

Interim Seclusion/Restraint Procedures

Under

Louisiana Revised Statutes 17:416.21

(Act 328 of 2011)



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INTRODUCTION

This document provides interim procedures/guidance for the use, reporting, documentation and oversight of seclusion and restraint in the Claiborne Parish School System pending issuance of regulations and/or formal guidance by the Board of Elementary and Secondary Education, Louisiana Department of Education (LDE).

These interim procedures specifically address the statutory requirements of La.R.S. 17:416.21 (Louisiana Act 328 of 2011) regarding the use of seclusion and restraint as emergency safety measures to control the actions of students with exceptionalities in Louisiana's public schools. It is understood that this procedural/guidance document is a work in progress and in no way constitutes the totality of interventions and strategies used by the School System and its personnel in addressing the educational needs of students with exceptionalities pending formal guidance from the LDE.

For the purposes of this interim document, Claiborne Parish School System may encompass policies adopted by the Claiborne Parish School System; administrative procedures implemented by school administrators and school employees (as defined herein) and guided forms developed to assist school employees in carrying out their responsibilities under La.R.S. 17:416.21 (Act 328 of 2011).

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DEFINITIONS

Emergency -- A sudden, generally unexpected set of circumstances that requires immediate action.

IMMINENT RISK OF HARM – An immediate and impending threat of a person causing substantial physical injury to self or others. The risk is “imminent” if it is likely to occur within a matter of moments.

MECHANICAL RESTRAINT - The application of any device or object used to limit a person’s movement. The term does NOT include the following:

- A protective or stabilizing device used in strict accordance with the manufacturer’s instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.
- Any device used by a duly licensed law enforcement officer in the execution of his official duties.

PHYSICAL ESCORT -- Touching or holding a student with or without the use of force for the purpose of directing the student to a new location. Physical escort does not include the unforced holding of a student’s hand or other physical prompts for the purpose of safely guiding the student from one task to another or directing the student in an educational activity.

PHYSICAL RESTRAINT – Bodily force used to limit a person’s movement. The term does NOT include the following:

- Consensual, solicited, or unintentional contact.
- Holding of a student by a school employee, for **less than 5 minutes** in any given hour or class period for the protection of the student or others.
- Holding of a student by a school employee, for the purpose of calming or comforting the student—provided the student’s freedom of movement or normal access to his/her body is not restricted.
- Minimal physical contact for the purpose of safely escorting a student from one area to another.

- Minimal physical contact for the purpose of assisting the student in completing a task of response.

POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORT -- A systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

SECLUSION -- A procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others.

SECLUSION ROOM -- A room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

SCHOOL EMPLOYEE -- A teacher, paraprofessional, administrator, support staff member, or a provider of related services.

SUBSTANTIAL RISK OF INJURY -- Behavior which has both the intent and available means to cause serious physical harm to self or others whether or not directly or substantially considered to be a manifestation of the student's disability.

TIME OUT -- A behavior reduction procedure that involves the absence of positive reinforcement for a limited period of time. Time out may include: (1) *Inclusionary time-out* where the student remains in sight and sound of others in the classroom; (2) *Exclusionary time-out* where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving. These forms of time-out are NOT considered by the School Board to constitute seclusion but must be monitored and documented at the school level to ensure that repetitive incidents of time-out do not occur and, if occurring, do not result in substantial isolation of the student from instructional activities.

WRITTEN GUIDELINES AND PROCEDURES -- The written guidelines and procedures adopted by a student's governing authority regarding appropriate responses to student behavior that may require immediate intervention.

