PHYSICAL RESTRAINT & SECLUSION POLICY, PROCEDURES AND GUIDELINES

INTRODUCTION

Indiana Code 20-20-40 et al. provides for the creation of the Commission on Restraint and Seclusion in Schools, a commission to provide guidance to schools regarding the limited use of either seclusion or restraint. The Commission believes that schools should provide a safe and healthy environment in which Indiana's children can learn, develop, and participate in instructional programs that promote high levels of academic achievement. The purpose of this policy is to ensure that all scholars and staff are safe in school, and that scholars who may have behavior crises are free from inappropriate use of seclusion or restraint. The policy applies to both in-school and before and after school extra-curricular activities.

Behavioral interventions for scholars must ensure the right of all scholars to be treated with dignity and respect. All scholars have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any physical seclusion or restraint imposed solely for purposes of discipline or convenience. Prevention, positive behavior intervention and support, and conflict de-escalation shall be used regularly to eliminate or minimize the need for the use of seclusion, chemical restraint, mechanical restraint or physical restraint. Appropriate scholar behavior will be promoted and taught at all PLA schools, and PLA will make every reasonable effort to prevent the need for the use of seclusion or restraint.

Seclusion or restraint shall not be used as routine school safety measures; that is, they shall not be implemented except in situations where a scholar's behavior or action poses imminent risk of injury to self or others and other less restrictive interventions are ineffective. Seclusion or restraint shall not be used as a routine strategy implemented to address instructional problems or inappropriate behavior (e.g., disrespect, noncompliance, insubordination, out of seat), as a means of coercion or retaliation, or as a convenience. Any use of either seclusion or restraint shall be supervised, may only be used for a short period of time, and must be discontinued as soon as imminent risk of injury has dissipated.

This policy applies to all scholars, including scholars with disabilities and scholars with Section 504 Plans.

Any behavioral intervention, including any seclusion or physical restraint, must be consistent with any applicable behavioral intervention plan (BIP) or individualized education program (IEP) and this policy.

Nothing in this policy prevents school staff from stopping a physical altercation, acting to prevent physical harm to a scholar or other individual, or acting to address an emergency until the emergency is over, regardless of whether the school staff is trained under this policy. This policy also does not apply to law enforcement officers who may need to restrain or seclude a scholar while performing law enforcement duties.

Nothing in this policy should be construed to limit the rights and abilities of school employees to keep order and administer necessary discipline in their classrooms and on school grounds as set out in state law and school board policy.

APPLICABLE DEFINITIONS FOR THIS POLICY

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

A. The pattern of behavior that impedes the scholar's learning or the learning of others.
B. The purpose or function of the behavior as identified in a functional behavioral assessment.
C. 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 scholar is involved.
D. If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the scholar.
E. The behavioral intervention plan (BIP) seeks to maximize consistency of implementation across people and settings in which the scholar is involved.

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

Crisis Intervention Training: training provided to selected staff members which addresses how to deal with aggressive, violent or out of control behaviors. It includes specific techniques for seclusion and restraint and could result in certification of the individuals who complete the training.

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

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

Functional Behavioral Assessment: ongoing process of gathering information that can be used to identify patterns in the scholar's behavior and the purpose or function of the behavior for the scholar. The analysis provides the information necessary to develop an intervention plan.

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

Mechanical Restraint: means the use of (1) a mechanical device (2) a material or (3) equipment attached or adjacent to a scholar's body that the scholar cannot remove and that restricts the freedom of movement of all or part of the scholar's body or restricts normal access to the scholar's body. The term does not include (1) mechanical devices, (2) a material, (3) equipment used as prescribed by a licensed physician or other qualified health care professional, or (4) a bus harness or other safety equipment that is used to restrain a scholar during transport when the harness or equipment is necessary for safety purposes.

Parent or Guardian: the scholar's parent (whether biological or adoptive), legal guardian, or surrogate parent.

Physical Restraint: physical contact between a school employee and a scholar in which the scholar unwillingly participates and that involves the use of a manual hold to restrict freedom of movement of all or part of a scholar's body or to restrict normal access to the scholar's body. The term does not include (1) briefly holding a scholar without undue force in order to calm or comfort the scholar, 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 scholar in performing a task or to guide or assist a scholar from one area to another. Additionally, the term does not include the use of a bus harness or other safety equipment that is used to restrain a scholar during transport when the harness or equipment is necessary for safety purposes.

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 scholars.

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 without physical contact between school staff and the scholar.

Prone Physical Restraint: the scholar is being held face down lying on their stomach on a horizontal surface such as the floor.

Restraint: means chemical restraint, physical restraint, and mechanical restraint.

