**Guidelines for the Use of Seclusion Rooms and Restraint**

**of Students with Exceptionalities**

**Act No. 698**

**Regular Session, 2010**

**Guideline 1**.

**Definitions.** As used in these guidelines, the following terms shall have the meanings specified herein:

(a) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others. Violent action that is destructive of property may involve a substantial risk of injury to a person.

(b) "Mechanical restraint" means any device or object used to limit a person's movement, except that a protective or stabilizing device either ordered by a person appropriately licensed to issue the order for the device or required by law shall not be considered to be a mechanical restraint. This term does not include any device used by a law enforcement officer, campus police officer, or school security officer in carrying out law enforcement duties.

(c) "Physical restraint" means bodily force used to substantially limit a person's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.

(d) Positive Behavior Interventions and Support” means a systemic approach to embed evidence based practices and data driven decision making to improve school climate and culture.

(e) "School employees" means teachers, paraprofessionals, providers of related services, administrators, and support staff.

(f) "Seclusion room" means a room or other confined area in which a student with an exceptionality is removed from the regular setting for a limited time as a behavior intervention strategy to allow the student the opportunity to regain control in a private setting and from which the student is prevented from leaving the area.

(g) "Student with an exceptionality" including a student with a disability, is any student who is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing impairment (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or as deemed to be gifted or talented, and as a result requires special education and related services. A student with an exceptionality may include, as determined by the local education agency (LEA), a student experiencing developmental delay ages three through eight.

(h) “Written Procedures” The LEA should develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures should be provided to school staff and made available to parents of enrolled students. Such procedures should include, but not be limited to, methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

**Guideline 2**.

**Seclusion room (or “Quiet Room” or “Cool Down Room”)**

Purpose:

A professional educator understands the importance of a safe and orderly environment conducive to teaching and learning. Seclusion is ineffective when used as a form of discipline or punishment, but can be effective as a planned behavior strategy. A behavior intervention strategy is one that is planned to support an individual through a targeted behavior change—not to punish the individual until they comply.

Procedures:

The LEA should develop written procedures so that the use of seclusion is consistent and planned in advance. Such procedures should include, but need not be limited to, what behaviors trigger the use of seclusion, which staff can make a determination that a particular student should be secluded, how parents will be notified, what data is to be kept and where, and how the building principal and/or other administrators will be notified.

Use/Restrictions:

* Seclusion should be used only for behaviors that are destructive to property and may involve a substantial risk of injury to a person, aggressive toward others or severely disruptive to the class environment. Such behaviors as general noncompliance, self-stimulation, and academic refusal can be responded to with less stringent and restrictive techniques. The seclusion room should be used only as a last resort if and when less restrictive means of controlling behavior have proven ineffective (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment).
* No student with an exceptionality should be subjected to unreasonable, unsafe, or unwarranted use of seclusion rooms. Therefore, a child should be placed in a seclusion room only as a behavior intervention strategy and **not** for purposes of discipline or punishment, or for the convenience of staff.

* A student with an exceptionality should not be placed in a seclusion room if the child is known to have any medical or psychological condition that a licensed health care provider has indicated, in a written statement that is provided to the school and that is on file with the school, precludes this action.
* A student with an exceptionality should not be placed in a seclusion room except by a school employee who has had training in the appropriate use of seclusion rooms, including getting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while the student is in the room.
* While a student with a disability is in a seclusion room, the school employee who is supervising the student should have the ability to see and hear the student at all times.

* Not more than one student with an exceptionality should be placed in the same seclusion room at the same time.
* A student shall not be secluded or restrained for more than fifteen minutes after the initiation of the seclusion except in extraordinary circumstances where an imminent threat of serious physical injury or death still exists as determined by trained school staff.
* Students with an exceptionality shall be removed from seclusion as soon as the reasons justifying the use of seclusion subside.

Notification: If a student is secluded, the parent must be notified in writing within 24 hours along with the reason for seclusion and the length of time for seclusion.

Size and characteristics

* Each seclusion room to be used for any particular child should be of a size that is appropriate to the student's chronological and developmental age, size, and behavior.
* Each seclusion room should have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located and should be equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located.
* Each seclusion room should be free of any object that poses a danger to the student with an exceptionality who is being placed in the room.
* Any seclusion room should not be locked while in use with a student with an exceptionality.

**Guideline 3**.

**Physical restraint and mechanical restraint**

Purpose:

Restraint should be used only if a student presents a threat of imminent risk of harm to self or others and *only* as a last resort to protect the safety of all involved.

Written Policy:

The LEA should develop policy regarding restraint that provides a description and explanation of the method(s) of physical restraint, a description of training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

Use/Restrictions:

* A student with an exceptionality should not be subjected to any form of mechanical restraint.
* No school employee should use physical restraint on any student with an exceptionality except in accordance with the written policy of the LEA.
* No student with an exceptionality should be subjected to unreasonable, unsafe, or unwarranted use of physical restraint.
* Physical restraint should not be used for discipline, punishment, or the convenience of staff.
* A school employee should use physical restraint on a student with an exceptionality only if the student's behavior presents an imminent risk of harm.
* Each school employee applying physical restraint should use a method of physical restraint in which the employee has received training and should apply the physical restraint in a manner that is proportionate to the circumstances and to the student's size and age and the severity of the student's behavior.
* A student with an exceptionality should not be physically restrained if the child is known to have any medical or psychological condition that a licensed health care provider has indicated, in a written statement that is provided to the school and that is on file with the school, precludes this action.
* A student with an exceptionality should not be physically restrained except by a school employee who has had training in the appropriate use of physical restraint.
* School employees should be provided training in crisis intervention methods that include verbal de-escalation procedures, using an appropriate method of physical restraint and in determining the circumstances in which the use of physical restraint is appropriate.
* A student shall not be secluded or restrained for more than fifteen minutes after the initiation of the restraint except in extraordinary circumstances where an imminent threat of serious physical injury or death still exists as determined by trained school staff.
* Students with an exceptionality shall be released from physical restraint as soon as the reasons justifying the use of physical restraint subside.
* Physical restraints shall be used so as not to cause physical injury to the student and so as to cause the least possible discomfort.

Notification:

If a child is physically restrained, the parent must be notified in writing within 24 hours along with the reason for using physical restraint and the length of time the child was physically restrained.

**Guideline 4**.

**Revision of a Student’s Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)**

An FBA should be considered whenever a student is secluded or restrained. Any student subject to the use of seclusion or physical restraint on more than one occasion in a semester shall have a new FBA conducted within ten days and a BIP written or modified within days of the completion of the FBA *that specifically prioritizes the use positive behavior interventions and supports*. Progress monitoring at regular, frequent intervals shall be a specific component of the new or revised BIP. The PBIS team leader and behavior specialist assigned at the student’s school shall actively participate in the FBA and drafting of the BIP.

**Guideline 5**.

**Seclusion rooms and physical restraint**--- reports and notification.

* When any student with an exceptionality is placed in a seclusion room or is subjected to physical restraint, the procedures for parental notification should be implemented.
* As soon as possible after use of the seclusion room or physical restraint, the school employee who used the seclusion room or physical restraint, or an employee who witnessed its use, should document the use of the seclusion room or the physical restraint. This documentation should be completed no later than the school day following the day on which the seclusion room or physical restraint is used, and a copy of the documentation provided to the parent of the student when the documentation is completed.