

SECLUSION/RESTRAINT GUIDELINES AND PROCEDURES FOR STUDENTS WITH AN EXCEPTIONALITY (EXCLUDING GIFTED AND TALENTED*)

An Interpretive Guide for Implementation of Louisiana Revised Statutes §17:416.21 and Louisiana Department of Education Bulletin 1706, Regulations for the Implementation of the Exceptional Children's Act, §§540-543

INTRODUCTION

A primary responsibility of the Caldwell Parish School Board (CPSB) is to provide a safe environment for all students. Facilities are designed to meet codes developed specifically to ensure that all students may learn in physical safety and comfort, while teachers and other staff are trained to respond efficiently and effectively to emergencies, such as fires, weather disasters, and other critical response situations.

We are also responsible for protecting students as well as employees from acts of physical aggression initiated by other students while they are in our care. The CPSB is committed to ensuring that each student enrolled in its schools is treated with dignity and is free from unreasonable use of physical restraint and/or seclusion as crisis interventions. A small percentage of students may account for the majority of incidents of physical violence and this percentage includes both students identified eligible for special education services in compliance with the *Individuals with Disabilities Education Act* (IDEA) and students with no identified educational disability. While there are consequences and other actions to consider following an act of physical aggression by both students with and without disabilities, policies and procedures described herein provide interventions to be implemented by trained persons when a dangerously aggressive act is occurring.

The primary reason for use of physical intervention and/or seclusion with a student is to prevent or stop injury and to maintain a safe environment for all students and faculty. The CPSB employs Non-Violent Crisis Intervention (Crisis Prevention Institute) to support students during crisis situations. Consistent with non-violent crisis intervention, physical restraint must only be used when a student's behavior presents a threat of imminent risk of harm or injury to self or others and only as a last resort, consistent with the procedures set forth herein.

This document provides procedures/guidance for the use, reporting, documentation, and oversight of seclusion and physical restraint by the CPSB. These procedures specifically address the statutory requirements of La. Rev. Stat. Ann. §17:416.21 and Louisiana Department of Education (LDE) Bulletin 1706, Regulations for the

Implementation of the Exceptional Children's Act, §§ 540-543 (Bulletin 1706) regarding the use of seclusion and restraint as emergency safety measures to address the needs of students with exceptionalities in Louisiana's public schools.

For purposes of these procedures, the term "exceptionality" does not include students identified as gifted or talented unless the student has been identified as also having a disability.

OVERVIEW OF USE OF SECLUSION AND PHYSICAL RESTRAINT

1. Seclusion or physical restraint will be used only when all other classroom interventions have been attempted and proven unsuccessful in remediating self-injurious or physically aggressive behaviors and then only to prevent the immediate escalation of dangerously aggressive behavior and imminent physical injury to other students or faculty. However, there may exist crisis situations in which "other classroom interventions" may be inappropriate (as a first step) in light of the immediate threat to the physical safety of the student or others.
2. Physical control techniques that result in minimal discomfort and no physical injury to the student will be implemented as necessary to protect the safety of the student and others. Interventions used will not interfere with a student's ability to breathe freely or communicate with others. Students will not be restrained in a manner that places excessive pressure on the back or chest or that may present a risk of asphyxia. Physical control techniques, when necessary, will only be used in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior. Physical intervention will not be used as a form of discipline or punishment, as a way to obtain compliance, for convenience of school personnel, or when unsafe, unreasonable, or unwarranted.
3. Seclusion is prohibited for addressing behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors will be addressed with less stringent and less restrictive techniques. Seclusion will not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, for the convenience of school personnel, or when unreasonable, unsafe, or unwarranted. Seclusion and physical restraint will not be used after the substantial risk of injury no longer exists.
4. If a student has a medical or psychological condition that precludes seclusion and/or physical intervention, as certified in a written statement by a licensed health care provider, physical restraint will not be used with that student. That student's Individualized Education Program (IEP) Team will develop and implement interventions to address that student's individual needs.
5. No mechanical devices (e.g., stockings, web straps, tie downs) will be used as a means of restraint. Adaptive devices such as braces, postural aids, and other

equipment used in accordance with the IEP to assist a student to benefit from his/her educational programming are not considered to be restraints.

