Ohio Department of Education
Policy on Restraint and Seclusion

Administrative Rule:	Title: **Policy on Restraint and Seclusion**	Effective Date:
Local Policy: **Local Educational Agencies and Community Schools**	Division: • **Division of Learning** • **Division of Accountability and Quality Schools**	Revision Date:
Other codes:		
		State Superintendent of Public Instruction

I. Purpose

Pursuant to the Governor's Executive Order 2009-13S, establishing that state agencies create policy standards required to implement safeguards and oversight when using physical restraining or seclusion practices with Students as well as prohibition of the use of prone restraint across all state systems.

A letter from the U.S. Secretary of Education, Arne Duncan, to Chief State School Officers urging states to develop or review and, if appropriate, revise state policies and guidelines to ensure that every student in every school is safe and protected from being unnecessarily or inappropriately restrained or secluded.

This policy shall inform Local Educational Agencies (LEAs) and Community Schools as each establishes a policy regarding Restraint and Seclusion so that behavioral interventions for children promote the right of all children to be treated with dignity, and receive appropriate supports in the least-restrictive and safe environment.

The use of restraint and seclusion shall be limited to circumstances when all other appropriate pro-active, Positive non-physical behavioral management techniques have been exhausted whenever practical.

Restraint or seclusion shall not occur, except when there is a threat of imminent danger of serious physical hard to the student or others, and occurs in a manner that protects the safety of all children and adults at school. Every use of restraint or seclusion shall be documented, reported, and, when necessary, investigated both to protect staff from unfounded allegations and to eliminate the unwarranted use of restraint or seclusion.

Every effort should be made to prevent the need for the use of restraint and for the use of seclusion. The use of a non-aversive effective behavioral system such as Positive Behavioral Intervention and Supports (PBIS) shall be preferred in creating a learning

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environment which promotes the use of evidence based behavioral interventions thus enhancing academic and social behavioral outcomes for all students.

II.   Applicability

This Ohio Department of Education Policy applies to all Ohio Local Educational Agencies and Community Schools.

III.   Requirements:

Each district must develop and implement written policies to govern the use of emergency safety interventions (physical restraint and seclusion) over all schools. At minimum, written district policies must conform to the standards, definitions, and requirements of Rule: XXXXXXX, including but not limited to that physical restraint and seclusion shall not occur, except when there is a threat of imminent danger of serious physical hard to the student or others, and occurs in a manner that protects the safety of all children and adults at school. Parents must be provided with the written policies on the use of safety interventions annually.

Any school that employs physical restraint or seclusion procedures shall have:
1.   A written positive behavior support plan,
2.   Pre-established emergency procedures,
3.   Specific procedures and training related to the use of restraint and seclusion, and data to support the implementation of the principles of positive behavior supports in that environment as well as data regarding the specific uses of restraint and seclusion.

IV.   Definitions:

Behavior Intervention – is a systematic implementation of procedures that result in lasting positive changes in an individual's behavior. Interventions may include positive strategies, program or curricular modification, and supplementary aids and supports required to address the disruptive or undesirable behaviors in question. It is helpful to use data collected during a functional behavioral assessment to develop the intervention plan and to determine the discrepancy between the student's actual and expected behavior.

Chemical Restraint – is a administration of medication for the purpose of reducing or restricting an individual's freedom of movement. There shall be no substance given to a student to be used as punishment or for staff convenience.

De-escalation techniques – are strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

Comment [j1]: Check Colorado

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Functional Behavior Assessment— is a collaborative problem-solving process that is used to describe the "function" or purpose that is served by a student's behavior. Understanding the "function" that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

Informed Consent -- agreement to do something or to allow something to happen only after all the relevant facts are known. *(check with legal)*

Mechanical Restraint – is the use of any device, article, garment, or material attached or adjacent to the student's body so that the student cannot easily remove, and that restricts freedom of movement, physical activity, or normal use of his/her body.

Physical Restraint – is any method of physically restricting a person's movement, physical activity or normal use of his/her body, without the use of mechanical restraint devices with the intent to minimize or prevent harm. Physical Restraint assists the person to reestablish internal and behavioral control, or of stopping a dangerous behavior when verbal directions and/or non-verbal prompts have been ineffective.

Positive Behavior Interventions Support – is a decision making framework that guides selection, integration, and implementation of evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students.

Positive Behavior Support Plan --is the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

Prone Restraint – all items or measures used to limit or control the movement or normal functioning of any portion, or all, of the individual's body while the individual is in the face-down position for an extended period of time. Prone restraint includes physical or mechanical restraint. The use of the prone restraint is prohibited across all state systems.

