Use of Restraint and Seclusion with Students

It is the policy of the Franklin Township Community School Corporation (FTCSC) to limit the use of physical restraint and seclusion of students in the education and discipline of students. It is also the policy of the FTCSC that the use of mechanical or chemical restraint of students is prohibited in the education and discipline of students. The FTCSC supports the promotion and training of appropriate student behavior as part of the curriculum framework used throughout our district. To ensure that all students are treated with dignity and respect these *Administrative Guidelines on the Use of Restraint and Seclusion with Students* (from hereon, the *Administrative Guidelines*) are provided to ensure strategies for the use of physical restraint and seclusion of students are used safely and in a manner that is in the best interests of the student. These *Administrative Guidelines* apply to all students, regardless of the existence of a disability.

References

1. Commission on Seclusion and Restraint in Schools: <http://www.doe.in.gov/sites/default/files/srcommission/final-draft-indiana-commission-restraint-seclusion-model-plan-8-26-2013.pdf>
2. Indiana Code (IC) 20-20-40-1 through IC 20-20-40-6, IC 2-20-40-10, IC 20-20-40-13 & IC 20-20-40-14
3. Procedures for the use of Restraint in FTCSC
4. Procedures for the use of Seclusion or Time Out in FTCSC

Definitions

**Term: Aversion or Aversive Intervention**

**Definition:** Means any of the following actions if used to attempt to address, eliminate, reduce or discourage maladaptive behavior of a student through any of the following: (1) The use of noxious odors and/or tastes, water and other mists or sprays, blasts of air, electric shock, corporal punishment, and/or verbal or mental abuse. (2) Requiring a student to perform exercise under forced conditions if the student is required to perform the exercise because s/he exhibited a behavior that is related to a disability; the exercise is harmful to the health of the student, or the nature of the exercise or a student’s disability prevents the student from safely engaging in the exercise. (3) Depriving the student of necessities needed to sustain health or comfort of a student, regardless of the length of the deprivation, including the denial or substantial delay in the provision of food or liquid at a time when it is customarily served.

**Term:** Behavioral Intervention Plan (BIP)

**Definition:** Means a plan that is agreed upon by a student’s case conference committee (CCC) and incorporated into a student's individualized education program (IEP) per the rules of the Indiana State Board of Education at 511 IAC 7-32-10. At a minimum the BIP 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 BIP seeks to maximize consistency of implementation across people and settings in which the student is involved.

**Term:** Case Conference Committee (CCC)

**Definition:** Refers to the group of individuals with direct knowledge of the student per the rules of the Indiana State Board of Education at 511 IAC 7-32-12.

**Term:** Chemical Restraint

**Definition:** Refers to 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. The term does not include the administration of prescription medication pursuant to the orders of a student's physician that is a standard treatment and dosage for the student's medical or psychiatric condition.

**Term:** Corporal Punishment

**Definition:** Means the intentional infliction of physical pain including, without limitation, hitting, pinching, punching, striking, striking the back of the hand, or paddling.

**Term:** Crisis Prevention Training

**Definition:** Refers to specialized training provided to staff members which addresses how to deal with aggressive, violent or out of control behaviors. It includes specific techniques for seclusion and restraint and results in certification of the individuals who complete the training. Ongoing initial and recertification training sessions are held each school year.

**Term:** Crisis Response Team

**Definition:** Refers to a team of staff members who are trained and certified in responding to a student who is in crisis. The team has building-level training for how to respond as a unit to a crisis situation. All members of the team are fully informed of these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*.

**Term:** De-escalation

**Definition:** Refers to causing a situation to become more controlled, calm and less dangerous, thus lessening the risk for injury to someone.

**Term:** Electric Shock

**Definition:** Means the intentional application of electric current to a student’s skin or body. The term does not include electroconvulsive therapy administered by or pursuant to the order of a physician.

**Term:** Emergency

**Definition:** Means a situation in which immediate intervention is necessary to protect the physical safety of a student or others from an immediate threat of physical injury to the student or others or to protect against an immediate threat of severe property damage that would likely result in an injury to the student or others, and where staff trained in crisis intervention are not present to assist.

**Term:** Functional Behavior Assessment (FBA)

**Definition:** Refers to a systematic, ongoing process of gathering information about a specific student that can in turn be used to hypothesize about the function of the student’s behavior.

