

**SECLUSION AND RESTRAINT IN SCHOOLS**

**1. DEFINITIONS**

All definitions used in this policy shall be consistent with the definitions in the Rules. For the purpose of clarity, the following definitions are restated:

- A. **Emergency** means a situation constituting an imminent risk to health or safety.
- B. **Imminent Risk** means an immediate and impending threat of a person causing substantial physical injury to self or others.
- C. **Prohibited Practices** means that certain activities or objects are prohibited from being utilized with students under any circumstances. Prohibited elements include:
  - 1. **Aversives** means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.
  - 2. **Locked Seclusion** means a seclusion room with a locking device that is engaged by leverage of an inanimate object, key or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact, which upon release immediately permits the door to be opened from the inside.
  - 3. **Mechanical Restraints** include devices or equipment designed or utilized to restrict the free movement of all or a portion of a student's body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which such devices or equipment were designed and prescribed.
  - 4. **Prone Restraints** include holding a student in a face down position or in any position that will:
    - a) obstruct a student's airway or otherwise impair the ability to breathe;
    - b) obstruct a staff member's view of a student's face;
    - c) restrict a student's ability to communicate distress;
    - d) place pressure on a student's head, neck or torso; or
    - e) straddle a student's torso.

- D. **Restraint** means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student's body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team. The term does not encompass any of the prohibited practices described in this rule.
- E. **Seclusion** means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. There are two distinct categories: i) seclusion from the learning environment, or ii) isolation room. The term does not include a student-requested break or in-school suspension, detention or other appropriate disciplinary measure. Seclusion does not include time out, which means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment, and the student is not physically prevented from leaving the time out area. The use of time out is not regulated by this policy.
1. **Seclusion from the Learning Environment** means visually or auditorily isolating the student from the classroom or other school activity, away from peers in an area that obstructs the student's ability to participate in regular classroom or school activities. The student is prevented from rejoining the learning environment or school activity until directed by staff.
  2. **Isolation Room** means purposefully placing the student in an enclosed room built in compliance with all relevant health and safety codes. The student is not released from the isolation room and permitted to rejoin the learning environment or school activity until directed by staff. An isolation room is not the same as locked seclusion, which is a prohibited practice.

## **II. STAFF TRAINING**

- A. The district adopts the CPI Nonviolent Crisis Prevention evidence-based model for the purpose of training and safe implementation of seclusion and restraint.
- B. All staff shall receive training in the prevention of physical restraint and seclusion according to the CPI Nonviolent Crisis Prevention, including skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation and conflict management.
  - 1) The initial training for each staff member shall be 4 hours in duration.
  - 2) The ongoing training shall be 2 hours annually.
- C. In addition to the initial training and the annual ongoing training for all staff referred to above, all staff shall also annually receive training and information regarding the implementation of this policy during the annual staff development program.

## **III. SECLUSION AND RESTRAINT PROCEDURES**

### **A. Restraint**

- 1. Non-emergency situations: Only trained, certified staff pursuant to paragraph II(C) above shall be permitted to utilize restraint as part of a planned behavior intervention.
- 2. Emergency situations: Any staff member may intervene for purpose of restoring safety in a bona fide emergency situation constituting an imminent risk to the health or safety of students, staff or others.
- 3. Durational guidelines: The following durational guidelines are to be followed when implementing a restraint:
  - a) The minimum amount of time necessary to de-escalate the conduct necessitating the restraint will always be used.

- b) The duration of the initial restraint and any additional restraint needed thereafter to de-escalate the situation shall be that recommended by the evidence-based model referenced in II(A) above.
4. Administrative review: In the event that implementation of the restraint exceeds the durational guidelines specified above, an administrator or administrative designee shall immediately be contacted and review the following elements to determine if and under what conditions the restraint may continue:
- a) the reason for the restraint, including the likely harm to the student or others;
  - b) the type of restraint being used;
  - c) the factors, if known, which precipitated the conduct necessitating restraint;
  - d) other options available to eliminate the risk of harm or safety to student or others;
  - e) the likelihood that continued restraint will prevent harm to the student or others.
5. Debriefing: After restraint has been implemented, the following debriefing procedures will be utilized:
- a) A conference will be held involving all staff present and/or involved with the restraint, as well as the responsible administrator. The debriefing will include:
    - 1) a discussion of the factors that precipitated the conduct necessitating the restraint;
    - 2) a review of all interventions and de-escalation techniques, procedures or efforts utilized in advance of the restraint;
    - 3) a review of the behavior plan or other plan, if one exists, for dealing with the behaviors of the student;
    - 4) a review of training received by staff involved with the restraint procedure and a determination of whether such restraint was done in compliance with this policy;
    - 5) a discussion of changes that could be made or implemented that might assist in preventing the student conduct or eliminating the need for restraint.
6. Documentation: The completion of an incident report as referenced below is required for each restraint.

**B. Seclusion**

1. There are two regulated seclusion categories: seclusion from the learning environment or isolation room.
2. The use of a locked seclusion room is prohibited in all school facilities.
3. The use of an isolation room will be limited to locations specifically built and/or modified for that purpose, meeting all relevant health and safety codes.
4. School staff must be able to see and hear the student in seclusion at all times.
5. Students placed in seclusion must be permitted access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.
6. Seclusion from the learning environment: The following requirements apply:
  - a) Durational guidelines: These durational guidelines are to be followed when implementing a seclusion from the learning environment. Initial seclusion from the learning environment and any additional exclusion shall be in accordance with the training and recommended duration guidelines from the evidence-based model referenced in II(A) above.
  - b) Use of a debriefing procedure and an incident report following the implementation of seclusion from the learning environment is not required.
7. Isolation Room: The following requirements apply:
  - a) Durational guidelines: These durational guidelines are to be followed when implementing a removal to an isolation room. Initial seclusion in the isolation room and any additional exclusion shall be in accordance with the training and recommended durational guidelines from the evidence-based model referenced in II(A) above.

