

# **SJE PLAN FOR SECLUSION AND RESTRAINT**

## **Policy Statement**

St. John-Emmanuel Lutheran School believes a safe and healthy environment should be provided in which all children can learn, develop, and participate in instructional programs that promote high levels of academic achievement. The purpose of this policy is to insure that all students and staff are safe in school, and that students who may have behavior crises are free from inappropriate use of seclusion or restraint.

Behavioral interventions for children must ensure all children are treated with dignity and respect. This environment should allow all children to be free from physical or mental abuse, aversive behavioral 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 and not as a routine strategy implemented to address instructional problems or inappropriate behavior (e.g., disrespect, noncompliance, insubordination, out of seat), as a means of coercion or 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.

## **Seclusion and Restraint Plan Elements**

1. Any behavioral intervention must be consistent in treating children with dignity and respect, and to be free from abuse;
2. Any behavior intervention used must be consistent with the school's most current academic or behavioral intervention for the student;
3. Every effort shall be made to prevent the need for the use of restraint or for the use of seclusion on a child;
4. 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. Schools shall employ the use of prevention, positive behavior intervention and support, and conflict de-escalation before the use of any seclusion or restraint;
5. 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 or serious physical harm to self or others and other less restrictive interventions are ineffective;
6. 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;
7. Staff (that has regular and direct contact with children) shall be trained including regular updating on the appropriate use of effective alternatives to the use of seclusion and restraint

such as positive behavioral interventions and supports as well as de-escalation techniques. Training must also include, for situations of imminent danger or serious physical harm, the safe use of seclusion and restraint. Procedures should also be in place to inform and provide an awareness for non-staff who may have periodic contact with children (e.g., volunteers, substitutes, consultants)

8. Every instance in which seclusion or restraint is used shall be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel;
9. Schools shall never use mechanical restraints to restrict a child's freedom of movement, and schools 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). Schools 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;
10. Plans restricting the use of seclusion and restraint shall apply to all students, not only students with disabilities;
11. Seclusion or restraint shall never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience;
12. Seclusion or restraint shall never be used in a manner that restricts a child's breathing or harms the child;
13. 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. If positive behavioral strategies are not in place, staff shall consider developing them.
14. 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.
15. Parents or guardians shall be informed of and have access to the plan on seclusion and restraint at their child's school or other educational setting.
16. 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 lead to the use of restraint and/or seclusion;
17. Any plan regarding 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 behavior intervention and support, and conflict de-escalation techniques in order to avoid the use of seclusion or restraint;

## **Plan Components**

- 1. Use of Restraint**
- 2. Use of Seclusion**
- 3. Definitions**
- 4. Training**
- 5. Monitoring and Reporting**
  - A. Parents**
  - B. School Leadership**
- 6. Informing Parents**
- 7. Debriefing and Oversight**

### **1. Use of Restraint**

- A. Restraint shall only be used when a student is displaying physical behavior that presents substantial imminent risk of injury to the student or others.
- B. Restraint shall only be employed as a last resort after other methods of de-escalating a dangerous situation have been attempted without success.
- C. Restraint shall only be employed by staff members who have received crisis intervention training 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.
- G. Prone or Supine forms of restraint are not authorized and shall be avoided.
- 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 child, other children, teachers, and other personnel.

### **2. Use of Seclusion**

- A. 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.

- B. Seclusion shall only be employed as a last resort after other methods of de-escalating a dangerous situation have been attempted.
- 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.
- D. Seclusion shall only be employed by staff members who have received specific St. John-Emmanuel Lutheran School approved crisis intervention training in the use of seclusion procedures.
- E. 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.
- F. Time out procedures that do not constitute seclusion are permitted in school.
- G. 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 (such as fire, tornado or code red alarm).
  - 9. Shall meet current fire and safety codes.

### 3. 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) or individualized services plan (ISP) or Choice Scholarship Education Plan (CSEP) and that, at 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.

**Choice Scholarship Education Plan (CSEP):** An education plan developed for a Choice Scholarship student who has been identified through Child Find as in need of special education services and whose parent has designated the non-public school as the special education service provider.

**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, contract employees, consultants or any other agents of St. John-Emmanuel Lutheran School.

**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 an intervention plan.

**Imminent:** Likely to happen right away; within a matter of minutes.

**Individual Services Plan (ISP):** An education plan developed by an LEA for parentally placed non-public school students who have been identified through Child Find as in need of special education services. These services are provided by the LEA.