Restraint and Seclusion Procedures

Claiborne Parish School Board

PURSUANT TO SCHOOL BOARD POLICY

The Claiborne Parish School Board has approved the following guidelines and procedures relative to the use of seclusion and restraint by its employees:

Reporting requirements

❖ **Notification requirements for school officials and parents/legal guardians**

Written notification from the school employee initiating restraint or seclusion is required:

1. Document on attached form
2. Notify principal/designee and Special Education Supervisor/Designee immediately, using the Simplified Form (Form A), with each occurrence. Copies of notification can be faxed, emailed or hand delivered to principal and supervisor, with the formal report made to the principal, the next available school day.
3. Follow up with the formal report, Physical Restraint Incident Report (Form B) or Seclusion Incident Report (Form C), within twenty four (24) hours.
4. Parent/Legal guardian notification can be sent home by the student or the parent/legal guardian can pick up a copy of the notification from the school principal, if preferred, no later than twenty four (24) hours after each incident or the next available school day.

❖ **Explanation of methods of physical restraint**

These explanations should follow descriptions found in “Crisis Prevention Institute (CPI), “Handle with Care” (HWC), or other such training programs for nonviolent responses to student behaviors.

❖ **Training requirements relative to the use of restraint**

Which school district personnel will be designated to receive training?

Supervisors, principals, assistant principals, guidance counselors, teachers, related service providers, nurses, behavior specialists,

paraprofessionals, school bus drivers, bus attendants, cafeteria workers, custodians.

What training program will be used?

Claiborne Parish School District will employ the Crisis Prevention Institute (CPI) as the approved training for restraint and seclusion. This program focuses on early intervention and nonphysical methods for preventing or managing disruptive behavior. This program prepares staff to safely remove themselves and others from a dangerous situation. The program focuses on the following :

- How to identify behaviors that could lead to a crisis
- How to most effectively respond to each behavior to prevent the situation from escalating
- How to use verbal and nonverbal techniques to defuse hostile behavior and resolve a crisis before it becomes violent
- How to cope with your own fear and anxiety
- How to use CPI's Principles of Personal Safety to avoid injury if behavior becomes physical

❖ **What will the training include?**

Verbal, personal defense, Primary Restraint as prescribed in the Crisis Prevention Institute. To the fullest extent possible, training will be conducted at each school site, at least annually with updates and refresher training with Primary Restraint Techniques and personal defense as deemed necessary by the school administration.

Employees will be updated annually on proper restraint techniques consistent with CPI. Building Level Administrators can practice restraint techniques more frequently with staff as needed.

❖ **Who will maintain documentation of training?**

Local School Administrators and Central Office

❖ **Dissemination of guidelines and procedures to all *school employees***

There will be a hard copy at each school site and an electronic copy will be available on district's website: www.claibornepsb.org

- ❖ Dissemination of guidelines and procedures to every parent of a child with an exceptionality

The parent/legal guardian of every student will receive a copy through Student Rights and Responsibilities Handbook with annual IEP notification. An electronic version will be available on the District's website: www.claibornepsb.org

- ❖ Notification to the Louisiana Department of Education

Once official notification has been received from the school personnel, it will be forwarded to the DOE by the Supervisor of Special Services or his/her designee via email or fax. A copy of the confirmation will then be attached to the original transmittal document and placed on file at the Special Services Office.

SECLUSION

Seclusion is a procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others. Seclusion does not include time-out, "which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming". The term does not include in-school suspension or student requested breaks.

Seclusion is **permitted only**:

- For behaviors that involve an imminent risk of harm.
- As a LAST resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
- As long as necessary to minimize the imminent risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

Seclusion is prohibited:

- For addressing behaviors such as general noncompliance, self-stimulation, and academic refusal. (Such behaviors SHALL be responded to with less stringent and less restrictive techniques).
- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the principal of the school and the school nurse in which the student is enrolled).

SECLUSION ROOM

Seclusion Room is permitted only under the following conditions:

- As a LAST resort if and when less restrictive measures such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.
- By a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he/she is in the seclusion room.
- If one student is placed in a seclusion room at any given time and the school employee supervising the student is able to see and hear the student the entire time the student is placed in the seclusion room.
- The room is free of any object that poses a danger to the student placed in the room.