6. Only school personnel that have specific training in the safe and proper application of approved techniques are authorized to employ physical restraint. Only approved procedures will be used. CPSB Pupil Appraisal Services and/or Special Education staff certified in approved physical intervention techniques will provide training to designated school personnel.
7. Physical restraint or seclusion will not serve as the sole means of behavioral intervention and support for any student with an exceptionality. IEP Teams shall address the individual needs of each special education student who has a documented history of physical aggression, including consideration of a behavior management plan. Seclusion and physical restraint used for reasons other than imminent risk of harm or use of unapproved procedures contrary to those listed in this document shall be considered unreasonable and strictly prohibited. Seclusion will not be used as a disciplinary consequence for minor infractions or to otherwise isolate the student from needed educational instruction.
8. In an emergency situation, physical restraint or seclusion may be used with a student to prevent injury to that student or others. Staff is advised to be extremely cautious when using physical interventions with students absent specific provisions in an IEP or Section 504 Plan. Staff members may be held personally accountable for injuries that may result from physical interventions contrary to these procedures that may be generally considered more intrusive than necessary to stop aggressive behavior.
9. Appropriate attempts should be made to remove all students and others (except an adult witness) from the area when physical restraint is being implemented to both prevent injury and to protect the privacy of the student that requires restraint. If there is more than one trained staff member in the area when physical restraint is initiated, one person will assume control. This primary intervention person will initiate verbal and other de-escalation interventions and, if required, physical interventions. Other staff members in the area will follow the directions of the primary intervention person and may assist in removing and relocating other students from the area and alerting the school principal that physical restraint has been initiated.
10. Once an incident of seclusion or physical restraint ends, involved teachers and other staff will complete the appropriate forms and return to teaching to provide opportunities for students to earn positive reinforcers. **Staff will not threaten use of restraint to gain compliance and will not remind the student of behaviors that have resulted in physical restraint in the past. Confidentiality rules apply and the incident shall not be discussed except with individuals who have a legitimate educational interest and only as**

necessary and appropriate to address the situation at issue.

METHODS AND PROCEDURES FOR PHYSICAL INTERVENTION, CONTROL, AND RESTRAINT

Operational Definition of Physical Restraint: Physical restraint is the restriction of a student's body movement, using only one's hands and body as restricting agents, to prevent escalation of aggressive behavior and imminent injury to that student or other persons.

Physical Restraint is specifically defined in La. Rev. Stat. Ann. §17:416.21 as bodily force used to limit a person's movement. The definition does not include consensual, solicited, or unintentional contact; the momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person; the holding of a student by one school employee for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted; minimal physical contact for the purpose of safely escorting a student from one area to another; and minimal physical contact for the purpose of assisting the student in completing a task or response.

Specific Procedures for Use of Physical Restraint: These procedures are based on evidence-based crisis intervention prevention plans. Interventions are arranged in order from less to more intrusive. Staff should use only as much physical control as is necessary to stop physically aggressive behavior that is posing imminent risk of harm. Physical intervention will be applied only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

When the behavior of one or more students escalates beyond the student's immediate control, creating danger of violence or self-injury, intervention strategies to defuse/de-escalate the situation will be utilized. The intent of de-escalation is to restore the student's capacity to control the immediate behavior and redirect him/her toward a safer resolution. In the event that physical restraint becomes necessary to protect students or other persons from imminent serious harm the following procedures will be used:

1. Trained staff will administer and maintain the proper physical restraint until the student no longer attempts to self-injure or display aggressive behavior. Students in restraint shall be continuously and directly observed by trained staff. Trained staff are those individuals who successfully complete and stay current in a training program (e.g., CPI) that results in acquisition of skills in verbal de-escalation, preventing restraints, evaluating risk of harm in an individual situation, use of approved techniques, and monitoring the effect of the restraint.
2. When feasible, another adult shall remain in the area to serve as a witness to

the restraint. This person should stay in the line of sight, but where they cannot be readily seen by the student in restraint. The witness should remain silent throughout the observation of restraint.

3. When a period of restraint reaches fifteen (15) minutes, the school principal or principal's designee (trained staff) shall be notified to review and approve the continuation of the restraint. Restraints will be observed by an administrator or designee, from the 15-minute mark forward and shall be reviewed and documented at each 15-minute interval from the initiation of the restraint incident. These observations will be documented using the Seclusion/Restraint Observation Log Form (Appendix A). During the administration of physical restraint, the trained staff member shall continuously monitor the physical status of the student, including skin color and respiration. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student shall be immediately released from the restraint and staff shall take appropriate steps to summon the school principal (or designee) and other needed resources.
4. A restraint shall cease immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent harm to self or others.
5. Following an incident of physical restraint, involved CPSB staff shall implement follow-up documentation and reporting procedures.