Seclusion: means the confinement of a scholar **alone** in a room or area from which the scholar physically is prevented from leaving. The term does not include a supervised time -out or scheduled break, as described in a scholar's individualized education program, and during which an adult is continuously present in the room with the scholar.

Staff: means any individuals with regular direct contact with a scholar, including all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

Staff Trained in Crisis Intervention: individuals who successfully complete and maintain certification in a training program that results in acquisition of skills to deal with aggressive, violent, or out of control behaviors, prevent restraints, evaluate risk of harm in an individual situation, use approved restraint techniques and monitor the effect of the restraint.

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

Supine Physical Restraint: a person is being held face up on their back on a horizontal surface such as the floor.

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 scholar 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.

USE OF RESTRAINT

A. Restraint shall only be used when a scholar is displaying behavior that presents imminent risk of injury to the scholar or others (including other scholars, staff, or visitors).
B. Restraint shall only be as a last resort after other, less restrictive methods of de-escalation have been attempted without success.
C. Restraint shall only be employed by staff members who have received crisis intervention training by the school in the use of restraint procedures and shall only be carried out in a manner consistent with the techniques prescribed in crisis intervention training, except that other staff may employ restraint procedures in emergency circumstances when fully trained school staff are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.
D. Restraint shall last only a short period of time and as long as it's necessary for the scholar to regain behavioral stability, and the risk of imminent injury or harm to the scholar or others has dissipated.
E. The degree of restriction employed must be in proportion to the circumstances of the incident, the size and condition of the scholar, and the potential risks for injury to the scholar.
F. Physical restraint shall not rely upon pain as an intentional method of control.
G. Mechanical restraints to restrict a scholar's freedom of movement are prohibited, with the exception of bus harnesses or other safety equipment used to restrain a scholar during transport. The use of any drug, medication, or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited. A scholar will not be given a drug or medication that is not a standard treatment or dosage or both for his/her medical or psychiatric condition unless otherwise prescribed by a physician.
H. Prone or supine forms of restraint are not authorized and shall be avoided.
I. Restraint shall never be used in a manner that restricts a scholar's breathing or intentionally harms the scholar.
J. Every instance in which seclusion or restraint is used shall be carefully and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers and other personnel.
K. In determining whether a scholar who is being physically restrained should be removed from the area where such restraint was initiated, the supervising employee/staff shall consider potential injury to the scholar, the educational and emotional well-being of other scholars in the vicinity, and if applicable, any requirements pursuant to the IEP or BIP.
L. If physical restraint is imposed upon a scholar whose primary mode of communication is sign language, the scholar shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising employee/staff determines that such freedom appears to result in harm to the scholar or to others.

WHEN RESTRAINT PROCEDURES SHALL NOT BE EMPLOYED

A. Restraint shall not be used unless there is imminent risk of injury to either the scholar or others.
B. A verbal threat or verbally aggressive behavior generally does not generally constitute a risk of imminent injury unless in so doing the scholar also demonstrates a means of or intent to carry out the threat.
C. Destruction or damage to property generally does not constitute a risk of imminent injury unless in so doing an imminent risk of injury to the scholar or others is created.
D. When known medical, emotional or physical condition of the scholar would make the restraint procedures dangerous for that scholar (e.g. scholars with heart or circulatory conditions, asthma, etc.) they shall not be employed.
E. Restraint shall never be used as a punishment, or to force compliance with staff directives.

USE OF SECLUSION (only for those buildings with specifically designed rooms for this practice)

A. Seclusion shall only be used when a scholar is displaying behavior that presents imminent risk to the scholar or others (including other scholars, school staff, or school visitors), and the threat could be diminished if the scholar was in a safe environment away from other scholars and staff.
B. Seclusion shall only be employed as a last resort after other less restrictive interventions are ineffective.
C. Seclusion shall only be used for a short period of time and shall be discontinued as soon as imminent risk of injury to the scholar or others has dissipated.
D. Seclusion shall only be employed by staff members who have received training in the safe use of seclusion procedures.
E. Seclusion must be used only when the scholar can safely be transported to the seclusion environment by trained staff members using appropriate techniques based on crisis intervention training.
F. Time-out procedures do not constitute seclusion and are permitted in school.
G. Every instance in which seclusion is used shall be carefully and continuously visually monitored to ensure the safety of the scholar, other scholars, and staff.
H. All seclusion environments shall be inspected by Facilities Management staff and shall:
    a. Be of reasonable size to accommodate the scholar and at least one adult.
    b. Be of reasonable size to permit scholars to lie or sit down.
    c. Have adequate ventilation including heat and air conditioning as appropriate.
    d. Have adequate lighting.
    e. Be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass.
    f. Permit direct continuous visual and auditory monitoring of the scholar.
    g. Not be locked, except with a latching device that staff must continuously activate or monitor to prevent a door from opening is permitted.
    h. Shall comply with all applicable health, fire and safety requirements.
    i. Be constructed of materials or objects that cannot be used by scholars to harm themselves or others, and be designed so that scholars cannot climb up the walls.

