

Department of Elementary and Secondary Education
Model Policy on Seclusion and Restraint
July 2020

PREFACE

Section 160.263, RSMo requires the local school board of each school district in the state of Missouri to adopt a written policy on the use of restrictive behavioral interventions as a form of discipline or behavior management technique. The Department of Elementary and Secondary Education (DESE) was required to develop a model policy.

This policy is based on the premise that seclusion, isolation, and restraint are used only in response to emergency or crisis situations and should:

- (a) Not be viewed as a behavior change or intervention strategy;
- (b) Be implemented only under extreme situations and as a matter of last resort or as otherwise specified in a student's IEP or Section 504 plan;
- (c) Be implemented only by trained school personnel; and
- (d) Be accompanied by school-wide, pro-active positive behavioral supports to prevent the need for their use.

This policy is not an endorsement of the use of seclusion, isolation, and restraint. A school district may adopt a policy prohibiting the use of seclusion, isolation, or restraint. This policy applies to all students.

DESE recommends that each local school board develop effective practice guidelines and training resources that delineate district-wide prevention and individual student positive behavior support interventions to increase the likelihood that extreme responses to crisis situations will not be necessary.

PURPOSE

- Meet the requirements of § 160.263, RSMo;
- Promote safety and prevent harm to all students, school personnel and visitors in the school district;
- Treat all students with dignity and respect in the use of discipline and behavior management techniques;
- Provide school personnel with clear guidelines about the use of seclusion, isolation, and restraint in response to emergency situations;
- Promote retention of teachers and other school personnel by addressing student behavior in an appropriate and safe manner;
- Promote parent understanding about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions, and responses to emergency situations; and
- Promote the use of non-aversive behavioral interventions.

DEFINITIONS FOR THE PURPOSE OF THIS POLICY

Aversive behavioral interventions: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as: contingent application of noxious, painful, intrusive stimuli or activities; any form of noxious, painful or intrusive spray, inhalant or tastes; or other stimuli or actions similar to the interventions described above. The term does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

Behavioral intervention: an individualized instructional and environmental supports that teach students appropriate behaviors to replace inappropriate or unacceptable behaviors. Behavioral interventions are guided by a functional behavioral assessment that identifies the communicative intent of problem behavior and takes into consideration any known medical, developmental or psychological limitation(s) of the child.

Behavior Intervention Plan (BIP): a component of a student's IEP or Section 504 plan that describes positive behavioral interventions and other strategies that must be implemented to prevent and manage a student's inappropriate or unacceptable behavior.

Behavior management: those comprehensive, school-wide procedures applied in a proactive manner that constitutes a continuum of strategies and methods to support and/or alter behavior in all students.

Chemical restraint: the use of medication for the sole purpose of controlling behavior and restricting freedom of movement. This does not include medication prescribed by a physician and administered according to that physician's directions (including but not limited to medication for disabilities and health conditions such as: seizure disorders, hyperactivity, bipolar disorder, HIV, diabetes, etc.).

Confinement: the act of preventing a child from leaving an enclosed space.

Discipline: the consequences for violating the district's student code of conduct.

Emergency situation: one in which a student's behavior poses a serious, probable threat of imminent physical harm to self or others. *[District option to also include "or destruction of school or another person's property."]*

Functional Behavior Assessment: a formal assessment with the purpose to isolate target behavior and develop a hypothesis regarding the function of the target behavior which is one that interferes with a student's ability to progress in curriculum and to achieve the student's IEP goals. The assessment could include observations and charting of the behavior and interviews with family, teachers, and the student, so as to determine the frequency, antecedent and response of the targeted behavior.

IEP: a student's Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA) [20 U.S.C. 141, *et seq.*, and its authorizing regulations].

Isolation: the placement of a student alone in an enclosed, unlocked space and monitored by school personnel in close proximity who is able to see and hear the student at all times.

Law enforcement officer: any public servant having both the power and duty to make arrests for violations of the laws of this state.

Locked space: an area where egress is prevented by a mechanical device, electrical device, or any other device, object, or mechanism.

Mechanical Restraint: the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Physical Escort: the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.

Physical Restraint: a personal restriction that immobilizes or reduces the ability of a student to move his torso, arms, legs, or head freely. It does not include briefly holding a student without undo force for instructional purposes, briefly holding a student to calm them, taking a student's hand to transport them for safety purposes, physical escort or intervening in a fight.

Positive behavior supports: a range of instructional and environmental supports to teach students pro-social alternatives to problem behavior and allow multiple opportunities to practice pro-social skills and receive high rates of positive feedback. The intensity of instructional and environmental supports should be matched to student need.

School personnel: includes

- Employees of a local board of education;
- Any person, paid or unpaid, working on school grounds in an official capacity;
- Any person working at a school function under a contract or written agreement with the school system to provide educational or related services to students; and

- Any person working on school grounds or at a school function for another agency providing educational or related services to students.

Seclusion: the confinement of a student in an unattended, locked space.

Section 504 Plan: a student’s individualized plan as defined by Section 504 of the Rehabilitation Act.

