

ANN JERKINS-HARRIS



2021-2022

REGULATORY AFFAIRS

2021-2022

COMPLIANCE DOCUMENTS

AJHAE: SCHOOL POLICY AND PROCEDURES- RESTRAINT AND SECLUSION

REVIEWED AND APPROVED BY THE GOVERNING AUTHORITY: 08-17-2019

ANN JERKINS-HARRIS ACADEMY OF EXCELLENCE
OFFICE OF SPECIAL SERVICES: SPED PROGRAM AND RELATED SERVICES

I. Policy Rationale and Philosophy:

Every effort should be made to prevent the use of restraint and the use of seclusion. A non-aversive effective behavioral system such as Positive Behavioral Intervention and Supports (PBIS) shall be used to create a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students.

THE ACADEMY OF EDUCATIONAL EXCELLENCE believes that the school environment should be one that ensures the care, safety, and welfare of all students and staff members. Efforts to promote positive interactions and solutions to potential conflict should be exhaustive. In the event that an individual's behavior presents a threat of imminent harm to self or others the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort. AEE Board policy states:

II. Definitions:**a. Positive Behavior Interventions and Support**

- i. 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
- ii. 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.

b. Physical Restraint

- i. 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.
- ii. 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.
- iii. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:
 1. To break up a fight;
 2. To knock a weapon away from a student's possession;
 3. To calm or comfort;
 4. To assist a student in completing a task/response if the student does not resist the contact;
 5. To prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car).

c. Seclusion:

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. It does not include a timeout.

d. Time out:

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.

III. Requirements for the use of Restraint:

Given an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible, if physical restraint is applied the staff must;

- a. Implement in a manner that is age and developmentally appropriate;
- b. Ensure safety of other students and protect the dignity and respect of the student involved. Combine use with other approaches (non-physical interventions are always preferred) that will diminish the need for physical intervention in the future;
- c. Use the least amount of force necessary, for the least amount of time necessary;
- d. be appropriately-trained;
- e. continually observe the student in restraint for indications of physical or mental distress;
- f. Contact appropriate emergency entities according to district crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved;
- g. Remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated;
 - i. Following the use of physical restraint, the individual should be assessed for injury or psychological distress and monitored as needed following the incident.
- h. Complete all district required reports and document staff's observations of the student.
 - i. The district Incident Report shall be completed upon occurrences of physical restraint or seclusion.
 - ii. Completion of the form must occur within (district input time frame).
 - iii. A copy must be made available to parent/guardian within 24 hours.
 - iv. Additionally, staff should attempt to contact parent/guardian during the same day of incident.
- i. De-brief, include all involved staff, student and parents; evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;
 - i. Debrief utilizing the district's Incident Report.
 - ii. A copy of the form must be sent to building administration.
 - iii. During the debrief, if this behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment, and/or a Behavior Intervention Plan must be completed.

IV. Prohibited Practices for Use of Restraints:

Staff members are not to use any physical restraints for which they have not been trained by the district.

Staff members are not to use any unauthorized physical restraints.

This includes but is not limited to:

- a. Prone restraint;

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- b. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that involves the use of pinning down a student by placing knees to the torso, head, and or neck of the student;
- c. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
- d. Uses pressure point, pain compliance, or joint manipulation techniques;
- e. Corporal punishment;
- f. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
- g. Child endangerment, as defined in section 2919.22 of the Revised Code;
- h. Deprivation of basic needs;
- i. Seclusion or restraint of preschool children in violation of paragraph (D) of Rule 3301- 37-10 of the Revised Code;
- j. Chemical restraint;
- k. Mechanical restraint (that 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);
- l. Using other students or untrained staff to assist with the hold or restraint;
- m. Securing a student to another student or fixed object;
- n. Aversive behavioral interventions; or
- o. Seclusion in a locked room or area,

V. Requirements for Use of Seclusion

Given a threat of immediate risk of physical harm to the student or others, as outlined in Board Policy, the following principles must always be applied:

- a. A room or area used for seclusion must:
 - i. Provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
 - ii. Not be locked.
- b. Staff must:
 - i. Implement in a manner that is age and developmentally appropriate;
 - ii. Ensure safety of other students and protect the dignity and respect of the student involved;
 - iii. The least amount of time necessary;
 - iv. Be appropriately-trained;
- c. Staff must continually observe the student for the duration of the seclusion;
- d. If at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel will be contacted.
- e. Seclusion ceases when the immediate risk of physical harm to self or others has dissipated;
 - i. Upon each use of seclusion, the student shall be assessed for injury or psychological distress and monitored as needed following the incident.
- f. Complete all required reports and document staff's observations of the student;
- g. Conduct a de-briefing, utilizing the district's Incident Report, include all involved staff, to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs. (This may also include a debriefing with the student and parent.)
 - i. During the debrief, if this behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a

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Functional Behavior Assessment, and Behavior Intervention Plan must be completed.

- h. The Incident Report is to be completed upon occurrences of physical restraint or seclusion.
 - i. Completion of the form must occur within (district input time frame).
 - ii. A copy must be made available to parent/guardian within 24 hours.
 - iii. Additionally, staff should attempt to contact parent/guardian during the same day of incident.