WHEN SECLUSION PROCEDURES SHALL NOT BE EMPLOYED

A. When the imminent risk of injury to the scholar or others has dissipated.
B. When known medical, emotional or physical condition of the scholar would make the seclusion procedures dangerous for that scholar (e.g. scholars expressing suicidal thoughts or with a history of self-harm or severe trauma, scholars with heart or circulatory conditions, asthma, and/or other medical conditions).
C. Seclusion shall never be used unless a staff member can continuously monitor the scholar for visual or auditory signs of physiological distress, and can communicate with the scholar.
    a. Scholars shall be permitted to use the restroom upon request, and be escorted to and from the restroom.
    b. Scholars shall be provided with water on request.
D. Seclusion shall never be used as a punishment, or to force compliance with staff directives.

INFORMING PARENTS AND GUARDIANS

Parents or guardians, as well as scholars who are at least eighteen (18) years of age, shall be informed of and have access to this policy at their school or other educational setting.

All scholar handbooks shall include a statement similar to this:
As part of the emergency procedures in place in our schools, no scholar will be restrained and/or placed in seclusion by school staff unless the scholar's behavior poses an imminent risk of injury to him/herself or others. However, significant violations of the law including assaults on scholars and staff will be reported to the police. As soon as possible after any such use of restraint and/or seclusion, the parents or guardians will be informed when any of these actions have occurred and will be provided with a detailed account of the incident including the circumstances that led to the use of restraint and or seclusion.

REPORTING, DOCUMENTATION AND DEBRIEFING REQUIREMENTS

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

B. Parents or guardians shall be verbally notified as soon as possible (no later than the end of the school day or as soon as practical in which the seclusion or restraint occurs) following each instance in which seclusion and/or restraint is used. Additionally, written notification must also be sent to the scholar's parent or guardian as soon as practical following each instance in which seclusion and/or restraint is used. Further, the school will offer parents/guardians an opportunity to meet regarding the incident of restraint and/or seclusion.

C. Each school must designate a staff member or members who will be responsible for documenting every instance in which seclusion and/or restraint was used on the scholar with an Incident Report.

D. Incident Reports:
   a. Staff involved in the use of seclusion or restraint will contribute in an Incident Report as soon as practical after the use of seclusion or restraint.
   b. The building administrator or designee will send a copy of the Incident Report to the scholar's parent or guardian documenting the use of seclusion or restraint, and will place a copy of the report in the scholar's cumulative file.
   c. A copy of the Incident Report shall also be sent to the District Special Education Administrator.

E. Incident Reports will include, at a minimum, the following information:
   a. The scholar's name.
   b. The racial/ethnic status of the scholar.
   c. The date and time of the incident.
   d. The duration of any seclusion or restraint, or the beginning and ending times of the restraint and/or seclusion.
   e. A description of any relevant events leading up to the incident.
   f. A description of any interventions used immediately prior to the implementation of seclusion or restraint.
   g. A description of the incident and/or scholar behavior that resulted in implementation of seclusion or restraint, including a description of the danger of injury which resulted in the seclusion or restraint.
   h. A log of the scholar's behavior during seclusion or restraint, including a description of the restraint technique(s) used and any other interaction between the scholar and staff.
   i. A description of any injuries (to scholars, staff, or others) or property damage.
   j. A description of the planned approach to dealing with the scholar's behavior in the future.
   k. A list of the school staff who participated in the implementation, monitoring, and supervision of seclusion or restraint and whether they had training related to seclusion or restraint.
   l. The date and time on which the parent or guardian was notified.
   m. If applicable, a statement that the intervention used was consistent with the scholar's most current Behavioral Intervention Plan or IEP.
   n. If the scholar has a disability (IDEA or Section 504), the type of disability.

F. Further, as soon as practical it is expected that each staff member involved in a seclusion or restraint will engage in a de-briefing or processing session(s) with the school administrator or designee in order to determine what could have been done to prevent the future need for use of seclusion or restraint for this scholar specifically and for other scholars in similar situations. At this session, the following will take place:
   a. Components to be included in this session are outlined in the Staff Processing of Seclusion or Restraint Form.
   b. Discuss whether proper seclusion or restraint procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.
   c. Direct a staff person, including the administrator himself or herself, to debrief the incident with the scholar in a manner appropriate to the scholar's age and developmental ability, to discuss the behavior(s), if any, that led to the use of the seclusion and/or restraint.
   d. The supervisor will provide support to the staff member and determine when the staff member shall return to his or her duties.
   e. The scholar, with assistance from staff, will process the event at the earliest appropriate time.
   f. The staff member's supervisor or designee shall complete and file the form.