Seclusion – is the involuntary confinement of an individual alone in a room or designated space and preventing the individual from leaving the area by applying physical force or by closing a door or other barriers. Seclusion shall be used only when there is a threat of imminent danger or serious physical harm to the student or others, and occurs in the manner that protects the safety of all children and adults at the school. ~~exists an immediate risk of danger to the individual or others and no other safe and effective intervention is possible.~~

Secure Facility – any site that is designed and operated to ensure that all of its entrances and exits are locked and under exclusive control; and that no person who is institutionalized or confined in the facility may leave the facility without permission of supervision.

I. **Timeout** – is a behavior intervention in which a student, for a limited and specified time, is placed in an environment where access to positive reinforcement is unavailable. In a timeout setting a student's movement is not physically restricted. Timeout lies within a

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continuum of procedures that help students self-regulate and control their behavior. Exclusionary Time out occurs when the student is removed from the immediate instructional setting in response to behavior that requires immediate and direct cessation. This form of timeout can take place within the same classroom or in a nearby location supervised by an adult.

Transitional Hold – a brief physical or manual positioning of an individual face-down for the purpose of quickly and effectively gaining physical control of that individual in order to prevent harm to self or others or prior to transport to enable the person to be transported safely.

V.   Positive Behavioral Intervention Supports

I.   Education environments shall be structured to greatly reduce, and in most cases eliminate, the need to use restraint or seclusion. LEA's and Community Schools shall establish a positive educational environment which promotes alternative to the use of Seclusion and Restraint.

II.   Positive Behavioral Intervention Supports (PBIS) creates structure to the environment using a non-aversive effective behavioral system. It is a decision making framework that guides selection, integration, and implementation of evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students.

III.   The PBIS prevention-oriented framework or approach applies to all students, all staff, and all settings. When integrated with effective academic instruction, such systems provide the supports children need to become actively engaged in their own learning and academic success.

IV.   Components of a Positive Behavioral Intervention Support include:

    a.   Trained school staff to identify conditions such as:

        i.   Where, under what conditions, with whom and why specific inappropriate behavior may occur.

        ii.   Preventative assessments should include:

            1.   A review of existing data,

            2.   Interviews with parents, family members and students and

            3.   Examination of previous and existing behavioral intervention plans.

        iii.   With the analysis of this data schools shall develop and implement preventative behavioral interventions and teach appropriate behavior.

            1.   Modify the environment factors that escalate the inappropriate behavior.

            2.   Support the attainment of appropriate behavior.

            3.   Use verbal de-escalation technics to defuse potentially violent dangerous behavior.

    b.   All students who display severe or a pattern of unhealthy or disruptive behaviors which impedes the learning environment for themselves and/or others should have a functional behavioral assessment to identify their needs.

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        i. Functional behavioral assessments should be followed by behavioral intervention plans that incorporate appropriate positive behavioral interventions.

        ii. Families should be included in the development of the behavior intervention plans and given information that can help families extend positive behavioral supports at home.

c. Schools must establish a system that will support student's efforts to manage their own behavior; decrease the development of new problem behaviors; prevent worsening of existing problem behaviors; redesign learning/teaching environments to eliminate triggers and maintainers of problem behaviors. The system should include family involvement as an integral part of the system.

VI.   Seclusion

II.   Seclusion may be used only when there exists an immediate risk of danger to the individual or others and no other safe and effective intervention is possible. Seclusion is distinguished from a "time out" intervention as written in a student's behavioral plan or IEP.

III.   Seclusion is not used as a punishment to force compliance.

IV.   Seclusion is a last resort safety intervention that provides an opportunity for the student to regain self-control.

V.   Seclusion is the confinement of a student in a room or other space from which the student is physically prevented from leaving and which provides for continuous adult observation of the student.

A room or area used for seclusion must:

a. not be locked;

b. not prevent the student from exiting the area should staff become incapacitated or leave that area; and

c. provide for adequate space, lighting, ventilation, viewing and the safety of the student.

VI.   Seclusion shall not be used:

a. for the convenience of staff;

b. as a substitute for an educational program;

c. as a form of discipline/punishment;

d. as a substitute for less restrictive alternatives;

e. as a substitute for adequate staffing; or

f. as a substitute for staff training in positive behavior supports and crisis prevention and intervention.

g. Seclusion is inappropriate for students who are severely self-injurious or suicidal.

VII.   Staff Requirements while using seclusion: staff must:

a. involve appropriately-trained key identified personnel to protect the care, welfare, dignity, and safety of the student;

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b. continually observe the student in seclusion for indications of physical distress and seek medical assistance if there is a concern; and

c. document observations.

VII. Restraint

I. District Policy must specifically indicate that the use of prone physical restraint (face-down), supine physical restraint (face-up), physical restraint that obstructs the airway of a student, or any physical restraint that impacts a student's primary mode of communication is prohibited.

II. Per Executive Order 200913S, a "Transitional Hold" may be used in effectively gaining control of an individual in order to prevent harm to self or others.

