STUDENTS 5630.01

**USE OF RESTRAINT AND SECLUSION WITH STUDENTS**

**General Guidelines:**

It is the policy of the Board that all students are to be treated with dignity and respect and to be free from abuse. It is also the policy of the Board to use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for the use of restraint and/or seclusion with students. However, the Board recognizes that at times it may become necessary for employees to use reasonable restraints and/or seclusion when there is imminent risk of injury to the student or others. Restraint or seclusion should not be used as a means of punishment or convenience, and both chemical and mechanical restraints are strictly prohibited under this policy. This restraint and seclusion policy applies to all students, not only students with disabilities. Any behavioral intervention, including any physical restraint or seclusion, must be consistent with any applicable behavioral intervention plan (BIP), or individualized education program (IEP), as well as with this restraint and seclusion policy. Nothing in this policy prevents a school employee from stopping a physical altercation, acting to prevent physical harm to a student or another individual, or acting to address an emergency until the emergency is over, whether or not the school employee has received formal training on the use of restraint or seclusion.

**Definitions:**

A. Behavioral Intervention Plan (BIP): means a plan that is agreed upon by the case conference committee (CCC) and incorporated into a student’s individualized education program (IEP) and that, at a minimum, describes the following:

1. The pattern of behavior that impedes the student’s learning or the learning of others.

2. The purpose or function of the behavior as identified in a functional behavioral assessment (FBA).

3. The positive interventions and supports, and other strategies, to:

a. Address the behavior; and

b. Maximize consistency of implementation across people and settings in which the student is involved.

4. If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student. The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

B. Chemical Restraint: the administration of a drug or medication to manage a student’s behavior or restrict a student’s freedom of movement that is not a standard treatment and dosage for the student’s medical or psychiatric condition.

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C. De-Escalation: causing a situation to become more controlled, calm, and less dangerous, thus lessening the risk for injury to someone.

D. Emergency: means a situation in which immediate intervention is necessary to protect the safety of a student or others from an imminent threat of physical injury to the student or others and staff members trained in crisis intervention are not present to assist.

E. Employee: means all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

F. Functional Behavioral Assessment: ongoing process of gathering information that can be used to hypothesize about the function of student’s behavior. The analysis provides the information necessary to develop an intervention plan.

G. Imminent: likely to happen right away; within a matter of minutes.

H. Individualized Education Program (IEP): refers to a written document prepared by a student’s case conference committee (CCC) which meets the requirements outlined by the Indiana State Board of Education at 511 IAC 7-32-48.

I. Mechanical Restraint: means the use of (1) a mechanical device (2) a material or (3) equipment attached or adjacent to a student’s body that the student cannot remove and that restricts the freedom of movement of all or part of the student’s body or restricts normal access to the student’s body. The term does not include (1) mechanical devices, (2) a material or (3) equipment used as prescribed by a doctor.

J. Physical Restraint: physical contact between a school employee and a student in which the student unwillingly participates and that involves the use of a manual hold to restrict freedom of movement of all or part of a student’s body or to restrict normal access to the student’s body. The term does not include (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation, (2) physical escort, or (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one area to another.

K. Prevention and Conflict De-escalation Training: training which is provided broadly to school staff on how to prevent, defuse and de-escalate potential behavioral crisis situations.

L. Positive Behavior Intervention and Support: a systematic approach that uses evidence based practices and data driven decision making to improve school climate and culture, and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students.

M. Seclusion: means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student’s individualized education program (IEP), in which an adult is continuously present in the room with the student.

N. Staff: means all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

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O. Time Out: means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Time-out shall be both developmentally and behaviorally appropriate and shall be short in duration.

P. Substantial Risk: situation where there is serious, imminent threat of injury and where there is the immediate ability to enact such injury.

Q. Staff Trained in Crisis Intervention: Individuals who successfully complete and maintain certification in a training program that results in acquisition of skills to prevent restraints, evaluate risk of harm in an individual situation, use approved restraint techniques and monitor the effect of the restraint.

R. Parent or Guardian: the student’s parent, legal guardian, surrogate parent or student over the age of 18.

**Use of Seclusion:**

• Seclusion shall only be used when a student is displaying behavior that presents imminent risk of injury to the student or others, and the threat could be diminished if the student was in a safe environment away from other students and staff.

• Seclusion shall only be employed as a last resort after other less restrictive interventions are ineffective.

• Seclusion should only be used as long as necessary and shall be discontinued when the student is no longer a substantial risk to cause injury.

• Seclusion should only be employed by staff members who have received training in the safe use of seclusion.

• A staff member must carefully and continually visually monitor every instance of seclusion to ensure the safety of the student and others.