**Term:** Individualized Educational Program (IEP)

**Definition:** 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.

**Term:** Mechanical Restraint

**Definition:** Means the use of (1) a mechanical device, (2) a material, or (3) equipment attached or adjacent to a student's body that results in the student being unable to remove the item and 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 the student’s doctor.

**Term:** Physical Restraint

**Definition:** Means 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.

**Term:** Positive Behavioral Interventions and Supports (PBIS)

**Definition:** Refers to a school building’s comprehensive written plan that uses evidence-based practices and data driven decision-making to improve school climate and culture. Each plan also includes a range of systematic and individualized strategies to reinforce desired student behavior and diminish reoccurrence of problem behaviors in students to achieve improved academic and social outcomes and increase learning for all.

**Term:** Prone Physical Restraint

**Definition:** Refers to a student being held face down lying on their stomach on a horizontal surface such as the floor.

**Term:** Seclusion

**Definition:** 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 a scheduled break, as described in a student's IEP, in which an adult is continuously present in the room with the student.

**Term:** Serious Bodily Injury (SBI)

**Definition:** Means injury to a person that creates substantial risk of death or that causes permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

**Term:** Substantial Risk

**Definition:** Refers to a situation where there is serious, imminent threat of bodily harm and where there exists the immediate ability to enact such harm to self and/or to others.

**Term:** Supervising Staff Member

**Definition:** Refers to the Crisis Prevention trained and certified staff member who is part of the building level Crisis Response Team who has been called in to address a student in crisis.

**Term:** Supine Physical Restraint

**Definition:** Refers to a student being held face up on their back on a horizontal surface such as the floor.

**Term:** Time Out

**Definition:** 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 [no longer than three (3) minutes].

**Term:** Verbal or Mental Abuse

**Definition:** Means actions or utterances that are intended to cause and may actually cause severe emotional distress to a student.

Overview

Every effort should be made to prevent the need to restrain or place students in seclusion. Each building within the FTCSC must have a Crisis Response Team (CRT) that is trained in positive behavioral interventions and supports and de-escalation techniques and, whose members are trained in methods of crisis prevention. The CRT will have building specific procedures in place to ensure every effort is taken to prevent the need for restraint and/or seclusion of a student. However, the FTCSC recognizes that at times it may become necessary for employees to use reasonable restraints and/or seclusion when there is substantial risk of harm to the student or others. Restraint or seclusion should not be used as a means of punishment or convenience. Every behavioral intervention used must ensure the right of all students to be treated with dignity and respect, and free of abuse.

When there are repeated uses of restraint and/or seclusion with a given student, multiple uses within the same classroom, or multiple uses by the same individual, an administrative review and, if appropriate, revision of strategies currently in place to address the behaviors triggering the use of restraint and/or seclusion must be conducted. The Assistant Superintendent of Curriculum will be responsible for monitoring documented reports of restraint and/or seclusion and conducting an administrative review of any repeated uses of restraint and/or seclusion.

Every instance in which seclusion and/or physical restraint is used must be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the student, other students, teachers, and other personnel. If seclusion and/or physical restraint is used on a student, the use shall be noted in writing per the *Procedures for the use of Restraint or Seclusion in FTCSC*. This written report[[1]](#footnote-1) of the seclusion and/or restraint of the student must be completed no later than one (1) working day after the seclusion and/or restraint is used. The building administrator must notify the parent of the secluded and/or restrained student within 24-hours of the use of seclusion and/or restraint with their child. The confidential file for the student shall include a copy of the written report and a copy of the report must be forwarded to the Behavior Consultant and to the Assistant Superintendent for Curriculum no later than four (4) working days after the seclusion and/or restraint is used. If restraint is used, within three (3) working days of the occurrence, the principal will provide the student’s parents/guardian with a detailed account of the incident and document how this account was provided to the parents on the written report.

1. Use of Physical Restraint

A student shall not be subjected to physical restraint except as specifically authorized in these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*. Any use of physical restraint must comply with these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*. Restraint of any kind shall not be used in any instance in which the sole justification is to punish the student for a violation of a directive from a staff member, violation of student conduct rule, the student’s use of vulgar or profane language, a verbal threat, or a display of disrespect for another person. A verbal threat shall not be considered as sufficient justification for the use of physical restraint unless a student has or has immediate access to the means of acting on the threat.