III. The use of chemical restraint shall be prohibited, except as prescribed treatments for the student's medical or psychiatric condition by a person appropriately licensed to issue such treatments;

IV. Physical, mechanical or chemical restraints should never be used in school settings when their purpose is simply to manage or address student behavior (other than their use by law enforcement officials or when students must be restrained while traveling in vehicles). Restraint should not be used as a punishment to force compliance.

V. Restraint may be used when there exists an immediate risk of danger to the individual or others and no other safe and effective intervention is possible. Trained staff may use physical restraint under the approval, guidance, and restrictions as outlined within the local policy.

VI. IEP Team reviews district restraint and seclusion policy and procedures and applies as needed for individual students.

VII. Written policies developed pursuant to this section shall be accessible on each school's website and included in each school's code of conduct, school safety plan and or student handbook.

VIII. Notification and Documentation

a. District Policy shall require all restraints to be documented. All school personnel that observed or were present at the incident and/or the restraint shall complete required documents

b. Notification to school administration as well as medical personnel of is required for any restraint. Any immediate health concerns are required to be included in the notification.

c. All visible injuries shall be photographed.

> **Comment [j5]:** This may go under reporting I just placed it here for now and we need to discuss with stakeholders.

VIII. Training and Professional Development

> **Comment [j6]:** This still needs to be discussed with the stakeholder group.

Provide training to all staff to establish the social culture needed for schools to achieve social and academic gains while minimizing problem behavior for all children. Training

should align with the district/school-wide comprehensive system of learning supports based on principles of PBIS and include: common purpose and approach to discipline; clear set of positive expectations and behaviors; procedures for teaching expected behavior; continuum of procedures for encouraging expected behavior; procedures for on-going monitoring and evaluation including training and re-training.

I. School personnel training shall be consistent with nationally-recognized training programs on the use of emergency safety interventions.

II. Any use of seclusion or restraint should be viewed as a last resort and undertaken only by personnel trained in:
   a. training on the positive behavioral supports in place;
   b. crisis prevention techniques;
   c. de-escalation;
   d. recognizing and responding to signs of physical and emotional distress in the individual;
   e. debriefing following an incident-which includes a review of the incident;
   f. a review of the student's behavior plan;
   g. future planning and familial involvement;
   h. the district policy on restraint and seclusion; and
   i. required documentation and reporting.

III. Training shall be designed to meet the needs of personnel as appropriate to their duties.

IV. Schools and programs must maintain written or electronic documentation on training provided and lists of participants in each training.

IX. Prohibited Practices:
The following are prohibited under all circumstances, including emergency safety situations:

I. Prone restraint as defined in Executive Order 2009-13S;

II. Corporal punishment sections 3314.03, 3319.088, 3319.41, and 3326.11 of the Revised Code to prohibit corporal punishment in all public and chartered nonpublic schools;

III. Child endangerment as defined in ORC 2919.22;

IV. Seclusion and restraint of preschool children as defined in OAC 3301-37-10;

V. The deprivation of basic needs; and

VI. the intentional application of noxious substance(s) or stimuli which results in physical pain or extreme discomfort. A noxious substance or stimuli can either be generally acknowledged or specific to the student.

VII. Prohibited techniques or practices of restraint that unduly risk serious harm or needless pain to the student includes the intentional, knowing, or reckless use of any of the following techniques:
   a. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way.

   b. Pinning down with knees to torso, head and/or neck.

   c. Using pressure point, pain compliance and joint manipulation techniques.

> **Comment [J7]:** These were discussed in some groups but is this the best place ...?

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  d. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint.

  e. Using other students or untrained staff to assist with the hold or restraint

  f. Securing a student to another student or to a fixed object.

VIII. Mechanical or chemical restraints should never be used in school settings when their purpose is simply to manage or address student behavior (other than their use by law enforcement officials or when students must be restrained while traveling in vehicles). Neither restraints nor seclusion should be used as a punishment to force compliance.

X. Required Data and Reporting

Each use of an emergency seclusion or restraint safety intervention and the reason for each use shall be: documented in writing and reported to the building administration immediately; reported to the parent or guardian immediately; and documented in a written report for each use of seclusion or restraint, by each person involved, and given to the parent or guardian within 24 hours. A copy of the report shall be filed in the student's file.

The State Board of Education and the Ohio Department of Education shall commit to:

  a. Establishing a means of reporting and tracking incidents of seclusion and restraint at the state level. This could include adding an *incident type* to EMIS to include reporting emergency seclusion or restraint.

  a. Providing standards and guidelines for the use of seclusion and restraint in schools.

  b. Providing guidance to local districts and schools on establishing a system of positive behavior intervention support.

XI. Monitoring

Monitoring and annual review of this policy and Rule shall be the responsibility of the Division of Learning and the Division of Accountability and Quality Schools.

Each LEA shall establish a monitoring procedure as part of their restraint and seclusion policy to ensure policy and practice are completed as directed. The Policy shall be reviewed annually.

XI. References