G. When reviewing individual cases, it is recommended that when a scholar has experienced three instances of seclusion or physical restraint, the school personnel who initiated, monitored, and/or supervised the incidents shall review the effectiveness of the procedure(s) used and prepare an Individual Behavior Plan (BIP) for the scholar that provides either for the continued use of these interventions or for the use of other specified intervention. The plan shall be placed in the scholar's cumulative record. The review shall also consider the scholar's potential need for alternative program or for a referral for a special education evaluation, if the scholar does not have an IEP.

TRAINING

A. PLA will provide all staff members with basic training about conflict de-escalation procedures, the use of seclusion and restraint only as a last resort, and procedures for contacting fully trained and certified staff when behavioral crises occur.

B. This training will be recurrent and will be provided to new staff on at least an annual basis.

C. PLA will determine a specific curriculum and method of providing training related to seclusion or restraint.

D. A core group of appropriate staff will be trained in each building on crisis intervention techniques which will include the use of seclusion and restraint procedures.

E. This training will be recurrent and will be provided to staff on at least an annual basis and will include:
   a. Effective alternatives to physical seclusion and restraint, such as positive behavioral interventions, positive supports, and conflict de-escalation techniques.
   b. Steps to avoid the use of seclusion or restraint.
   c. The safe use of seclusion or restraint in cases involving imminent risk of injury.
   d. Debriefing practices and procedures.

F. Documentation on staff training will be kept and will include:
   a. Name and position of person who completed the training.
   b. Who provided the training.
   c. The date of the training was completed.
   d. The training agenda and materials.
   e. What protocols and techniques were included in the training.

ANNUAL REVIEW, PLANNING PROCESS AND OVERSIGHT

A. The Special Education Administrator (or designee) will be designated as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures.

B. PLA shall establish a committee or use a standing committee to conduct an annual review of all individual and program-wide data associated with this policy. The committee shall review the following components related to the use of restraint or seclusion:

   a. Incident Reports.
   b. Procedures used during restraint and seclusion, including the proper administration of specific PLA approved techniques.
   c. Preventative measures or alternatives tried and techniques or accommodations used to avoid or eliminate the need of the future use of restraint or seclusion.
   d. Documentation and follow up of procedural adjustments made to eliminate the need for future use of restraint or seclusion.
   e. Injuries incurred during a restraint or seclusion.
   f. Notification procedures.
   g. Staff training needs.
   h. Specific patterns related to staff or scholar incidents.
   i. Environmental considerations, including physical space, scholar seating arrangements, and noise levels.

C. Upon review of the data, the committee shall identify any issues and/or practices that require further attention and provide written recommendations to the Superintendent of Schools for changes in policies or practices.

D. The committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the PLA training curriculum.

SAMPLE TIME-OUT PROCEDURES

Effective time-out procedures include multiple levels, with each level becoming more restrictive and exclusionary. It is important to note that for disruptive behavior requiring more restrictive interventions, once the behavior begins to de-escalate, transition to less restrictive forms of time-out may make the return to regular classroom activities easier for the scholar. Scholars need to be taught the procedures for taking a time-out at either level. The following is a potential time-out plan that schools may consider adopting.

Level I.

A. Planned Ignoring: Ignore the scholar as long as possible if he or she is out of place or seat, noncompliant but not otherwise disruptive.
B. Be (or have aide/ associate) available to counsel, provide one-to-one tutoring, or negotiate if the scholar is involved in a dispute.
C. Modify/change scholar's assignment to get him or her re-involved with learning. Select a task that will provide immediate success.
D. Separate scholar from others (i.e. creative seat assignment).
E. Send scholar out of room, on an errand or for a walk, to "cool off".
F. Offer a "time-in" situation with a support person outside the classroom.
G. Quietly praise other scholars for ignoring inappropriate scholar behavior.
H. When possible, talk to disruptive scholar out of classroom away from other scholars so that he or she can save face.

Level II. Level II time-out is more restrictive than the first-level interventions. It is the exclusion of a child from positive reinforcing activities of the classroom without removing him or her from the room.

A. Move scholar to different part of the classroom (i.e. closer to teacher, further away from audience).
B. Avoid lengthy explanations to scholar. Simply say: "Because you_____, you go to time out for ____ minutes." Avoid other interaction.
C. Allow scholar to take their own time-out.
D. Keep time-out period brief. (Time-out periods longer than 15 minutes rarely serve their intended purpose-temporary withholding of positive reinforcement. For time out periods longer than 30 minutes, a supervisory staff person shall be consulted about the appropriateness of continuing the time-out procedure.) In-school suspension or other out of class but in school interventions shall be considered.