Restraint may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success. A restraint shall only be implemented by staff members who have successfully completed a research-based method for crisis prevention (CP) training and it must be implemented in accordance with the *Procedures for the use of Restraint or Seclusion in FTCSC*. In rare, clearly unavoidable circumstances non-CP trained staff may employ a restraining procedure with a student when CP trained personnel are not available. However, assistance from CP trained personnel should be sought immediately. Prone or supine forms of restraint are not authorized by the FTCSC. When a student has a known medical or physical condition that would make restraint procedures dangerous for the student, they shall not be implemented. Application of physical restraint to a student with a disability must take into consideration the student’s IEP and any BIP that has been developed for the student.

A restraint shall not be implemented with the intention of using physical pain to achieve control of a student’s behavior or punish misconduct, and a restraint of any kind shall never be applied in a manner that restricts a student’s blood flow or respiration. Failure of a student to complain or object to a restraint or the successful use of a restraint with another student shall not justify the use of a particular restraint.

Physical restraint shall not be used if there is a medical contraindication to its use identified for the student, and shall only be applied and supervised by a staff member who has been trained in the safe application and supervision of the specific means of restraint applied.

Restraint may last only as long as is necessary for the student to regain behavioral stability and the risk of injury has ended, usually a matter of minutes. Physical restraint may only be used on a student if an emergency requires the use of restraint. As used here, “*emergency*” means circumstances in which a staff member reasonably believes that application of a restraint on the student is necessary in response to a physical risk of harm to the student or others. The degree of restraint employed must be in proportion to the circumstances of the incident, the size and condition of the student, and the potential risks for injury to the student.

Physical restraint may be used to conduct a medical exam or treatment on a student that is necessary to diagnose or treat a suspected condition that, if not diagnosed and treated could interfere with the student’s ability to receive the benefit of the student’s program of instruction or IEP.

In determining whether a student who is being physically restrained should be moved from the area where the need was first noted or the restraint first applied, the supervising staff member shall consider the potential for injury to the student, the educational and emotional well-being of the restrained student and other students who would observe the application of the restraint, and any requirements detailed in the restrained student’s BIP and/or IEP.

If physical restraint is used in compliance with these *Administrative Guidelines* on a student whose primary mode of communication is sign language, the student shall be permitted to have his/her hands free of restraint for brief periods unless the supervising staff member determines that such freedom is likely to result in harm to the student or others.

A physical restraint shall be used no longer than necessary to contain the behavior of the student who is in crisis until such time that the student is no longer an immediate threat of causing physical injury to him/herself or others, or causing severe property damage. The use of force in the application of the restraint shall not exceed the force that is reasonably necessary in the circumstances justifying the use of the restraint.

A student shall be released from physical restraint immediately upon a determination by the supervising staff member administering or overseeing the use of restraint that the circumstances pertaining to the use of restraint in these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC* no longer exist.

1. Use of Seclusion

The use of seclusion with a student shall not be permitted except when the conditions described in these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC* exist. Any use of seclusion must comply with these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*. The use of seclusion on a student with a disability shall also be subjected to any conditions described in the students’ IEP and, if applicable, BIP. Seclusion shall never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience). Seclusion shall never be used when the student's known medical or physical condition would make the use of seclusion dangerous for that student.

Seclusion shall only be used when a student is displaying a behavior that could result in substantial risk to him/herself or to others around him/her. There should be sufficient knowledge of the student to understand that the substantial risk could be lessened if s/he was removed to a safe environment away from other students. *Time Out Procedures* that do not create seclusion are permitted in schools within the FTCSC. If Time Out is used it must be both developmentally and behaviorally appropriate and be relatively short in duration [i.e., no more than eight (8) minutes in length]. Seclusion may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success. Seclusion may be used only when the student can be transported safely to the seclusion environment by trained staff members using appropriate techniques based on crisis prevention training.

