

Seclusion and Restraint Policy and Procedures

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Introduction

Board Policy 603.6 was approved by the Governing Board of Earlywood Educational Services (EES) on February 19, 2014. This policy establishes required actions of staff employed by the EES Cooperative in the use of seclusion and restraints for the purpose of maintaining safe school environments.

The Commission on Seclusion and Restraint in Schools was created by the 2013 Indiana General Assembly. It is a nine-member commission made up of parents, representatives of public and nonpublic schools, student and educator advocacy organizations and staff from the Indiana Department of Education. The Commission was assembled to draft rules regarding the limited use of either seclusion or restraint by public, charter and accredited nonpublic schools. In addition, the Commission was charged with creating a model plan to aid schools in the creation of school specific plans. The recommendations and information provided by the Commission are incorporated into the Special Services Johnson County and Surrounding Schools plan for Seclusion and Restraint.

The Indiana Commission on Seclusion and Restraint in Schools Policy was updated October 2019. All changes have been reflected in this handbook.

This manual provides resources to staff regarding specific actions when implementing seclusion and restraints as a necessary step to maintain a safe school and classroom environment. All staff is expected to comply with board policy and the adopted plan governing the use of seclusion and restraints.

EES Board Policy

603 STUDENT HEALTH AND SAFETY:

Seclusion and Restraint

Indiana law ensures the right of all children to be treated with dignity and respect regarding behavioral interventions. All children have the right to be free from physical or mental abuse, aversive interventions that compromise health and safety, and any physical seclusion or restraint imposed solely for purposes of discipline or convenience.

Seclusion or restraint shall not be used as routine school safety measures; that is, they shall not be implemented except in situations where a child's behavior or action poses imminent danger of physical harm to self or others. They shall not be used as a routine strategy to address instructional problems or inappropriate behavior. Neither shall they be used as a means of coercion, retaliation, or as a convenience. Any use of either seclusion or restraint shall be supervised, short in duration, and used only for the purposes of de-escalating the behavior.

Any behavior intervention must be consistent with a child's rights to be treated with dignity and respect, and to be free from abuse.

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

Every effort shall be made to prevent the need for the use of seclusion or for the use of restraint on a child.

Prevention, positive behavior intervention and support, and conflict de-escalation shall be used regularly to eliminate or minimize the need for use of seclusion, chemical restraint, mechanical restraint or physical restraint. Any program governed by EES shall employ the use of prevention, positive behavior intervention and support, and conflict de-escalation before the use of any seclusion or restraint.

Physical seclusion or restraint shall not be used except when used as a last resort in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other less restrictive interventions are ineffective.

Use of seclusion or restraint may only be used for a short period of time and shall be discontinued as soon as the imminent danger of serious physical harm to self or others has dissipated.

Teachers and other personnel shall be trained regularly on the appropriate use of effective alternatives to physical seclusion and restraint, such as positive behavioral interventions and supports and only for cases involving imminent danger of serious physical harm. Whenever possible, schools shall designate certain staff to complete a crisis intervention program.

Every instance in which seclusion or restraint is used shall be carefully and with continuous visual monitoring to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.

A school shall never use mechanical restraints to restrict a child's freedom of movement and a school 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). A school 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.

Plans restricting the use of seclusion and restraint shall apply to all students, not only students with disabilities.

Seclusion or restraint shall never be used in a manner that restricts a child's breathing or intentionally harms the child.

The use of seclusion or restraint, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior, including a functional behavior assessment and reviewing and/or modifying the student's individualized education program or behavior intervention plan. If positive behavioral strategies are not in place staff shall consider developing them. ("Dangerous behavior" refers to behavior that poses imminent danger of serious physical harm to self or others.)

Behavioral strategies to address dangerous behavior that results in the use of seclusion or restraint shall address the underlying cause or purpose of the dangerous behavior.

Parents or guardians shall be informed of and have access to the plan on seclusion and restraint at the child's school or other educational setting, as well as applicable Federal, State, or local laws.

Parents or guardians shall be notified as soon as possible following each instance in which seclusion or restraint is used with their child. Schools must designate the staff who will be responsible for documenting every instance in which seclusion or restraint was used on a student. The documentation shall include a detailed account of the incident, including the circumstances that led to the use of seclusion and/or restraint.

Any plan which includes the use of seclusion and restraint shall provide that each incident involving the use of seclusion or restraint be documented, in writing, with sufficient detail to provide for the collection of specific data that would enable teachers, staff, and other personnel to review seclusion and restraint policies in order to implement modifications to the school's plan. Data collected from the use of either seclusion or restraint shall be reviewed at least annually in order to improve prevention, positive behavioral intervention and support, and conflict de-escalation techniques in order to avoid the use of seclusion or restraint.