METHODS AND PROCEDURES FOR SECLUSION

Operational Definition of Seclusion: *Seclusion* is defined by La. Rev. Stat. Ann §17:416.21 as a procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others. Seclusion involves the monitored separation of the student in a non-locked setting. The term does not include in-school suspension or student-requested breaks. *Time Out*, defined as when a student remains in the general education setting but does not interact with others or have opportunity to earn positive reinforcers, is not considered seclusion. However, Time Out periods must be documented to ensure that repetitive incidents of Time Out do not occur and to ensure that repetitive behaviors are addressed appropriately.

A *seclusion room* is defined as a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving. Seclusion is permitted only for behaviors that involve an imminent risk of harm, as a "last resort" when less restrictive measures (e.g., positive behavioral supports, constructive and non-physical de-escalation, restructuring of a student's environment) have failed to stop a student's actions that pose an imminent risk of harm. Seclusion may be used only as long as

necessary to minimize the imminent risk of harm while summoning the assistance of trained school staff, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

School personnel may use seclusion only when the student poses an immediate risk of danger to self or others. Situations that warrant seclusion may include but are not limited to:

- Isolation is needed to break up a fight or maintain student safety
- A student poses a viable threat of substantial destruction of school property
- Isolation is required/specified by a student's IEP, Section 504 Plan, and/or Behavior Intervention Plan (BIP)
- Other such incidents involving imminent risk of significant injury to the student or others.

Specific Procedures for Use of Seclusion: When all non-intrusive attempts to stop a student's behavior that presents an imminent risk of harm, trained staff will verbally instruct that student to move to an approved seclusion room. A student may be physically placed in a seclusion room, using approved assisted transport methods, if circumstances warrant such action. A student in a seclusion room will be monitored continuously. Seclusion will end when trained school staff, emergency medical, or law enforcement personnel intervene or when supervising staff determine that the student no longer presents an imminent risk of harm to themselves or others.

School personnel may confine a student with an exceptionality, to a seclusion room (a room or other confined area from which the student is involuntarily prevented from leaving) on an individual basis and for a limited time to allow the student the opportunity to regain control in a private setting.

When the use of a seclusion room is necessary, the student with an exceptionality should be escorted to the seclusion area without the use of physical force, when feasible under the circumstances. Physical prompts are permissible for the purpose of safely guiding the student from one area to another, but care should be taken to limit the use of physical contact with the student and to avoid the use of physical force. Verbal redirection and other means of positive support should be used before resorting to physical means.

If physical intervention becomes necessary to prevent a student in seclusion from harming himself/herself or causing substantial destruction of school property, the seclusion will technically cease. However, seclusion can resume if the observable need for physical restraint ends but the need for seclusion remains. Trained personnel should enter the seclusion room and de-escalation procedures will be implemented.

Physical restraint will be implemented as necessary and appropriate to ensure safety.

Use of a Seclusion Room is permitted only under the following circumstances:

- Administered by a school employee who uses appropriate methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he/she is in the seclusion room.
- One student is placed in a seclusion room at any given time and the school employee supervising the student is able to see and hear the student the entire time the student is placed in the seclusion room.
- The room is free of any object that poses a danger to the student placed in the room.
- The room has an observation window and is of a size appropriate for a student's size, behavior, and chronological and developmental age.
- The room has a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

DOCUMENTATION/NOTIFICATION/REPORTING

1. All interventions attempted before use of seclusion or physical restraint will be formally or informally documented by the school personnel providing the physical restraint using forms developed by CPSB staff.
2. A student who has been placed in seclusion or physically restrained shall be monitored continuously. Such monitoring shall be documented at least every fifteen (15) minutes and adjustments made accordingly, based upon observations of the student's behavior. These observations will be documented using the Seclusion/Restraint Observation Log Form (Appendix A).
3. Staff will continuously visually monitor a student in seclusion until seclusion ends. A monitor will document the student's progress at 15-minute intervals using the Seclusion/Restraint Observation Log Form.
4. When Physical Restraint and/or Seclusion are used, a *Documentation of Seclusion/Physical Restraint* form (Appendix A) must be completed and given to the school principal or a designee on the day that the physical restraint or seclusion was used. The staff implementing restraint, special education teacher, any additional witnesses, and principal will review the *Documentation of Seclusion/Physical Restraint* form, add any relevant information, and sign the completed form before the form is forwarded to the parents, the Louisiana Department of Education (LDE), and the CPSB Special Education Director.

