC) ☐ Staff interventions to prevent the incident ☐ Instructional and/or related services missed and and how it is made up or delivered ☐ Times and intervention ☐ Outcome: (e.g. the student completed missed instruction joined the scheduled activity, and made-up instruction missed) ☐ ☐ Debrief if possible. ☐ Report any injuries, complaints, allegations
Within 2 school days	**Principal** ☐ Review incident report ☐ Debrief with staff (or ensure the designee has done so) ☐ Ensure student debrief was completed ☐ Send home expedited documentation if **requested**
Within 7 calendar days	**Principal** ☐ The principal provides written documentation to the parent/guardian.
Within 10 calendar days	**Principal, IEP team** ☐ Hold team/IEP or 504 plan meeting to discuss incident after 2 restraints/seclusions.

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APPENDIX B

Physical Restraint / Seclusion Incident Report Form



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APPENDIX B

Physical Restraint / Seclusion Incident Report Form

Antecedent (what happened before the behavior)

Antecedent Other

Setting Event (Prior event(s) that may influenced behavior)

Behavior

Specific Behavior that that lead to Restraint/Seclusion

Hitting ☐ Kicking ☐ Biting ☐ Scratching ☐ Pinching Hair Pulling ☐ Head Butting ☐

Failure to follow directives ☐ Throwing items at others with the intent to cause harm (solid/hard foot others) ☐

Elopement (Attempts to flee the building or classroom) ☐ Out of Area (Leaving a designated area without permission) ☐

Hitting others with an object ☐ Minor property destruction (Does not pose a danger to the student or others) ☐ Major property destruction (Poses a danger to the student or others) ☐ Unresponsive

Threats to cause harm self ☐ Threats to cause harm to others ☐ Pushing others ☐ Spitting ☐ ro coaching to others) ☐

Pushing others ☐ Spitting ☐ Self-injurious ☐ furniture ☐

Other Behaviors not listed

Interventions (ways that staff attempted to de-escalate or avoid the behavior(s))

Interventions implemented to preduce the likethood of restraint/seclusion

(Check the boxes below that all apply with an "other" and a field to type)

Offered choices (alternative activities, calming strategies, alternate items, locations, work, etc.) ☐

Redirected actions or redirection, to the desired or appropriate behaviors ☐ Student has a BIP was implemented as written ☐

Further redirected) ☐ BIP was implemented as written ☐

Redirection (verbal, visual) ☐

Offered breaks (remove from demands, student-initiated break outside of the current environment, alone time, etc.) ☐

Other Interventions not listed

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APPENDIX C

Written Parent Notification

Date:

To the parents of:

Address

City, State, Zip

Dear Parent(s) or Guardian(s),

As you were made aware on *Date*, *Student Name* was involved in a Seclusion and/or Restraint. The following is information regarding the Seclusion or Restraint for your records.

Name of student	*DOB*	*Grade*	*Program*	*Student injured*	*Report #*

Restraint and/or Seclusion Information:

Attempts to discontinue Restraint or Seclusion:
times:

Total Duration of Restraint or Seclusion:

Description of Restraint or Seclusion Incident:

Antecedent (What happened before the behavior):

Setting Event (Prior events that may have influenced the behavior):

Behaviors for which the student engaged:

Specific Behaviors that led to the Restraint or Seclusion:

Additional Behaviors in which the student engaged that are not listed:

Interventions (Strategies implemented to prevent or reduce the likelihood of restraint or seclusion)

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APPENDIX C

Written Parent Notification

Post-Restraint or Seclusion Information:

Amount of instructional time missed (in minutes):

Missed instruction provided: (face-to-face instruction, student refused)

Did the parent/guardian request written documentation in writing? Y or N

Does an IEP meeting need to be scheduled to discuss behavior, progress, interventions, and/or placement?

Staff Members Involved in the Restraint or Seclusion:

Name	Role	Injured Y/N	Trained Y/N

Debriefing:

Staff Debriefing	Date, time,
Student Debriefing	Date, time,

Parent Initial Notification:

Date	
Time	
Type	Person Contacted

Sincerely,

Principal Signature

Principal Name, Principal

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APPENDIX D

Staff and Student Debrief

Staff / Student Debrief Form

Date of Debrief		Date of Incident:
Student name		(Circle one) Restraint or Seclusion

Participants of the Debrief

First and Last Names	Role

Details of incidents that led to restraint/seclusion (include patterns, triggers): What are some ways to prevent or reduce the need for restraint and/or seclusion? Was the use of restraint and/or seclusion in compliance with the SECEP Policy and Procedures on Physical Restraint and seclusion?	
Needed Changes in Interventions/Programming	
Are there additional training needs: Y or N	If yes, identify needs:
Does the student have a BIP: Y or N If yes, was the BIP implemented as it is written? Y or N?	Needed revisions to the current BIP: IEP meeting to consider completing a new FBA?

