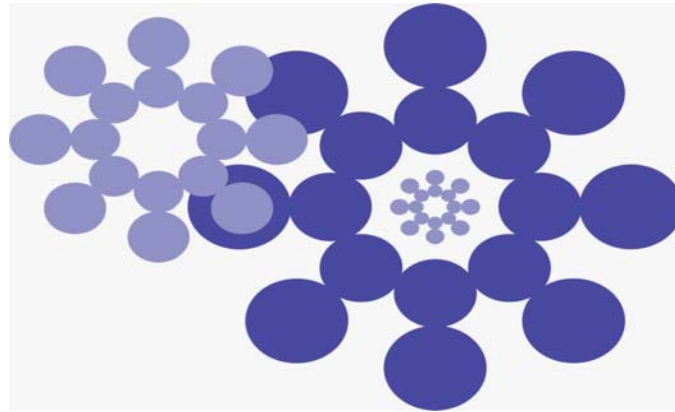


# **Interim Seclusion/Restraint Procedures**

Under

Louisiana Revised Statutes 17:416.21

(Act 328 of 2011)



**UNION PARISH SCHOOL SYSTEM**

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# INTRODUCTION

This document provides procedures/guidance for the use, reporting, documentation and oversight of seclusion and restraint in the Union Parish School System in accordance with guidance provided by the Board of Elementary and Secondary Education, Louisiana Department of Education (LDE).

These procedures specifically address the statutory requirements of La.R.S. 17:416.21 (Louisiana Act 328 of 2011) regarding the use of seclusion and restraint as emergency safety measures to control the actions of students with exceptionalities in Louisiana's public schools. It is understood that this procedural/guidance document in no way constitutes the totality of interventions and strategies used by the Union Parish School System and its personnel in addressing the educational needs of students with exceptionalities.

For the purposes of this document, Union Parish School System may encompass policies adopted by the Union Parish School System; administrative procedures implemented by school administrators and school employees (as defined herein) and guided forms developed to assist school employees in carrying out their responsibilities under La.R.S. 17:416.21 (Act 328 of 2011).

# 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.

**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 including 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.

- Holding of a student by a school employee, for **less than 5 minutes in any given hour or class period** for the protection of the student or others.
- 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** – Behavior which has both the intent and available means to cause serious physical harm to self or others, regardless of exceptionality or manifestations of an identified exceptionality.

**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 student behavior that may require immediate intervention.

# **SUPERINTENDENT'S DIRECTIVES**

## **PURSUANT TO SCHOOL BOARD POLICY**

The Union Parish School Board has approved the following guidelines and procedures relative to the use of seclusion and restraint by its employees:

### **Reporting requirements**

- ❖ **Notification requirements for school officials and parents/legal guardians**
  - **The building Principal or his/her designee shall be responsible for timely notification to parents/guardians regarding the use of seclusion or restraint in accordance with the notification/reporting requirements of La.R.S. 17:416.21. The building Principal or his/her designee shall be responsible for designating a secondary individual to assume responsibility for such notification in the event that the primary designee is absent or otherwise unavailable to provide required notification to the parents/legal guardians.**

### **Explanation of methods of physical restraint**

- **Physical Restraint shall be performed in accordance with approved Therapeutic Crisis Intervention (TCI) procedures, supplemented by Strength-Based Training and Classroom Community procedures as needed. TCI, Strength-Based Training, and Classroom Community are recognized behavior intervention programs designed to foster improved student behavior through non-violent practices.**
- ❖ **Training requirements relative to the use of restraint**
  - **Designated school administrators, teachers, paraprofessionals, and behavior support personnel shall be trained in approved restraint techniques. Other individuals may be included in training as deemed necessary and with the authorization of designated school system officials.**
  - **Therapeutic Crisis Intervention (TCI), Strength-Based Training; and Classroom Community training programs will be used to train designated school employees regarding the use of restraint with student with exceptionalities.**

- Such training shall include child and adolescent development; behavior basics; risk perception; pro-active interventions; de-escalation; appropriate restraint techniques; documentation and reporting.
  - Trained school employees shall participate in continuing education at least annually regarding the use of restraint with students with exceptionalities.
  - The Special Education Supervisor shall maintain documentation of training of school employees.
- ❖ Dissemination of guidelines and procedures to all *school employees*:
    - Annual written notification regarding seclusion and restraint procedures shall be provided to all school employees by the Superintendent.
- ❖ Dissemination of guidelines and procedures to every parent of a child with an exceptionality
    - Annual notification shall be provided to the parent of every child with an exceptionality via the Student Rights and Responsibilities Handbook and online/web postings.
- ❖ Notification to the Louisiana Department of Education
    - The Supervisor of Special Education shall send to the Louisiana Department of Education (LDE), via email or facsimile, all required notices regarding the use of restraint and seclusion with students with exceptionalities.
- ❖ Notification to any School Board-approved charter school officers and employees
    - The Union Parish School Board (UPSB) shall require all UPSB charter schools to follow the same seclusion/restraint procedures approved for all other schools in the district or shall require such charter schools to establish comparable procedures for its approval.

## SECLUSION



Seclusion is 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 does not include time-out which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming. The term also does not include in-school suspension or authorized student-requested breaks.

Seclusion is **permitted only**:

- For behaviors that involve an imminent risk of harm.
- As a **LAST** resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
- As long as necessary to minimize the imminent risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

Seclusion is **prohibited**:

- For addressing behaviors such as general noncompliance, self-stimulation, and academic refusal. (Such behaviors **SHALL** be addressed with less stringent and less restrictive techniques).
- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- When the student is known to have any medical or psychological condition that precludes such action (as certified by a Louisiana licensed health care provider in a written statement provided to the principal of the school in which the student is enrolled).