**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.

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

**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

**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.

#### **4. Training**

- A. Staff shall be trained according to the school's adopted plan 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, on the safe use of physical seclusion and restraint.
- B. School shall identify appropriate school staff to be trained annually on the safe use of effective alternatives to physical seclusion and restraint. School shall choose a training protocol that includes:
  1. Positive supports and behavioral interventions techniques;
  2. Conflict de-escalation techniques;
  3. The safe use of seclusion and restraint;
  4. Steps to avoid the use of seclusion or restraint;
  5. Debriefing practices and procedures.
- C. Training programs shall differentiate for levels of school personnel and training needs (e.g., core staff – advanced training, regular staff – basic training, volunteers, substitutes – informational level training). All new staff should receive basic training as a part of their orientation. Materials should be available for substitutes or volunteers providing basic understanding of the plan.
- D. Each school must maintain written documentation that includes the following information:
  1. The name and position of each person who has completed training;
  2. Who provided the training;
  3. When the training was completed; and
  4. What protocols and techniques were included in the training.
- E. Training may be provided by any person who is trained in the safe and appropriate and current techniques for the use of physical seclusion and restraint. (Instruction may be delivered by a school administrator, counselor or other person with person with current training and expertise. On-line opportunities are available as well).

#### **5. Monitoring and Reporting**

- A. Monitoring Use

1. Every instance in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the student, other students, teachers, and staff.
  2. Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint
- B. Parent reporting
1. The Principal or designee shall attempt to report every instance in which seclusion or restraint is used on a student to the student's parent or guardian:
    - a. No later than the end of the school day or as soon as practical;
    - b. Verbally; and
    - c. In accordance with the school's seclusion and restraint plan.
  2. A copy of the "parent incident report", as described in the school's adopted plan, must be sent to the student's parent or guardian after every instance in which seclusion or restraint is used on a student and as soon as practical.
- C. Incident Documentation
1. 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.
  2. Documentation **may** include:
    - a. The student's name;
    - b. The date and time of the incident;
    - c. The duration of any seclusion or restraint; or the beginning and ending times of the restraint or seclusion or both;
    - d. A description of any relevant events leading up to the incident;
    - e. A description of the incident or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint;
    - f. A description of any interventions used prior to the implementation of seclusion or restraint;
    - g. A log of the student's behavior during seclusion or restraint, including a description of the restraint technique(s) used and any other interaction between the student and staff;
    - h. A description of any injuries (to students, staff, or others) or property damage;
    - i. A list of the school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint;
    - j. If applicable, a statement that the intervention used was consistent with the student's most current behavioral intervention plan or individualized education program.
- D. Oversight and Review
1. Each school must designate a staff person(s) to document all instances of Seclusion and Restraint as well as required staff training. This person (s) will work with school leadership in monitoring and review of each instance as well as annual review of overall usage and future planning.
  2. Each accredited nonpublic school shall report, in writing, the number of instances in which either seclusion or restraint is used in its school to its governing authority.

3. Each school must conduct an annual review of its plan for the purposes of improvement and revision.

## **6. Informing Parents**

- A. At the time of enrollment, each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians.
- B. Including the plan in the student handbook satisfies subsection (a) so long as the handbook is provided to students at the time of enrollment.
- C. Parents should receive a "parent incident report" if their child is secluded or restrained as described in section 5.

## **7. Informing Other Appropriate Leadership**

- A. Where appropriate the school principal should inform other responsible parties which could include: jurisdictional leadership (e.g. archdiocesan or district superintendent), school board, pastor, and/or legal counsel.

## **8. Debriefing and Oversight**

- A. As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:
  1. Meet with at least one school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.
  2. Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior(s), if any, that precipitated the use of restraint or seclusion.
  3. Offer the parent(s) or guardian(s) the opportunity to request a meeting regarding the incident of restraint or seclusion.
- B. On the rare instances when seclusion or restraint is used it should be communicated to the appropriate governing authority. Annually, if instances have occurred, the school administration and governing authority should review the data and develop plans if needed to further reduce the occurrence of its usage. This could include work with individual staff members or more broad based professional development.



## **Appendix**

### **Related Links**

SEA345:

<http://www.in.gov/legislative/bills/2013/SE/SE0345.1.html>

Indiana Code:

<http://www.in.gov/legislative/ic/code/title20/ar20/ch40.pdf>

Full Plan drafted by the Commission:

<http://www.doe.in.gov/sites/default/files/srcommission/final-draft-indiana-commission-restraint-seclusion-model-plan-8-26-2013.pdf>

### **Other Resources**

#### **Sample incident reports**

- School: <http://inpea.org/wp-content/uploads/2011/09/Seclusion-School-incident-report.docx>
- Parent: <http://inpea.org/wp-content/uploads/2011/09/Seclusion-Restraint-Incident-Report-Parent.docx>

#### **Training Log:**

The principal or his/her designee should maintain a training folder which documents each training session, the date and focus of the training, who conducted the training, and who was in attendance.

### **Training Resources**

Sample Training Plan:

<http://inpea.org/wp-content/uploads/2011/09/Seclusion-and-Restraint-Training-Plan.docx>