VI. Prohibited Practices for Use of Seclusion:

- a. Use of seclusion in any environment that does not meet the above criteria.
- b. Child endangerment, as defined in section 2919.22 of the Revised Code;
- c. Deprivation of basic needs;
- d. Seclusion or restraint of preschool children in violation of paragraph (D) of Rule 3301- 37-10 of the Revised Code;
- e. Seclusion shall not be used;
 - i. As a form of discipline/punishment;
 - ii. As a means to coerce, retaliate or in a manner that endangers a student;
 - iii. For the convenience of staff;
 - iv. As a substitute for an educational program;
 - v. As a substitute for less restrictive alternatives;
 - vi. As a substitute for inadequate staff; and/or
 - vii. As a substitute for positive behavior supports or other crisis prevention.

VII. Reporting and notification

- a. Any incident of seclusion or restraint shall be immediately reported to building administration and the parent.
- b. Any incident of seclusion or restraint shall be documented in a written report that is made available to the parent within twenty-four hours and that is maintained by the school district, in the student file.
- c. The district shall annually report information regarding its use of restraint and seclusion to the Ohio Department of Education in the form and manner as prescribed by the department.

VIII. Training and professional development

- a. The district will ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques.
- b. The school district will maintain written or electronic documentation on training provided and lists of participants in each training.
- c. All student personnel shall be trained annually on the requirements of this policy, Ohio Adm. Code 3301-35-15, and the district's policies and procedures regarding restraint and seclusion.
- d. The district will have a plan regarding training student personnel as necessary to implement positive behavior intervention and supports on a system-wide basis.

IX. District Monitoring

- a. The district shall monitor the implementation of this policy and the district procedures.
- b. These policies and subsequent procedures shall be accessible on the district's website.
- c. The district shall be responsible for notifying all parents annually of its policies and procedures concerning seclusion and restraint.

X. Complaint

- a. The district will create a complaint procedure.
- b. Parents will present written complaints to the Superintendent of the school district to initiate a complaint investigation by the school district regarding an incident of restraint or seclusion; and
- c. 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.
- d. The parent of a student with a disability may choose to file a complaint with the Ohio Department of Education, Office for Exceptional Children, in accordance with the complaint procedures available concerning students with disabilities.
- e. In accordance with the consent order entered in *Doe v. State of Ohio*, complaints alleging the improper use of restraint or seclusion on a student with a disability will be investigated by the Ohio Department of Education, Office for Exceptional Children, if the complaint otherwise falls within the procedures concerning state complaints under IDEA as set forth in Ohio Adm. Code Rule 3301-51-05(K) (4)-(6).
- f. Complaints alleging injuries to a student with a disability or the use of restraints or seclusion shall not be deemed insufficient on the face of the complaint if they are framed within the context of IDEA, including:
 - i. A pattern of challenging behaviors that are related to the student's disability;
 - ii. Whether the student has had or should have had a functional behavioral assessment (FBA) and a positive behavior support plan (PBSP);
 - iii. Whether the FBA and PBSP are appropriate;
 - iv. Whether the student's behavior and interventions are addressed or should have been addressed in the IEP; and
 - v. Whether staff has been sufficiently trained in de-escalation and restraint techniques.

Key Definitions for Restraint and Seclusion Documentation and Reporting

- **Physical Escort** is 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.

Guidance: Physical escort is not considered a form of restraint and is not counted in number of restraints and/or seclusions.

- **Physical Restraint** is the use of physical contact that immobilizes or reduces the ability of a student to move his or her 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:
 - To break up a fight;
 - To knock a weapon away from a student's possession;
 - To calm or comfort;
 - To assist a student in completing task/response if the student does not resist the contact; or
 - To prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

Guidance: A series of disruptive student actions involving agitation, behavior leading to restraint, seclusion, or a combination of restraint and seclusion should be considered one reported incident. This means if a student is restrained two times during an incident because the student was not fully calm at the time of attempted release, it would be counted as one report. If there has been a one-hour period during which the student has returned to a calm/typical functioning for the student, but then the student becomes newly agitated and requires restraint, seclusion, or a combination of restraint and seclusion, it would then generate a new (additional) reported incident.

* The use of physical restraint must be used as a last resort and only when there is an immediate risk of physical harm to the student or others and no other safe or effective intervention is possible. See full policy for full guidance and prohibited practices on restraint.

- **Seclusion** is 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.

Guidance: Seclusion does not include incidents when the student voluntarily moves to a separate location to calm down or reduce sensory overload as part of a behavior plan or de-escalation plan. Also see the definition for timeout below.

- **Timeout** is 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.

Guidance: A timeout is not included in the reporting for seclusion. It is important to note that a timeout is for a limited and specified time that is developmentally appropriate to the child. This focus may help distinguish between a timeout and seclusion.

- **Protective Hug** is not a term used within restraint and seclusion documentation and reporting due to the fact that preschool children shall not be restrained or placed in seclusion.

Guidance: No physical restraints shall be used to confine a preschool child by any means other than holding a child for a short period of time, such as in a protective hug, so the child may regain control (Ohio Administrative Code Rule 3301-37-10).

A thorough list of definitions from the policy can be found on pages 2-4 of the policy available on the Ohio Department of Education Web page at <http://education.ohio.gov/Topics/Other-Resources/School-Safety/Building-Better-Learning-Environments/Policy-Positive-Behavior-Interventions-and-Support>.