An enclosure used for seclusion of a student shall have the same ceiling height, lighting, ventilation, and temperature as the surrounding room or rooms. The room or enclosure shall be large enough to accommodate the student being isolated and any other person necessary to accompany the isolated student and provide sufficient space for the student to be able to sit or lay down. The room or enclosure shall not be locked or use any device that requires a key or other device or special knowledge such as a combination lock to exit from the enclosure or room. The enclosure or room shall comply with all applicable health, fire, and emergency safety requirements, and the student placed in seclusion shall be included in any evacuation or safety plan or drill for the school. The enclosure or room shall not be named, labeled, or referred to by any staff member in a manner so as to label or stigmatize a student placed in the enclosure or room.

An enclosure or room used for seclusion must be constructed of materials or objects that cannot injure or be used by a student to injure themselves or others. The enclosure or room shall be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass. It must be designed so that a student cannot climb up the walls and shall allow for continuous visual monitoring and communication with the student by a staff member. The staff member visually monitoring a student placed in seclusion must be crisis prevention (CP) trained, must be fully informed of these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*. The staff member’s duties shall be assigned so that the staff member can carefully and continuously supervise the isolated student, have ongoing communication with the student, and see and hear the student at all times in order that they monitor the student for visual or auditory signs of physiological distress. An enclosure or room shall still be considered to be used for seclusion if more than one student is placed in the room or enclosure under circumstances that would otherwise qualify as seclusion. If more than one student is placed in the room or enclosure, the staff member shall insure that the students do not have the potential to injure one another.

During any seclusion the student must be permitted to use the restroom upon request. Under this circumstance, the student shall be escorted to and from the restroom. During any seclusion the student must be provided with water upon request.

A student shall not be isolated for more than thirty (30) minutes after the student stops the specific behavior for which seclusion was imposed or any other behavior for which seclusion would be an appropriate response according to these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*. If a student with a disability is placed in seclusion pursuant to a BIP or IEP, the time limitations identified in the BIP or IEP shall be followed and applied by the staff member.

1. Use of Mechanical Restraint

The use of mechanical restraint is prohibited by these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*. Schools within the FTCSC shall never use mechanical restraints to restrict a child’s freedom of movement, and shall never use a drug, medication or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).

1. Use of Chemical Restraint

The use of chemical restraint is prohibited by these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*. Employees of the FTCSC shall never give a student any drug or medication that is not a standard treatment and dosage for the student's medical or psychiatric condition.

1. Employee Responsibilities

Each building principal is responsible for ensuring the formation of and annual training for a Crisis Management Team (CMT). Each building principal is responsible for ensuring the prompt and accurate reporting of any instance of Seclusion, Restraint, or Time Out. Each member of the CMT must be provided a copy of these *Administrative Guidelines* as well as the *Board Policy on Use of Restraint and Seclusion* and the *Procedures for Seclusion and Restraint in FTCSC*.

Each building principal is responsible for ensuring the timely reporting of each instance of Seclusion, Restraint, or Time Out. The FTCSC Behavior Specialist must receive a copy of the *Restraint and Seclusion Reporting Form* whenever there is an instance of Seclusion, Restraint, or Time Out. This should be submitted to the FTCSC Behavior Specialist in a timely manner but in no case later than five (5) instructional days after the incident which led to the reporting. The Chief Academic Officer for Elementary or Secondary Education (whichever is applicable for the student’s current grade level) must receive a copy of the *Restraint and Seclusion Reporting Form* whenever there is an instance of Seclusion or Restraint. This is a state-mandated reporting process and must be received by the Chief Academic Officer for Elementary or Secondary Education no later than three (3) instructional days after the incident which led to the reporting.

Training

Each building principal must ensure all members of the CMT are current in their crisis prevention (CP) training. The Chief Special Education Officer will provide for at least one (1) initial CP training each school year. The Chief Special Education Officer will provide for at least four (4) recertification CP trainings each school year. The Chief Special Education Officer will provide for at least four (4) trainings per school year on conflict de-escalation procedures, positive behavioral interventions and supports, the dangers of seclusion and restraint, and strategies to employ when a behavioral crisis occurs.

1. The Procedures for the use of Restraint or Seclusion in FTCSC contain a copy of the written report. A copy is also located on the /T/ drive at T:\Special Education Staff\Administrative Guidelines and Procedures\Seclusion and Restraint. [↑](#footnote-ref-1)