

5630.01 - USE OF SECLUSION AND RESTRAINT WITH STUDENTS

It is the policy of the Board that all students are to be treated with dignity and respect and to be free from abuse. The Board supports the promotion and training of appropriate student behavior as part of the Corporation's curriculum. It is 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 seclusion or restraint with students. This policy applies to all students, regardless of the existence of a disability.

General Guidelines

Any behavioral interventions must be consistent with a student's right to be treated with dignity and respect and to be free from abuse.

Any behavioral intervention used must be consistent with the student's most current individualized education program (IEP) and with the student's behavior intervention plan (BIP), if applicable.

Every effort must be made to eliminate or minimize the need for the use of seclusion or restraint with a student, including the use of prevention, positive behavior intervention and support, and conflict de-escalation prior to the use of seclusion or restraint, except in the case of an emergency, as defined below.

Seclusion and restraint are to be used only: 1) as a last resort safety procedure employed after another, less restrictive procedure has been implemented without success; and 2) when there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

Seclusion and restraint may be used only for a short period of time or until the imminent risk of injury has passed.

Any instance of seclusion or restraint must be documented as indicated below.

A student's parent must be notified as soon as possible when an incident involving the student that includes the use of seclusion or restraint occurs, and a copy of an incident report must be sent to the student's parent, as indicated below.

Regular training of appropriate school employees/staff members on the proper use of effective alternatives to seclusion and physical restraint and the safe use of seclusion and physical restraint in situations involving imminent danger or serious harm to the student, school employees or others is required, as indicated below.

Seclusion and restraint must not be used as a means of punishment or discipline, coercion or retaliation, or as a matter of convenience.

Seclusion and restraint must never be used in a manner that restricts a child's breathing.

The student must be monitored by a staff member at all times during the use of seclusion or restraint to ensure the appropriateness of its use and the safety of the student or others.

Use of Seclusion

The use of seclusion with a student shall not be permitted except when the conditions described in this policy exist. The use of seclusion with a student with a disability also is subject to any conditions in the student's IEP and any BIP established for the student in addition to the conditions established in this policy.

- A. Seclusion may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.

- B. Seclusion may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.

- C. Seclusion may be used only as long as necessary and must be discontinued when the student is no longer an imminent threat to others.
- D. Seclusion may be employed only by staff members who have received specific Corporation approved crisis intervention training in the use of seclusion procedures.
- E. 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 intervention training.
- F. All seclusion environments must:
 - 1. be of reasonable size to accommodate the student and at least one (1) adult;
 - 2. be of reasonable size to permit students to lie or sit down;
 - 3. have adequate ventilation, including heat and air conditioning as appropriate;
 - 4. have adequate lighting;
 - 5. be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass;
 - 6. permit direct continuous visual and auditory monitoring of the student;
 - 7. permit automatic release of any locking device if fire or other emergency in the school exists;

8. if locked, be released automatically after five (5) minutes or with any building-wide alarm, such as a fire, tornado or code red alarm;
 9. meet current fire and safety codes.
- G. Seclusion may not be used when the student's known medical or physical condition would make the use of seclusion dangerous for that student.
 - H. Seclusion must not be used unless a staff member can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student.
 - I. During the seclusion, students must be permitted to use the restroom upon request and be escorted to and from the restroom.
 - J. During the seclusion, students must be provided water on request.
 - K. Seclusion must never be used as a means of punishment or to force compliance with staff commands.
 - L. Time-out procedures that do not constitute seclusion, as defined above, are permitted in school. A time-out must be both developmentally and behaviorally appropriate and must be short in duration.

Use of Restraints

The use of restraint with a student shall not be permitted except when the conditions described in this policy exist. The use of restraint with a student with a disability also is subject to any conditions in the student's IEP and any BIP established for the student in addition to the conditions established in this policy.

- A. Restraint may be used only when a student is displaying behavior that presents an imminent risk of injury to the student or others.

- B. Restraint may be used only as a last resort safety procedure after a less restrictive procedure has been implemented without success.

- C. Restraint may be employed only by staff members who have received crisis intervention training by the school in the use of restraint procedures with the following exception: other school personnel may employ restraint procedures in an emergency, as defined below, when fully trained school personnel are not immediately available. Untrained staff must request assistance from trained staff as soon as possible.

- D. 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.

- E. The degree of restriction 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.

- F. Mechanical restraints and chemical restraints are not authorized in school.

- G. Prone (face down on a horizontal surface) physical restraints are not authorized and must be avoided.

- H. Restraint must never be used in a manner that restricts a child's breathing.

- I. Every instance in which 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.

- J. A verbal threat or verbally aggressive behavior does not itself constitute an imminent risk of injury and does not warrant the use of restraint.

- K. Destruction of or damage to property does not constitute an imminent risk of injury warranting the use of restraint unless in the course of such behavior a risk of injury to the student or others is created.
- L. Restraint may not be used when the student's known medical or physical condition would make the use of restraint dangerous for that student.
- M. Restraint must never be used as a means of punishment or to force compliance with staff commands.

Documentation and Recording Requirements

The building administrator or designee verbally must notify the student's parent or guardian of the use of seclusion or restraint as soon as possible following the incident but no later than the end of the school day in which the seclusion or restraint occurred.

Immediately after the student has regained emotional and behavioral control following the use of seclusion or restraint, a staff member not involved with the incident must ascertain if the student has sustained any injury during the seclusion or restraint and document such injury or the lack thereof in the incident report referenced below. If the student has sustained an injury, the staff member must seek appropriate treatment of the student for the injury.