- The room has an observation window and is of a size appropriate for a student's size, behavior, and chronological and developmental age.
- The room has a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

Seclusion Room is **prohibited**:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the principal of the school and school nurse in which the student is enrolled).

MECHANICAL RESTRAINT

- No student shall be subjected to any form of mechanical restraint.

PHYSICAL RESTRAINT

Physical Restraint is **permitted** only under the following conditions:

- If the student's behavior presents a threat of imminent risk of harm to self or others.
- As a last resort to protect the safety of self and others.
- To the degree necessary to stop dangerous behavior.
- In a manner that causes **NO PHYSICAL INJURY** to the student.
- Results in the least possible discomfort to the student.
- Does not interfere in any way with a student's breathing or ability to communicate with others.
- Does not involve the use of any form of mechanical restraint.

- The student is not physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.
- Applied only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

Physical Restraint is **prohibited**:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the principal of the school and the school nurse in which the student is enrolled).

MONITORING & DOCUMENTATION

Seclusion and Restraint **require** monitoring, documentation, and analysis of data collected:

- Continuous monitoring.
- **Documentation every 15 minutes (with adjustments made accordingly).**
- Student is released/removed as soon as the reasons for the action have subsided.
- **Parent or guardian notified as soon as possible.**
- **Parent or guardian notified in writing within 24 hours of EACH incident of seclusion/restraint.**

Reason for seclusion/restraint

Description of procedures used

Length of time of seclusion/restraint

Names and titles of school employees involved.

- Director/Supervisor of Special Education notified any time student is placed in seclusion/restraint.
- School employee who used seclusion/restraint shall complete Form A immediately after each incident of restraint and seclusion. This simplified form is given to the principal and Special Education Supervisor.
- School employee shall submit Form B to the School Principal not later than the school day immediately following the day of the seclusion/restraint.
- School employee shall submit copy of Form B to student's parent or guardian.
- When a student is involved in 5 incidents of restraint/seclusion in a single school year*, convene the IEP Team to review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.
- Review data/documentation at least once every 3 weeks for students secluded and restrained and whose challenging behavior continues or escalates.

* Five (5) incidents in a school year includes the cumulative number of incidents of restraint AND seclusion. (e.g., 2 restraints + 3 seclusions = 5 incidents).

SECLUSION AND RESTRAINT PROCEDURES

I. Dissemination of Policy, Procedures, and LDE Guidance

By September, 2012 and annually thereafter, each school Principal shall make available to school personnel and the parents/guardians/students of majority age, copies of La.R.S. 17:416.21 (Louisiana Act 328 of 2011), LDE Guidance (if approved by BESE by such date), and local policies and procedures regarding the use of reasonable restraint and seclusion of students with exceptionalities in the educational environment. It shall be considered permissible to publish such regulations, guidance, policies and procedures on the website of the Claiborne Parish School Board. Such restraint and seclusion notification shall also be referenced and/or

included in the annual notice of student rights and responsibilities provided to the parents/guardians/students of majority age.

II. Use of Restraint and/or Seclusion by School Personnel

TIME OUT: School personnel may separate a student from other students for a limited duration as a behavior management technique, as long as the student is monitored at all times and is not substantially isolated from instructional activities. TIME OUT is not considered seclusion; however, TIME OUT periods must be documented to ensure that repetitive incidents of TIME OUT do not occur and to ensure that repetitive behaviors are addressed appropriately.

Monitoring requires close, visual proximity to the student, release as soon as the behaviors cease that led to the isolation/seclusion, the space where the student is secluded has adequate lighting, ventilation, heating and cooling, the space is free of objects or items that may unreasonably expose the student to danger; the space is designated by the school as a safe environment for temporary, safety-required seclusion.