- b) Debriefing: After a removal to an isolation room has been required, the following debriefing procedures will be utilized:
- 1) A conference will be held involving all staff present and/or involved with the isolation room, as well as the responsible administrator. The debriefing will include:
    - a) a discussion of the factors that precipitated the conduct necessitating the isolation room;
    - b) a review of all interventions and de-escalation techniques, procedures or efforts utilized in advance of the isolation room;
    - c) a review of the behavior plan or other plan, if one exists, for dealing with the behaviors of the student;
    - d) a review of training received by staff involved with the isolation room procedure and a determination of whether such isolation room was used in compliance with this policy;
    - e) a discussion of changes that could be made or implemented that might assist in preventing the student conduct or eliminating the need for the isolation room.
  - c) Administrative review: In the event that implementation of the isolation room exceeds the durational guidelines specified above, an administrator or administrative designee shall immediately be contacted and shall review the following elements to determine if and under what conditions the isolation room may continue:
    - 1) the reason for the restraint, including the likely harm to the student or others;
    - 2) the type of restraint being used;
    - 3) the factors, if known, which precipitated the conduct necessitating restraint;
    - 4) other options available to eliminate the risk of harm or safety to student or others;
    - 5) likelihood that continued restraint will prevent harm to the student or others;

8. The use of appropriate disciplinary measures involving such things as after-school detentions or in-school suspensions and/or other disciplinary measures is not regulated by this policy and may continue in accordance with the approved district policies and procedures relating to such disciplinary measures.
- C. **Documentation.** The completion of an incident report is required for each use of an isolation room as referenced below.
- D. **Incident Report.** For each incident involving a need to implement a restraint or remove a student to an isolation room, a physical restraint incident report or isolation room incident report will be filled out. The physical restraint incident report is attached as Exhibit JLJ-E(1) and the isolation room incident report is attached as Exhibit JLJ-E(2).
- E. **Parent Notification.** Parents shall be notified of each use of regulated seclusion or restraint procedure according to the following schedule:
  - 1) An attempt shall be made to contact the parent by phone as soon as reasonably possible after the event.
  - 2) Written notification of the regulated procedure should be sent to the parent within twenty-four (24) hours of the regulated procedure unless the parent and school have agreed to an alternative time frame.

#### IV. ENFORCEMENT PROCEDURES

- A. **Complaint Process:** The following process for the receipt of complaints from any individual or entity regarding the use of restraint or seclusion shall be utilized:
  1. Parent shall be directed to provide written notice of their complaint, specifically including the following:
    - a) the conduct complained of;
    - b) a statement as to whether or not they felt the conduct violates this seclusion and restraint policy and, if so how;
    - c) a statement of other options or alternatives that the complainant believed should have been utilized in lieu of the restraint or seclusion procedure used; and

- d) a statement as to the remedial action being requested.
2. Subsequent to receipt of the written complaint, the investigation process shall be initiated. The investigation process shall include the following requirements:
    - a) The responsible administrator (principal or special education director) or his/her administrator designee shall immediately conduct an investigation, including meeting with the complainant and with all staff involved separately, interview witnesses, gather information regarding the event being complained of. The administrator in his/her discretion may elect to have a meeting involving the complainant and the staff who are being complained about, after which the administrator shall make a written determination as to the complaint with a finding as to whether or not the seclusion and restraint policy was complied with, as well as recommendations for any subsequent action or changes involving the student impacted by the restraint or seclusion, as well as any remedial actions applicable to the staff involved. A copy of the decision shall be provided to both the complainant and the staff being complained about.
  3. In the event the complainant is not satisfied with the decision of the responsible administrator, the complainant may appeal that determination to the superintendent of schools who, in his/her sole discretion, may elect to conduct an additional investigation or, alternatively, review the information provided by the complainant, the staff complained about, and the investigating administrator and either affirm, reverse or modify the decision. The determination of the superintendent shall be submitted in writing to the complainant, the staff complained about, and the original investigating administrator.
  4. In the event the complainant is not satisfied with the decision of the superintendent, the complainant may appeal the decision to the board of trustees. The board of trustees shall review all information submitted to and reviewed by the original administrator and the reviewing superintendent. The board in its sole discretion may elect to receive verbal communication from the complainant, the staff complained about, or the building administrator. Should the board elect to receive input from the original investigating administrator or the superintendent, the board shall extend an equal opportunity to the

complainant to present information. In the event the board elects to receive verbal information, such information shall be informally presented to the board. No formal contested case hearing will be initiated.

5. The board will, at the next regular board meeting following the first meeting at which the information is presented to the board, render a decision upon the complaint, which decision shall thereafter be submitted in writing to the complainant, the superintendent, the original investigating administrator and the staff member(s) being complained about.

#### **V. Publication of Policy**

This policy shall be adopted in the regular course of policy adoption by the board and included with other policies within the district and maintained in the official policies of the district. All students and parents shall be given notice that the district has a seclusion and restraint policy and advised as to where such policy may be reviewed. District policies and regulations published on an official school website shall include a complete copy of this seclusion and restraint policy and parents and students shall be notified as to how that website may be accessed or, alternatively, that the policy may be reviewed at the administration office of the district. Notification of the existence of this policy and where it may be reviewed shall be included in all student handbooks. In addition thereto, to the extent a behavioral intervention plan, IEP or other behavioral document applicable to any student incorporates the possibility of utilizing a restraint or seclusion procedure, the student and parent shall be given a copy of this policy for review.

**NEW REGULATION**  
**REVIEW DATE: NOVEMBER 9, 2011**  
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