Seclusion Environments All seclusion environments shall:

• Be large enough to reasonably accommodate the student and at least one adult;

• Have adequate lighting and ventilation;

• Permit continuous visual monitoring of the student;

• Meet current fire and safety codes;

• Not be locked; a latching device that a staff member must continuously activate to prevent a door from opening is allowed.

**Use of Restraint:**

• Chemical restraints are not allowed.

• Mechanical restraints are not allowed.

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* Mechanical devices, materials, or equipment prescribed by a licensed physician or other qualified health-care professional are not “mechanical restraints” under this plan, and may be used by staff trained in their safe use.
* Transportation safety restraints are also not “mechanical restraints” subject to this plan.

• Physical restraint shall only be used when a student’s behavior presents an imminent risk of injury to the student or others.

• Physical restraint shall only be used as a last resort after other less restrictive interventions are ineffective.

• Except in emergency situations when trained staff members are not available, restraint should only be employed by staff members who have been trained in the safe use of restraint.

• Restraint shall never be used in a manner that restricts a child’s breathing or intentionally harms the child.

• Restraint shall last only as long as is necessary for the student to regain behavioral stability and for the imminent risk of injury to end.

**Examination and Parental Notification:**

• Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.

• The building principal or designee shall attempt to verbally report every instance of restraint or seclusion to the parent/guardian of the student on the same school day of the incident.

* The principal or designee shall also offer the parents/guardians the opportunity to request a meeting regarding the incident.

**Debriefing, Documenting, and Reporting:**

• As soon as practical after an incident of restraint or seclusion, the principal or designee shall:

* Meet with at least one school staff member who participated in the restraint or seclusion to discuss whether the restraint or seclusion could have been avoided and whether proper procedures were followed;
* Direct a staff person (including him/herself) to debrief the incident with the student in a manner appropriate to the student’s age and developmental ability, to discuss the behaviors that lead to the use of restraint or seclusion.

• The principal or designee will ensure that an incident report is completed for each instance of the use of seclusion or restraint. The incident report should include the following:

* The student’s name
* Date and time of the incident
* The duration of or the beginning and ending times of the restraint or seclusion

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* A description of any relevant events and interventions used prior to the restraint or seclusion
* A list of school personnel involved in the incident
* The date and time on which the parent/guardian was notified

• The incident report will be saved in the student’s record and given to the building principal, to a designated central office administrator, and to the student’s parents.

• The building principal will review reports to monitor multiple uses in the same classroom or by the same staff members to determine if strategies or procedures should be revised.

**Training:**

• The School Corporation will provide recurrent training to appropriate staff, consultants, and others who have regular direct contact with students on:

* Effective alternatives to restraint and seclusion including: conflict de-escalation techniques, and positive behavior intervention support techniques;
* Steps to avoid the use of seclusion or restraint;
* The safe use of seclusion and restraint (only in cases involving imminent risk of injury);
* Debriefing practices and procedures.

• Documentation of training shall be kept that includes:

* The name and position of the person who completed training;
* Who provided the training;
* When the training was completed; and
* What protocols and techniques were included in the training.

**Annual Review and Reporting:**

• The Superintendent will designate an administrator as the coordinator of data, planning and oversight of the use of restraint or seclusion procedures in the school district.

• At least annually, the designated administrator will review the data on the use of restraint and seclusion in the district in order to improve the use of prevention, positive behavior intervention and support, and conflict de-escalation techniques to minimize the use of restraint or seclusion.

• The school corporation shall report the number of instances in which either seclusion or restraint is used in its annual performance report required by IC 20-20-8-3.

• This restraint and seclusion policy shall be provided to parents in a link on the district website. Paper copies of the plan are available upon request.

**Violations of Policy:**

• The principal of the school where a violation of this policy occurs shall report the violation in writing to the administrator designated by the Superintendent within 24 hours of the violation,

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or as soon as possible once the violation is discovered. Corrective action will be taken as necessary to address the violation.

• In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that an employee who intentionally, knowingly, or recklessly violates this policy is subject to correction or disciplinary action as appropriate to prevent a reoccurrence of the violation.

• Discipline of a staff member for violation of this policy shall take into account the degree to which the violation risked serious bodily injury to a student and the staff member’s history of compliance with this policy and other Board policies.

**Administrative Guidelines and Forms:**

The Superintendent is authorized to issue administrative guidelines, directives, and forms, including but not limited to, the Incident Report and the Staff Processing of Seclusion or Restraint Form, as needed to fully implement this policy and document compliance.

**I.C. 20-20-40-1 I.C. 20-20-40-2 I.C. 20-20-40-4 I.C. 20-20-40-5 I.C. 20-20-40-6 I.C. 20-20-40-9 I.C. 20-20-40-10 I.C. 20-20-40-13 I.C. 20-20-40-14**