SECLUSION: School personnel may use seclusion (isolation and confinement of the student in a separate area) ONLY when the student poses an immediate risk of danger to self or others as more fully described below:

- The person is in control of a weapon;
- Isolation is needed to break up a fight or maintain order at the school;
- The person poses a viable threat of imminent harm to self or others or substantial destruction of school property;
- Isolation is required/specified by a student's IEP, Section 504 Plan, and/or Behavior Intervention Plan;
- Other such incidents involving imminent risk of significant injury to the student or others.

Seclusion SHALL BE:

- The action of last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
- Used only as long as necessary to minimize the risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

Seclusion SHALL NOT be used:

- As the sole means of behavioral intervention and support for any student with a disability
- As a form of discipline or punishment
- As a threat to control, bully, or obtain behavioral compliance
- For the convenience of school personnel
- When unreasonable, unsafe, or unwarranted
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care providers in a written statement provided to the school in which the student is enrolled); or
- After the substantial risk of injury no longer exists.

Monitoring:

A student placed in seclusion must be monitored/supervised at all times by an adult. Monitoring requires close, visual proximity to the student, release as soon as the behaviors cease that led to the isolation/seclusion, the space where the student is secluded has adequate lighting, ventilation, heating and cooling, the space is free of objects or items that may unreasonably expose the student to danger; the space is designated by the school as a safe environment for temporary, safety-required seclusion.

Seclusion used for reasons other than imminent risk of harm and contrary to the procedures listed above shall be considered unreasonable and strictly prohibited. Seclusion SHALL NOT be used as a disciplinary consequence for minor infractions or to otherwise isolate the student from needed educational instruction.

**SECLUSION
ROOM:**

School personnel may confine a student with a disability to a seclusion room (a room or other confined area from which the student is involuntarily prevented from leaving) on an individual basis and for a limited time to allow the student the opportunity to regain control in a private setting.

When the use of a seclusion room is necessary, the student with a disability should be escorted to the seclusion area without the use of physical force. Physical prompts are permissible for the purpose of safely guiding the student from one area to another, but care should be taken to limit the use of physical contact with the student and to avoid the use of physical force. Verbal redirection and other means of positive support should be used before resorting to physical means.

➤ **ENVIRONMENTAL AND OTHER CONDITIONS:**

When a seclusion room is necessary as a last resort (after less restrictive measures have been used such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of the student's environment), the following environmental and other conditions are **REQUIRED**:

- The student must be supervised by a school employee;
- The supervising employee must be able to see and hear the student the entire time the student is confined to the seclusion room;
- The seclusion room must be free of any object that poses a potential danger to the student while in the room;

- The seclusion room must have an observation window of a size appropriate to the student’s size, behavior, and chronological and developmental age;
- The seclusion room must have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school;
- The seclusion room must NOT be used as a form of discipline or punishment or to threaten or bully the student or to obtain behavioral compliance;
- The seclusion room must NOT be used for the convenience of school personnel or when unreasonable, unsafe, or unwarranted;
- The seclusion room IS NOT PERMITTED for use by a student who has a known medical or psychological condition that precludes its use(as certified by a licensed health care provider in a written statement provided to the school).

DOCUMENTATION:

All incidents of seclusion and use of a seclusion room must be documented on the Seclusion Incident Report Form.

A copy of the procedures governing the use of seclusion/seclusion rooms should be provided to the parent(s) student of majority age at each student’s annual IEP review meeting. A statement can be added to the IEP document indicating that the parent was provided a copy of the school district’s restraint/seclusion procedures.

INCIDENT REPORTING:

Reporting the use of seclusion and/or restraint MUST be made to SPECIFIED individuals within the timelines indicated in these procedures and recorded on the Seclusion Incident Reporting Form.

Seclusion/Seclusion Room Incident Reporting data must be analyzed at least annually. These procedures should be reviewed and revised as

necessary during the interim period to ensure appropriateness and effectiveness.

It is recommended that data will be used to track the number of incidents of seclusion by student, staff, and type of incidents; description and number of injuries sustained by student and/or staff and the nature of any such injuries; and other factors such as precipitating events and other observable factors.