Staff will assist the student to process the event at the earliest appropriate time after the student has regained emotional and behavioral control.

Staff involved in the use of seclusion or restraint must complete an "Incident Report" as soon as practical after the use of seclusion or restraint. The following data should be included in the incident report if known:

- A. the student's name
- B. the date and time of the incident
- C. the duration of any seclusion or restraint; or the beginning and ending times of the seclusion or restraint
- D. a description of any relevant events leading up to the incident
- E. a description of any interventions used prior to the implementation of the seclusion or restraint

- F. a description of the student behavior that resulted in implementation of seclusion or restraint, including a description of the imminent risk of injury which resulted in use of the seclusion or restraint
- G. a log of the student's behavior during the seclusion or restraint, including a description of any restraint technique(s) used and any other interaction between the student and staff
- H. a description of any injuries (to the student, other students, staff, or others) or property damage
- I. a description of the approach planned for dealing with the student's behavior in the future
- J. a list of the school personnel who participated in the implementation, monitoring, and supervision of the seclusion or restraint and whether they had training related to seclusion or restraint
- K. the date and time on which the parent or guardian was notified of the seclusion or restraint
- L. if the student has a disability (IDEIA or Section 504), the type of disability

The building administrator or designee must send a copy of the incident report to the parent or guardian and place a copy of the report in the student's confidential file.

The building administrator or designee also must send a copy of the incident report to a Corporation administrator designated by the Superintendent, who must maintain records of all such incident reports. The building administrator or designee must provide support to staff members involved by determining if any staff member has suffered an injury, seeking appropriate treatment for that staff member, and determining when the staff member can return to his/her duties.

The building administrator or designee must ensure that each staff member involved in an incident engages in a de-briefing or processing session(s) in order to determine what could have been done to prevent the use of seclusion or restraint in this incident and how to avoid the need for use of seclusion or restraint in the future for this student specifically and for other students in similar situations. Ideally, this will occur immediately following the incident but may occur later if the needs of the student or other students take precedence or the staff member has suffered an injury requiring treatment. The building administrator must complete a "Staff Process of Seclusion or Restraint Form" that summarizes the de-briefing process and file it with the Corporation administrator designated by the Superintendent, who must maintain records of all such forms.

Notification of Parents

Student handbooks must include a statement similar to the following: "a student will not be subject to seclusion or restraint unless the student's behavior poses an imminent risk of injury to the student or others. However, significant violations of the law, including assaults on students and staff, will be reported to the police. As soon as possible after any use of seclusion or restraint, the student's parent or guardian will be informed and provided with a detailed account of the incident, including the circumstances that led to the use of seclusion or restraint."

When a seclusion or restraint is used with a student, the student's parent or guardian must be notified verbally as soon as possible.

A copy of the incident report prepared by staff following the use of seclusion or restraint with a student must be sent to the student's parent or guardian.

Training of Staff

The Corporation will provide all staff members with basic training about conflict de-escalation procedures, the dangers of seclusion and restraint, and procedures for contacting fully trained and certified staff when behavioral crises occur.

This training will be recurrent and will be provided to new staff.

The Corporation will determine a specific curriculum and method of providing training related to seclusion and restraint.

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

Recurrent training will be provided on a regular basis (at least annually).

Annual Review, Planning Process and Oversight

The Superintendent is directed to designate a Corporation administrator to serve as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures in the Corporation. The coordinator must maintain records of the use of seclusion or restraint in the Corporation and serve as chair of the committee referenced below or, if a standing committee is used, as co-chair along with the chair of the standing committee.

The Superintendent is directed to 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 must review the following components related to the use of restraint:

- A. incident reports

- B. procedures used during restraint, including the proper administration of specific Corporation-approved restraint techniques

- C. preventative measures or alternatives tried and techniques or accommodations used to avoid or eliminate the need for future use of restraint

- D. documentation and follow up of procedural adjustments made to eliminate the need for future use of restraint

- E. injuries incurred during a restraint
- F. notification procedures
- G. staff training needs
- H. specific patterns related to staff or student incidents
- I. any environmental considerations, including physical space, student seating arrangements, and noise levels

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

The committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the Corporation's training program.

Definition of Terms

The following definitions apply in this policy regardless of the term(s) used to describe the conduct when it occurs.

- A. **"Behavioral intervention plan" or "BIP"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 73210)
- B. **"Case conference committee"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-12)
- C. **"Chemical restraint"** means 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.

- 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 trained in crisis intervention are not present to assist.
- E. **"Individualized education program" or "IEP"** has the meaning given to it in the rules of the Indiana State Board of Education. (511 IAC 7-32-48)
- F. **"Mechanical restraint"** means the use of a mechanical device, material or equipment attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or a part of the student's body or restricts normal access to the student's body. The term does not include mechanical devices, a material or equipment used as prescribed by a physician.
- G. **"Physical restraint"** 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 a 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 (1) area to another.
- H. **"Physician"** means a person holding an unlimited license to practice medicine in Indiana, and includes an M.D. (medical doctor) and a D.O. (osteopathic physician).
- I. **"Positive behavior intervention and support"** means 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.

- J. **"Seclusion"** means the confinement of a student alone or 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, in which an adult is continuously present in the room with the student.
- K. **"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.

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

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