5. The CPSB shall report all instances where seclusion or physical restraint is used to address the behavior of students with exceptionalities to the LDE through the Special Education Reporting (SER) System. At a minimum, the CPSB shall make such SER reports on a monthly basis.
6. These guidelines and procedures will be provided to the LDE, all school employees, and every parent of a student with a disability. These guidelines shall also be posted at each school and on the CPSB's website.
7. The principal must notify the student's parent or guardian of incidents of seclusion or physical restraint before the end of that school day. The principal must also provide written notice to the parents within 24 hours of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved. The Special Education Director or a designee shall be notified any time a student is placed in seclusion or physically restrained and provided a signed, faxed copy of the report within 24 hours of each such incident.
8. Following a seclusion/restraint incident, the Special Education teacher will schedule an IEP Team meeting within ten (10) school days to review and, as appropriate, revise accommodations, modifications, and/or behavioral interventions in an effort to prevent future occurrences. A copy of the IEP with any amendments and changes will be forwarded to the Director of Special Education within 5 days of conclusion of the IEP meeting.
9. If a student is involved in five incidents in a single year involving the use of physical restraint or seclusion, the student's IEP Team shall review and revise the student's behavior intervention plan (BIP) to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the Special Education Director or his designee shall review the student's plans at least once every three weeks.
10. The Special Education Director or designee shall submit to the LDE (through SER) all required information regarding the number of incidents of physical restraint, student age, race, ethnicity, gender, student disability classification, and other such disaggregated information as may be required by law.
11. No statute, law, or procedural safeguard prohibits school administrators from reporting a crime to appropriate authorities or from involving law enforcement at school when any student commits a criminal act. If school administrators determine that continued placement of an IDEA (special education) student will likely result in injury to the student or others, the Director of Special Education

must be contacted.

12. The Principal or designee will notify the Director of Special Education immediately when an emergency removal of an IDEA eligible student occurs.

SCHOOL EMPLOYEE TRAINING

Each district school site will identify a team comprised of school staff who have been trained in Non-Violent Crisis Intervention (CPI). CPI Team members will participate in training in Non-Violent Crisis Intervention and in prescribed methods of implementing seclusion and restraint with students with an exceptionality. Certificates of competence will be issued to successful trainees. Only identified trained school staff authorized by the building administrator may administer physical restraint with students. Whenever possible and practicable, the use of physical restraint shall be witnessed by at least one adult who does not participate in the restraint. However, this does not preclude any teacher or other employee of the CPSB from using reasonable physical intervention necessary to protect students, other persons, or themselves from imminent, serious physical harm.

Team members will participate in continuing education for Crisis Intervention as required.

DISSEMINATION OF GUIDELINES AND PROCEDURES TO ALL SCHOOL EMPLOYEES

A copy of School Board policy and *Seclusion/Restraint Procedures for Students with an Exceptionality* shall be provided to the LDE, all school employees, and every parent of a student with an exceptionality. The guidelines and procedures shall also be available on the parish website www.caldwelledu.org at each school site, and in the Special Education teacher's handbook.

DISSEMINATION OF GUIDELINES AND PROCEDURES TO EVERY PARENT OF A CHILD WITH AN EXCEPTIONALITY

A copy of these procedures (Appendix B) will be provided to parents/guardians of students with an exceptionality and students reaching majority age.

NOTIFICATION TO THE LOUISIANA DEPARTMENT OF EDUCATION

Data for each incident of seclusion and physical restraint will be entered into the SER Data Program by the district Director of Special Education or a designee after receipt of CPSB Seclusion/Restraint Documentation from the school. The LDE is responsible for annually compiling and posting on its website a comprehensive report of seclusion and

restraint of students with exceptionalities.

ANALYSIS OF PHYSICAL RESTRAINT/SECLUSION REPORTING

Data collected will be used to track the number of incidents of physical restraint/seclusion by student, staff, and type of incidents, description and number of injuries sustained by student and/or staff and the nature of any such injuries, and other factors such as precipitating events and other observable factors. Such data will be analyzed at least annually and a district report will be prepared.

