

## Policy on Restraint and Seclusion

### **I. Introduction:**

Restraint or seclusion shall not occur, except when there is an immediate risk of physical harm to the student or others. Every use of restraint or seclusion shall be documented and reported in accordance with the requirements set forth below.

### **II. Requirements:**

Each school district must develop, publish and implement written policies to govern the use of emergency safety interventions (physical restraint and seclusion) in all of its schools. Districts must make their written policies on the use of emergency safety interventions available to parents annually, and the school district must post the policy on its website.

At minimum, written policies must be consistent with the standards, definitions, and requirements set forth in the Ohio Department of Education Policy. Ohio Adm. Code 3301-35-15(H). Practices that do not adhere to the standards and requirements set forth in the District's policy are prohibited, and physical restraint and seclusion shall not occur, except when there is an immediate risk of physical harm to the student or others.

### **III. Definitions:**

**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 interventions such as: application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or tastes.

**Chemical Restraint** – means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

- A. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
- B. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State Law.

**Mechanical Restraint** – means:

- A. Any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose; and
- B. Does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including:
  1. Restraints for medical immobilization;
  2. Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
  3. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

**Parent** means:

- A. A biological or adoptive parent;

B. A guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the state if the child is a ward of the state);

C. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

D. A surrogate parent who has been appointed in accordance with rule 3301-51-05(E) of the Administrative Code; or

E. Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.

**Physical escort** - means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

**Physical Restraint** – means the use of physical contact that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:

A. to break up a fight;

B. to knock a weapon away from a student's possession;

C. to calm or comfort;

D. to assist a student in completing a task/response if the student does not resist the contact; or

E. to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

**Positive Behavior Interventions and Support** – means:

A. A school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and

B. Encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors and teach appropriate behavior to students.

**Prone Restraint** – means physical or mechanical restraint while the student is in the face down position for an extended period of time.

**School District** - means a local, exempted village, city, joint vocational or cooperative education school district as defined in Chapter 3311 of the Revised Code or an educational service center that operates a school or educational program. For purposes of this rule, the term does not include schools operated in facilities under the jurisdiction of the Department of Rehabilitation and Corrections or the Department of Youth Services.

**Seclusion** – means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

**Student** - means a child or adult aged three to twenty-one enrolled in a school district.

**Student personnel** - means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, or other school district staff who interact directly with students.

**Timeout** – means a behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

#### **IV. Positive Behavior Intervention and Supports**

The District shall implement an evidence-based school wide system or framework of positive behavioral interventions and supports (PBIS) as defined above.

#### **V. Prohibited Practices:**

**The following are prohibited under all circumstances, including emergency safety situations:**

- A. Prone restraint;
- B. Corporal punishment;
- C. Child endangerment as defined in R.C. 2919.22;
- D. Seclusion or restraint of preschool students in violation of the provisions of Ohio Adm. Code Rule 3301-37-10(D);
- E. The deprivation of basic needs;
- F. Restraint that unduly risks serious harm or needless pain to the student, including the intentional, knowing, or reckless use of any of the following techniques:
  - 1. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way,
  - 2. Pinning down with knees to torso, head and/or neck,
  - 3. Using pressure points, pain compliance and joint manipulation techniques, or
  - 4. Dragging or lifting of the student by the hair or ear or by mechanical restraint,
- G. Mechanical or chemical restraints (which does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, or medication administered as prescribed by a licensed physician);
- H. Aversive behavioral interventions; or
- I. Seclusion of students in a locked room.

#### **VI. Restraint**

- A. The use of prone restraint, physical restraint that obstructs the airway of a student, or any physical restraint that impacts a student's primary mode of communication is prohibited.
- B. Physical restraint may be used only when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible, and only in a manner that is age and developmentally appropriate.
- C. When using a physical restraint, staff must:
  - 1. Continually observe the student in restraint for indications of physical distress and seek medical assistance as appropriate.
  - 2. Remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; and

3. Be trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.
- D. Physical restraint may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control.

## **VII. Seclusion**

- A. Seclusion may be used only when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. Seclusion shall never be used as a punishment or to force compliance. Seclusion should only be used in a manner that is age and developmentally appropriate.
- B. Seclusion is a last resort safety intervention that provides an opportunity for the student to regain self-control.
- C. A room or area used for seclusion must:
  1. provide for adequate space, lighting, ventilation, clear visibility and the safety of the student;
  2. not be locked; and
  3. not prevent the student from exiting the area should staff become incapacitated or leave the area.
- D. Seclusion shall not be used:
  1. for the convenience of staff;
  2. as a form of discipline/punishment;
  3. as a substitute for less restrictive alternatives; or
  4. as a means to coerce, retaliate, or in a manner that endangers a student.
- E. If seclusion is used, staff must:
  1. Continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
  2. Remove the student when the immediate risk of physical harm to self or others has dissipated; and
  3. Complete all required reports and document their observation of the student.

## **VIII. Training and Professional Development**

- A. The District must maintain written or electronic documentation on training provided and lists of participants in each training.
- B. The District shall ensure that an adequate number of personnel in each building are trained in crisis management and de-escalation techniques.

## **IX. Required Data and Reporting**

Each use of seclusion or restraint shall be documented in writing and reported to the building administration immediately; reported to the parent immediately; and documented in a written report. A copy of the written report shall be made available to the parent or guardian within 24 hours, and the school shall maintain a copy of the report in the student's file. The District shall report information concerning its use of restraint and seclusion annually to the Ohio Department of Education as requested by the Ohio Department of Education.

## **X. Monitoring and Complaint Processes**

The District shall make its records concerning restraint and seclusion available to staff from the Ohio Department of Education upon request.

The District shall establish a monitoring procedure as part of their restraint and seclusion policy to ensure policy and practice are implemented as set forth in policy. As part of the District complaint procedures, the District shall have policies and procedures that include:

1. A procedure for a parent to present written complaints to the Superintendent of the District to initiate a complaint investigation by the school district regarding an incident of restraint or seclusion; and
2. A requirement that the District will respond to the parent's complaint in writing within thirty (30) days of the filing of a complaint regarding an incident of restraint or seclusion.

**XI. Special Education:**

Students who are identified as having disabilities that lead to repeated restraint or seclusion will have individualized plans regarding such restraint or seclusion. These plans are developed by the IEP or 504 team as needed. Decisions about free, appropriate, public education and least restrictive environment and how these concepts relate to the use of restraint and seclusion are to be made by these teams, as required by federal and state law.

Ref: OAC 3301-35-15.