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PROCEDURE FOR USE OF SECLUSION AND RESTRAINT IN SCHOOLS

The following shall govern the use of seclusion and restraint by school personnel:

A. Physical Restraint

Physical restraint is defined as the use of physical force to restrict the free movement of all or a part of a student's body. Physical restraint shall be considered to be a reasonable use of force when used in the following circumstances:

1. As reasonably needed to obtain possession of weapons or other dangerous objects on the person, or within the control of a student;
2. As reasonably needed to maintain order or to prevent or break up a physical altercation;
3. As reasonably needed for self-defense;
4. As reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. As reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
6. As reasonably needed to escort a student safely from one area to another;
7. If used as provided for in an IEP, Section 504, or behavior intervention plan; or
8. As reasonably needed to prevent imminent destruction to school or another person's property.

Except as set forth above, the physical restraint of students shall not be considered a reasonable use of force and its use is prohibited. In addition, physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

B. Mechanical Restraint

Mechanical restraint is defined as the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. When properly used as assistive technology devices included in the student's IEP, Section 504, behavior intervention plan, or as otherwise prescribed by a medical or related service provider;
2. When using seat belts or other safety restraints to secure a student during transportation;
3. As reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a person;
4. As reasonably needed for self-defense;
5. As reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping, or strapping down a student, shall not be considered to be a reasonable use of force and its use is prohibited.

C. Seclusion

Seclusion is defined by the confinement of a student in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity. Seclusion of a student by school personnel may be used in the following circumstances:

1. As reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. As reasonably needed to maintain order or prevent or break up a fight;

3. As reasonably needed for self-defense;
4. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
5. When used as specified in the student's IEP, Section 504, behavior intervention plan; and
 - a. the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;
 - b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP, 504, or behavior intervention plan
 - c. the confining space has been approved for such use by the local education agency;
 - d. the space is appropriately lighted, ventilated, and heated or cooled; and
 - e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force and its use is not permitted. In addition, seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

D. Isolation

Isolation is defined as a behavior management technique in which a student is placed alone in an enclosed space from which the student is not physically prevented from leaving. Isolation is permitted as a behavior management technique provided that:

1. The isolation space is appropriately lighted, ventilated and heated or cooled;
2. The duration of the isolation is reasonable in light of the purpose for the isolation;
3. The student is reasonably monitored; and
4. The isolation space is free from objects that unreasonably expose the student or other to harm.

E. Time-Out

Time-out is defined as a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

F. Aversive Procedures

Aversive procedure is defined by systematic physical or sensory intervention programs for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:

1. Significant physical harm such as tissue damage, physical illness, or death;
2. Serious, foreseeable long-term psychological impairment;
3. Obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
 - i. electric shock applied to the body;
 - ii. extremely loud auditory stimuli;
 - iii. forcible introduction of foul substances to the mouth, eyes, ears, nose or skin;
 - iv. placement in a tub of cold water or shower;
 - v. slapping, pinching, hitting or pulling hair
 - vi. blindfolding or other forms of visual blocking;
 - vii. unreasonable withholding of meals;
 - viii. eating one's own vomit; or
 - ix. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

G. Notice, Reporting, and Documentation.

1. School staff will promptly notify the principal or his/her designee of any of the following:
 - a. Any use of aversive procedures;
 - b. Any prohibited use of mechanical restraint;
 - c. Any use of physical restraint resulting in observable physical injury to a student;
 - d. Any prohibited use of seclusion; or
 - e. Any seclusion exceeding ten minutes or beyond the amount of time specified on a student's behavior intervention plan.

2. Notice to Parents

When a principal or his/her designee has personal or actual knowledge of any of the events listed above, he/she will promptly notify the student's parents or guardians and will provide the name of the school employee that the parent or guardian may contact regarding the incident.

3. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after the incident, the principal or his/her designee will also provide the parent or guardian with a written incident report. This report must include the following:

- a. The date, time of day, location, duration, and description of the incident and interventions;
- b. The events that led up to the incident;
- c. The nature and extent of any injury to the student; and
- d. The name of a school employee that parent or guardian can contact regarding the incident.

4. Report to State Board

The Board will maintain a record of incidents reported under the procedure described above and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion, or aversive procedure shall NOT be discharged, threatened, or retaliated against through compensation, terms, conditions, location, or privilege of employment by any local board of education or any employee unless the employee knew or should have known that the report was false.