EES Seclusion and Restraint Plan and Procedures

USE OF SECLUSION

A. Seclusion is defined as 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 scheduled break as described in a student's individualized education program, in which an adult is continuously present in the room with the student. Seclusion shall only be used when a student is displaying physical behavior that presents substantial imminent risk to the student or others, and the threat could be diminished if the student was in a safe environment away from other students and staff. A substantial risk is a situation where there is serious, imminent threat of bodily harm and where there is the immediate ability to enact such harm. Imminent is defined as likely to happen right away; within a matter of minutes.

B. Seclusion shall only be employed as a last resort after other methods of deescalating a dangerous situation have been attempted. De-escalation is defined as causing a situation to become more controlled, calm and less dangerous, thus lessening the risk for injury to someone.

C. Seclusion shall only be used as long as necessary and shall be discontinued when the student is no longer an imminent threat to others. Seclusion shall only be employed by staff members, all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation, who have received specific approved 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.

D. Seclusion must be used only when the student can safely be transported to the seclusion environment by trained staff members using appropriate techniques based on crisis intervention training.

E. Time out, a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time; occurs when the ability of a student to receive normal reinforcement in the school environment is restricted; shall be both developmentally and behaviorally appropriate and shall be short in duration, does not constitute seclusion are permitted in school.

F. All seclusion environments shall be inspected and shall:

1. Be of reasonable size to accommodate the student and at least one 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, shall be automatically released after five minutes or with any building wide alarm.
9. Shall meet current fire and safety codes.

WHEN SECLUSION PROCEDURES SHALL NOT BE EMPLOYED

- A. When the substantial imminent risk of injury no longer exists.
- B. When known medical or physical condition of the student would make the seclusion procedures dangerous for that student.
- C. Seclusion shall never 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.
- D. Seclusion shall never be used as a punishment or to force compliance with staff commands.

USE OF RESTRAINT

A. Restraint, 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. Restraint shall only be used when a student is displaying physical behavior that presents substantial imminent risk of injury to the student or others. A substantial risk is a situation where there is serious, imminent threat of bodily harm and where there is the immediate ability to enact such harm. Imminent is defined as likely to happen right away; within a matter of minutes.

B. Restraint shall only be employed as a last resort after other methods of deescalating a dangerous situation have been attempted without success.

C. Restraint shall only be employed by staff members who have received crisis intervention training and have successfully completed and maintain certification in a training program that results in acquisition of skills to prevent restraints, evaluate risk of harm in individual situations, use approved restraint techniques and monitor the effect of the restraint by the school in the use of restraint procedures with the following exceptions:

1. Other school personnel may employ restraint procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.

2. Restraint of a student shall be conducted in a manner consistent with the techniques prescribed in crisis intervention training program.

D. Restraint shall 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 or chemical restraints are not authorized in school. Mechanical restraint means the use of (1) mechanical device, (2) a material or (3) equipment attached or adjacent to a student's body that the student cannot remove and that 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 a doctor. Chemical restraint is 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.

G. Supine forms of restraint are not authorized and shall be avoided. A supine restraint is a person being held face up on their back on a horizontal surface such as the floor.

H. Seclusion or restraint shall never be used in a manner that restricts a child's breathing or harms the child.

I. Every instance in which seclusion or restraint is used shall be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the student, other students, teachers, and other personnel.

WHEN RESTRAINT PROCEDURES SHALL NOT BE EMPLOYED

- A. Restraint shall not be used unless there is substantial imminent risk of injury to someone by the student.
- B. A verbal threat or verbally aggressive behavior does not itself indicate an imminent risk of injury and shall not result in restraint.
- C. Destruction or damage to property does not constitute a risk of imminent injury unless in so doing a risk or injury to the student or others is created.
- D. When known medical or physical condition of the student would make the restraint procedures dangerous for that student.
- E. Restraint shall never be used as a punishment or to force compliance with staff directives.

TRAINING

- A. EES will provide its 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.
- B. This training will be recurrent and will be provided to new staff.
- C. EES will determine a specific curriculum and method of providing training related to seclusion and/or restraint.
- D. A core group of appropriate personnel will be trained in crisis intervention techniques which will include the use of seclusion and restraint procedures.
- E. Recurrent training will be provided on a regular basis at least annually.