Time-Out: 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.

USE OF RESTRICTIVE BEHAVIORAL INTERVENTIONS

Time-Out: nothing in this policy is intended to prohibit the use of time-out.

Seclusion: is prohibited except for an emergency situation while awaiting the arrival of law enforcement personnel as provided for in § 160.263, RSMo.

Isolation: may only be used –

- After de-escalating procedures have failed; and
- In an emergency situation as defined in this section; or
- If applicable, as specified in a student’s Individualized Education Program (IEP) or Section 504 plan.

Use of isolation requires all of the following:

- Monitoring shall be face-to-face unless personal safety is significantly compromised in which case technology supported monitoring may be utilized;
- The total time in isolation is to be reasonably calculated based on the age of the child and circumstances, and is not to exceed 40 minutes [*District option to alter the time limit*] without a reassessment of the situation and consultation with parents and/or administrative staff, unless otherwise specified in an IEP or Section 504 Plan.
- The enclosed, unlocked space in which the student is placed shall be a normal-sized meeting or classroom commonly found in a school setting and be comparable in lighting, ventilation, heating, cooling, and ceiling height to those systems that are in use in other places in the school; and
- The space in which the student is placed must be free of objects that could cause harm or that the student could use to cause harm to self or others.

Isolation shall never be used as a form of punishment or for the convenience of school personnel.

Physical Restraint: shall only be used –

- When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations; and
- In an emergency situation as defined in this section; or

- If applicable, when otherwise specified in an IEP, Section 504 Plan.
- Physical restraint shall:
 - Only be used for as long as necessary to resolve the actual risk of danger or harm that warranted the use of physical restraint;
 - Use no more than the degree of force necessary to protect the student or other persons from imminent bodily injury;
 - Not place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat of the student which restricts breathing; and
 - Only be done by school personnel trained in the proper use of restraint.
- Any school personnel using physical restraint shall:
 - Use methods of restraint in which the person has received district-approved training; and
 - Conduct restraint with at least one additional adult present and in line of sight unless other school personnel are not immediately available due to the unforeseeable nature of the emergency situation.
- School personnel should never use physical restraints as a form of punishment or for the convenience of school personnel.

Mechanical Restraint: shall only be used as specified in a student's IEP or Section 504 plan with the exception of mechanical restraints employed by law enforcement officers in school settings should be used in accordance with their policies and appropriate professional standards.

Chemical Restraint: School personnel shall never use chemical restraints. School personnel shall never use other aversive interventions that compromise health and safety.

COMMUNICATION AND TRAINING

School Personnel Debriefing: Following any emergency situation involving the use of seclusion, isolation, or restraint, a debriefing shall occur as soon as possible but no later than two (2) school days after the emergency situation. The debriefing shall include, at a minimum:

- A discussion of the events that led to the emergency and why the de-escalation efforts were not effective;
- Any trauma reactions on the part of the student, other students or school personnel;
- What, if anything, could have been done differently; and
- An evaluation of the process.

Parental Notification

Except as otherwise specified more stringently in a student's IEP or Section 504 plan:

- Following an emergency situation involving the use of seclusion, isolation, or restraint, the parent or guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible, but no later than the end of the day of the incident.
- The parent or guardian shall receive a written report of the emergency situation within five (5) school days of the incident. The written incident report shall include all of the following:

- Date, time of day, location, duration, and description of the incident and interventions;
- Event(s) that led up to the incident;
- Nature and extent of any injury to the student;
- Name of a school employee the parent or guardian can contact regarding the incident; and
- Plan to prevent the need for future use of seclusion, isolation, or restraint.

School Personnel Training: School districts shall ensure that all school personnel receive annual training and know the policy and procedures involving the use of seclusion, isolation, and restraint. Training shall include all of the following:

- A continuum of prevention techniques;
- Environmental management techniques;
- A continuum of de-escalation techniques; and.
- Information about the policy.

School personnel who utilize seclusion, isolation, and/or restraint shall receive annual training in:

- De-escalation practices;
- Appropriate use of seclusion, inclusion, physical restraint, and mechanical restraint;
- Professionally-accepted practices in physical management and use of restraints;
- Methods to explain the use of restraint to the student who is to be restrained and to the individual's family; and
- Information on the policy and appropriate documentation and notification procedures.

Reports on Use of Seclusion, Isolation, Restraint or Aversive Behavior Interventions

Districts shall maintain records documenting the use of seclusion, isolation, restraint, and aversive behavior interventions showing the following:

- When the seclusion, isolation, restraint or aversive behavior intervention is used;
- The reason for use;
- The duration;
- The name of school;
- The personnel involved;
- Whether students or school personnel were injured;
- The name and age of the student;
- Whether the student has an IEP, Behavior Intervention Plan (BIP) or personal safety plan;
- When the parents were notified;
- If the student was disciplined; and
- Any other documentation required by federal or state law.

APPLICABILITY OF THIS POLICY

This policy applies to all district school personnel. School personnel assigned to programs not located on district premises (e.g., hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work.