Student Debrief information:	Date of Debrief:	Time of Debrief:
Principal or designee must review the details that led to the restraint and seclusion (include patterns, triggers) 1. What are the alternative positive behaviors or coping strategies the student may have used to reduce behaviors or prevent physical restraint or seclusion?		

Administrator completing the debrief: _____
Signature

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APPENDIX E

Core Foundations of Behavior Framework

The SECEP programs practice using positive behavioral interventions and support to reduce and prevent the need for physical restraint and seclusion.

SECEP implements the Core Foundations of Behavior (CFB), based on the principles of Applied Behavior Analysis (ABA), to create program-wide expectations that reinforce appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion. Key elements of the CFB framework include

1. Program and Classroom Structure: Program and classroom structure are the building blocks of a safe and welcoming learning environment for students and staff. The competencies require all staff to demonstrate an understanding of:

- Establishing Rituals and Routines
- Establishing Effective Room Arrangement and Organization
- Establishing Expectations Regarding Transitions
- Establishing an Engaging and Enriched Environment

2. Antecedent Strategies: Evidence-based interventions that prevent or reduce interfering behaviors while increasing desired behaviors. The competencies include:

- Establishing clear classroom rules and expectations
- Establishing predictability in the environment
- Establishing an effective classroom arrangement
- Effective and evidence-based instructional strategies
- Providing opportunities for choice
- Incorporating student interests and preferences in instruction, and
- Enriching the environment.

3. Prompting: Competencies require that all staff demonstrate the implementation of

- Full physical prompt (using hand-over-hand prompting to elicit an accurate response).
- Partial physical prompt (using light touch to elicit an accurate response or action)

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APPENDIX E

Core Foundations of Behavior Framework

- Model prompt (demonstration of the accurate response or action)
- Gestural (using any type of observable action that provides information that elicits an accurate response or action from the learner)
- Positional prompt (placing the correct response closest to the learner in a manner that assists in providing the accurate response or action from the learner)
- Visual prompt (visual cue, such as a picture, that provides information to elicit a correct response from the learner)
- Verbal prompt (provide verbal information to elicit an accurate response from the learner)

4. **Functions of Behavior:** It is important for all staff to be able to identify the target behavior that is the focus for increase or decrease to respond appropriately to those behaviors. The competencies require that all staff demonstrate an understanding of how the following play a role in behaviors:

    - Sensory stimulation
    - Escape
    - Attention
    - Tangibles

5. Objective and Measurable Behavior: Behavior is anything a person does that is observable, measurable, and repeatable. It is important for all staff to describe behavior in terms that are objective and measurable to ensure that the data they collect is as accurate as possible. A foundation of the SECEP program is that we make data-based decisions that significantly benefit students and their families. Competencies require that all staff demonstrate understanding of:

- Describing behaviors in objective terms
- Defining behaviors in measurable terms
- Measuring behavior in objective terms.

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APPENDIX E

Core Foundations of Behavior Framework

6. Measurement Procedures: Measurement of behavior through data collection guides decision-making. Collected data informs whether interventions are effective and what changes are needed. Competencies require that all staff demonstrate understanding of:

- Frequency or the count
- Duration or the amount of time passed
- Latency or the amount of time passed between the delivery of a directive and when the learner initiates the desired response or action.
- Intervals or designated periods of time (e.g., 10-minute intervals)
- Permanent product or observable examples (e.g., student work sample)
- Antecedent, Behavior & Consequence (ABC) or data that identified what happened before a behavior, the behavior demonstrated, and what happened after the behavior.

7. How to Read an IEP Data Sheet correctly is a critical skill for all staff. This foundational training will introduce staff to IEP data sheets. While some data sheets are standard across SECEP programs, there are many different types of data sheets, and some are individualized based on student needs. Staff must take accurate data using a variety of IEP data forms.

- Goals and Benchmarks
- Targeted skills
- Criteria
- Frequency of Data Collection
- Reading and collecting ABC data.

8. Reinforcement: Reinforcement is one of the fundamental principles of Applied Behavior Analysis (ABA). All people learn using this process. Specifically, reinforcement is the method you use with students, so they acquire new skills and maintain the skills they have learned

- Positive Reinforcement
- Negative Reinforcement
- Differential Reinforcement

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APPENDIX F

Va. Code § 22.1-279.1. Corporal punishment prohibition defined

A. No teacher, principal, or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

B. In determining whether a person was acting within the exceptions provided in this section, due deference shall be given to reasonable judgments at the time of the event which were made by a teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth.

C. For the purposes of this section, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. This definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subdivision (i) of subsection A of this section or the use of reasonable and necessary force as permitted by subdivisions (ii), (iii), (iv), and (v) of subsection A of this section, or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

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