Revised: January 12, 2017

Ref: La. Rev. Stat. Ann. §17:416.21
Regulations for the Implementation of the Exceptional Children's Act, Bulletin
1706, Louisiana Department of Education
Board minutes, 1-12-17

Caldwell Parish School Board

APPENDIX A: DOCUMENTATION FORMS

CALDWELL PARISH SCHOOL BOARD
Documentation of Seclusion/Physical Restraint

Date: _____

Complete and fax copy to the Special Education Director within 24 hours

Student _____ DOB _____ Race _____ School _____

Disability _____ Parent _____

Special Education Teacher _____

What was the student doing prior to this incident? (Attach explanation if additional space is needed)

What behavior required the seclusion/physical restraint? (Attach explanation if additional space is needed)

What de-escalation techniques were used prior to the application of seclusion/physical restraint? (Attach explanation if additional space is needed)

What specific seclusion/restraint techniques were used?

How long was seclusion/restraint necessary? _____
What happened when the student was released? (Attach explanation if additional space is needed)

Were there any observable injuries to the student or school personnel? (If yes, provide specific details)

Who witnessed the seclusion/restraint? _____

Who was notified? (Parent/guardian) _____

How was notification completed?

Document parent/guardian response:

Staff Implementing Seclusion/Restraint

Special Education Teacher

Principal

Witness

Send copy to:

Parent/Guardian
Special Education Department

**CALDWELL PARISH SCHOOL BOARD
Seclusion/Restrain Observation Log**

Student: _____ Date: _____

Names of Person(s) Supervising Student During Seclusion/Restraint Incident:

Description of Student's Dangerous Behavior Warranting Action of Last Resort:

Observation Log											
Code: Y = Student OK; still poses imminent danger C = Calming Begins R = Released from Seclusion/Restraint											
Check Student Every 15 Minutes		Start time: End time:								Total	
1	2	3	4	5	6	7	8	9	10	11	12

Observer(s) Signature(s): _____

APPENDIX B – GUIDELINES AND PROCEDURES FOR PARENTS/GUARDIANS

CALDWELL PARISH SCHOOL BOARD
P.O. Box 1019
7112 Hwy. 165
Columbia, LA 71418

John Gullatt, Superintendent

Heath Denison, Director of Special Populations

I, _____ have received a copy of the
(Print Name)
Caldwell Parish School Board's approved *Seclusion/Restrain Guidelines and Procedures for Students with an Exceptionality.*

Student's Name: _____

Parent's Name: _____
(Print Name)

Signature: _____

Date: _____

APPENDIX C – DEFINITIONS

DEFINITIONS

EMERGENCY - A sudden, generally unexpected set of circumstances that requires immediate action.

IMMINENT RISK OF HARM - An immediate and impending threat of a person causing substantial physical injury to self or others. The risk is "imminent" if it is likely to occur within a matter of moments.

MECHANICAL RESTRAINT - The application of any device or object used to limit a person's movement. The term does NOT include the following:

- A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.
- Any device used by a duly licensed law enforcement officer in the execution of his official duties.

NOTIFICATION - Notification may be accomplished by direct verbal contact or electronic communication, including electronic voice messaging and/or e-mail.

PHYSICAL ESCORT -- Touching or holding a student with or without the use of force for the purpose of directing the student to a new location. Physical escort does not include the unforced holding of a student's hand or other physical prompts for the purpose of safely guiding the student from one task to another or directing the student in an educational activity.

PHYSICAL RESTRAINT -- Bodily force used to limit a person's movement. The term does NOT include the following:

- Consensual, solicited, or unintentional contact.
- Momentary blocking of a student's action if said action is likely to result in harm to the student or any other person.
- Holding of a student by a school employee, for the purpose of calming or comforting the student-provided the student's freedom of movement or normal access to his/her body is not restricted.
- Minimal physical contact for the purpose of safely escorting a student from one area to another.
- Minimal physical contact for the purpose of assisting the student in completing a task of response.

POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORT -- A systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

SECLUSION -- A procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others.

SECLUSION ROOM -- A room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

SCHOOL EMPLOYEE -A teacher, paraprofessional, administrator, support staff member, or a provider of related services.

SUBSTANTIAL RISK OF INJURY - With perceived intent and observable and available means to execute, behavior which may cause serious physical harm to self or others.

TIME OUT – A behavior reduction procedure that involves the absence of positive reinforcement for a limited period of time. Time out may include: (1) *Inclusionary time-out* where the student remains in sight and sound of others in the classroom; (2) *Exclusionary time-out* where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving. These forms of time-out are NOT considered by the School Board to constitute seclusion but must be monitored and documented at the school level to ensure that repetitive incidents of time-out do not occur and, if occurring, do not result in substantial isolation of the student from instructional activities.

WRITTEN GUIDELINES AND PROCEDURES -- The written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to school behavior that may require immediate intervention.

