

Department of Elementary and Secondary Education
Model Policy on Seclusion and Restraint
July 2010

Preface

Recent changes in Missouri law (RSMo 160.263) require all school districts in the state of Missouri to develop a policy on the use of seclusion and restraint, as well as other responses to emergency or crisis situations, in which student and/or educator safety is at risk. The Department of Elementary and Secondary Education was directed 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, (c) be implemented only by trained personnel, and (d) be accompanied by school wide pro-active positive supports to prevent the need for their use. This policy is not an endorsement of the use of seclusion and restraint. A school district may adopt a policy prohibiting the use of seclusion, isolation or restraint. This policy applies to all students.

It is recommended that effective practice guidelines and training resources be developed 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 RSMo 160.263.
- 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.
- Promote the use of non-aversive behavioral interventions.

Use of Restrictive Behavioral Interventions

- **Time-Out**
Nothing in this section is intended to prohibit the use of time-out as defined in this section.
- **Seclusion**
Seclusion as defined in this section is prohibited except for an emergency situation while awaiting the arrival of law enforcement personnel as provided for in RSMo 160.263.

- **Isolation**

Isolation may only be used:

- After de-escalating procedures have failed.
- In an emergency situation as defined in this section.
- With parental approval, as specified in a student's Individualized Education Program (IEP), Section 504 plan, or behavior intervention plan.

Use of isolation requires all of the following:

- The student to be monitored by an adult in close proximity who is able to see and hear the student at all times. 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, Section 504 Plan or other parentally agreed-upon plan to address a student's behavior.
- The space in which the student is placed should be a normal-sized meeting or classroom commonly found in a school setting.
- The space in which the student is confined is comparable in lighting, ventilation, heating, cooling, and ceiling height to those systems that are in use in other places in the school.
- The space in which the student is placed must be free of objects that could cause harm.

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

- **Physical Restraint**

Physical restraint shall only be used:

- In an emergency situation.
- When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations.
- When otherwise specified in an IEP, Section 504 Plan or other parentally agreed-upon plan to address a student's behavior.

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.
- 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.
- 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.

Physical restraints should never be used as a form of punishment or for the convenience of school personnel.

- **Mechanical Restraint**

Mechanical restraint shall only be used as specified in a student's IEP or Section 504 plan with two exceptions:

- Vehicle safety restraints shall be used according to state and federal regulations.
- Mechanical restraints employed by law enforcement officers in school settings should be used in accordance with their policies and appropriate professional standards.

- **Chemical Restraint**

Chemical restraints shall never be used by school personnel.

Aversive interventions that compromise health and safety shall never be used by school personnel.

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 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.
 - Plan to prevent the need for future use of seclusion, isolation or restraint.

- **School Personnel Training**

School districts shall ensure that all school personnel are trained annually 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.
- Information about the policy.

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

- De-escalation practices.
- Appropriate use of physical 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.
- Appropriate use of isolation.
- Appropriate use of seclusion.
- Information on the policy and appropriate documentation and notification procedures.

Students with Disabilities

The foregoing policy applies to all students. However, if the IEP team determines, and the parent consents, that a form of restraint or isolation or aversive behavior intervention may be appropriate in certain identified and limited situations, the team may set forth the conditions and procedures in the IEP or Section 504 plan. Any use of restraint, isolation or aversive behavior interventions must be limited to what is set forth in the IEP or Section 504 plan. If the IEP or Section 504 plan permits use of restraint, isolation or aversive behavior interventions, it must also contain a plan to eliminate the need for their use. Before adding the use of restraint, isolation or aversive behavior interventions to an IEP or Section 504 plan, the student must have undergone appropriate assessments to include, but not limited to, a formal functional behavior assessment and a positive behavior support plan developed.

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 when, reason for use, duration, names of school personnel involved, whether students or school personnel were injured, 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 (hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work.

Definitions

"**Assistive technology device**" means any item, piece of equipment or product system that is used to increase, maintain or improve the functional capacities of a child with a disability.

"**Aversive behavioral interventions**" means 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**" means individualized instructional and environmental supports that teach students appropriate behaviors to replace problem 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)**" sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

"**Behavior management**" means 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**" means the administration of a drug or medication to manage a student's behavior that is *not* a standard treatment and dosage for the student's medical condition.

"**Confinement**" means the act of preventing a child from leaving an enclosed space.

"**Discipline**" means the consequences for violating the district's student code of conduct.

"**Emergency situation**" is 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 to identify the function or purpose the behavior serves for the student so that classroom interventions and behavior support plans can be developed to improve behavior. 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**" means a student's Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA).

"**Isolation**" means the confinement of a student alone in an enclosed space without locking hardware.

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

“**Locking hardware**” means mechanical, electrical or other material devices used to lock a door or to prevent egress from a confined area.

“**Mechanical restraint**” means a device or physical object that the student cannot easily remove that restricts a student’s freedom of movement or normal access to a portion of his or her body. This includes but is not limited to straps, duct tape, cords or garments. The term does not include assistive technology devices.

“**Physical escort**” means 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**” means the use of person-to-person physical contact to restrict the free movement of all or a portion of a student’s body. It does not include briefly holding a student without undo force for instructional or other 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**” are 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**” means

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

“**Seclusion**” means the confinement of a student alone in an enclosed space from which the student is physically prevented from leaving by locking hardware.

“**Section 504 Plan**” means a student’s individualized plan as defined by Section 504 of the Rehabilitation Act.

“**Time out**” means brief removal from sources of reinforcement within instructional contexts that does not meet the definition of seclusion or isolation.