REPORTING, DOCUMENTATION AND DEBRIEFING REQUIREMENTS (PROCEDURES)

Schools shall attempt to report every incident in which seclusion or restraint is used to the student's parent or guardian no later than the end of the school day or as soon as practical. Every instance in which seclusion or restraint is used on a student shall be documented in order to memorialize the events that led up the use of either seclusion or restraint. Report must be completed as soon as possible. Best practice is no later than two school days.

A. Incident Report

1. Staff involved in the use of seclusion or restraint will contribute in a Seclusion and Restraint Reporting Form as soon as practical after the use of seclusion or restraint.
2. The building administrator or designee will send a copy of the written report to the parent or guardian documenting the detailed account of the incident, including the circumstances that lead to the use of restraint and/or seclusion and will place a copy of the report in the student's file. A copy of the Seclusion and Restraint Reporting Form shall also be sent to the home school designee.
3. Each staff member involved in an incident will engage in a debriefing or processing session in order to determine what could have been done to prevent the future need for use of seclusion or restraint for this student specifically and for other students in similar situations.
 - a. The supervisor will provide support to the staff member and determine when the staff member shall return to his or her duties.
 - b. The student, with assistance from staff, will process the event at the earliest appropriate time.
 - c. The staff member's supervisor or designee shall assist in completing the report and file the form.

ANNUAL REVIEW, PLANNING PROCESS AND OVERSIGHT

- A. An EES administrator (or designee) will be designated as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures for EES.
- B. EES 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 and procedures. The Committee shall review the following components related to the use of seclusion and restraint:
 1. incident report form
 2. procedures using restraint, including the proper administration of specific EES approved restraint techniques;
 3. preventative measures or alternatives tried, techniques or accommodations used to avoid or eliminate the need of the future use of restraint;

4. documentation and follow up of procedural adjustments made to eliminate the need for future use of restraint;
5. injuries incurred during a restraint;
6. notification of procedural changes
7. staff training needs;
8. specific patterns related to staff or student incidents;
9. environmental considerations, including physical space, student 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 Executive Director 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 EES training curriculum.

Definitions

Behavioral intervention plan: means a plan that is agreed upon by the case conference committee (CCC) and incorporated into a student's individualized education program (IEP) and that, a minimum, 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.
- (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 behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

Chemical Restraint: 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.

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 hypothesize about the function of student behavior. The analysis provides the information necessary to develop a 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 student's body that the student cannot remove and that 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 a doctor.

Physical Restraint: 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.

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.

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 students

Prone physical restraint: the person is being held face down lying on their stomach on a horizontal surface such as the floor.

Seclusion: 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 scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

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

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 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.

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

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

Parent or guardian: the student's parent, legal guardian, surrogate parent or student over the age of 18.

Appendix

NOTE: The forms in this Appendix have been created in a format which allows the user to type in the boxes and save the completed form as a new document.

- Seclusion and Restraint Data Reporting Form
- Seclusion and Restraint Debriefing Guide



Seclusion and/or Restraint Staff Debriefing Guide

Within two (2) school days of the use of seclusion and/or restraint, a documented debriefing by appropriate staff must occur, including staff involved in the incident. The purpose of the debriefing is to review the incident and the specifics surrounding it from a *CPI Nonviolent Crisis Prevention Intervention* perspective. The team should review actions to reduce the chances that such an incident will reoccur. Those attending the debriefing meeting shall have the opportunity to review the Seclusion and Physical Restraint Data Reporting Form documenting the incident.

Required Documentation: Upon completing the debriefing session, document the debriefing under the Communications tab of IIEP. Be sure to include the *purpose of the meeting, date of the seclusion/restrain, date/time of the debriefing, and meeting participants.*

During the debriefing utilize concepts from CPI, including, the *Crisis Development Model*, the *COPING Model*, the *Decision Making Matrix* and the *Opt-Out Sequence*. The following are suggested themes to discuss during debriefing:

Crisis Development Model

- What were the environmental factors that contributed to the incident?
- Can the team identify an antecedent or trigger for the conflict? Could it have been avoided?
- Did staff choose an effective intervention?
- Did the interventions match the intensity of the behavior? Could there have been a less restrictive option?

Decision Making Matrix

- Did staff utilize seclusion/restraint only when the individual posed a significant risk to self or others?

Opt-Out Sequence

- Was the situation, staff and student, properly monitored throughout the incident?
- Was the individual released as soon as the threat was no longer imminent?

COPING Model

- Are there patterns or common themes to student and staff behavior?
- Are there any alternate- intervention strategies that may help prevent the future use of seclusion/restraint?
- Are there any necessary follow up actions?