## **SECLUSION ROOM**

Seclusion Room is permitted only under the following conditions:

- As a LAST resort if and when less restrictive measures such a positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.
- By a school employee who uses accepted 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.
- If 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.

Seclusion Room is **prohibited**:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.

- **When unreasonable, unsafe, or unwarranted.**
- **When the student is known to have any medical or psychological condition that precludes such action (as certified by a Louisiana licensed health care provider in a written statement provided to the school in which the student is enrolled).**

## **PHYSICAL RESTRAINT**

Physical Restraint is **permitted** only under the following conditions:

- If the student's behavior presents a threat of imminent risk of harm to self or others.
- As a last resort to protect the safety of self and others.
- To the degree necessary to stop dangerous behavior.
- In a manner that causes **NO PHYSICAL INJURY** to the student.
- Results in the least possible discomfort to the student.
- Does not interfere in any way with a student's breathing or ability to communicate with others.
- Does not involve the use of any form of mechanical restraint.
- The student is not physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.
- Applied only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

Physical Restraint is **prohibited**:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- When the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

# MONITORING & DOCUMENTATION

Seclusion/Restraint **require** monitoring, documentation, and analysis of data collected:

- Continuous monitoring.
- **Documentation every 15 minutes (with adjustments made accordingly).**
- Student is released/removed as soon as the reasons for the action have subsided.
- **Parent or guardian notified as soon as possible.**
- **Parent or guardian notified in writing within 24 hours of EACH incident of seclusion/restraint.**
  - Reason for seclusion/restraint
  - Description of procedures used
  - Length of time of seclusion/restraint
  - Names and titles of school employees involved.
- Director/Supervisor of Special Education notified any time student is placed in seclusion/restraint.
- School employee who used seclusion/restraint shall complete Form SR-1 for each incident of restraint and seclusion.
- School employee shall submit Form SR-1 to the School Principal not later than the school day immediately following the day of the seclusion/restraint.
- School employee shall submit copy of Form SR-1 to student's parent or guardian.

- When a student is involved in 5 incidents in a single school year\*, convene the IEP Team to review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.
  - Review documentation at least once every 3 weeks for students secluded and restrained and whose challenging behavior continues or escalates.
- \* Five (5) incidents in a school year includes the cumulative number of incidents of restraint AND seclusion. (e.g., 2 restraints + 3 seclusions = 5 incidents).

## **MECHANICAL RESTRAINT**

- **NO STUDENT SHALL BE SUBJECTED TO ANY FORM OF MECHANICAL RESTRAINT.**

## **SECLUSION AND RESTRAINT PROCEDURES**

### **I. Dissemination of Policy, Procedures, and LDE Guidance**

By March 31, 2012 and annually thereafter, each school Principal shall make available to school personnel and the parents/guardians/students of majority age, copies of La.R.S. 17:416.21, LDE Guidance (if approved by that date), and local policies and procedures regarding the use of reasonable restraint and seclusion of students with disabilities in the educational environment. It shall be considered permissible to publish such regulations, guidance, policies and procedures on the website of the UNION PARISH SCHOOL BOARD. Such restraint and seclusion notification shall also be referenced and/or included in the annual notice of student rights and responsibilities provided to the parents/guardians/students of majority age.

## **II. Use of Restraint and/or Seclusion By School Personnel**

**TIME OUT:** School personnel may separate a student from other students for a limited duration as a behavior management technique, as long as the student is monitored at all times and is not substantially isolated from instructional activities. TIME OUT 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.

Monitoring requires close visual proximity to the student, release as soon as the behaviors cease that led to the isolation/seclusion, the space where the student is secluded has adequate lighting, ventilation, heating and cooling, the space is free of objects or items that may unreasonably expose the student to danger; the space is designated by the school as a safe environment for temporary, safety-required seclusion.

**SECLUSION:** School personnel may use seclusion (isolation and confinement of the student in a separate area) **ONLY** when the student poses an immediate risk of

**danger to self or others as more fully described below:**

- **The person is in control of a weapon;**
- **Isolation is needed to break up a fight or maintain order at the school;**
- **The person poses a viable threat of imminent harm to self or others or substantial destruction of school property;**
- **Isolation is required/specified by a student's IEP, Section 504 Plan, and/or Behavior Intervention Plan;**
- **Other such incidents involving imminent risk of significant injury to the student or others.**

➤ **Seclusion SHALL BE:**

- **The action of last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.**
- **Used only as long as necessary to minimize the risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.**

➤ **Seclusion SHALL NOT be used:**

- **As the sole means of behavioral intervention and support for any student with a disability**
- **As a form of discipline or punishment**
- **As a threat to control, bully, or obtain behavioral compliance**
- **For the convenience of school personnel**



- When unreasonable, unsafe, or unwarranted
- When the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care providers in a written statement provided to the school in which the student is enrolled); or
- After the substantial risk of injury no longer exists.

➤ **Monitoring:**

A student placed in seclusion must be monitored/supervised at all times by an adult. Monitoring requires close, visual proximity to the student, release as soon as the behaviors cease that led to the isolation/seclusion, the space where the student is secluded has adequate lighting, ventilation, heating and cooling, the space is free of objects or items that may unreasonably expose the student to danger; the space is designated by the school as a safe environment for temporary, safety-required seclusion.

**Seclusion used for reasons other than imminent risk of harm and contrary to the procedures listed above shall be considered unreasonable and strictly prohibited. Seclusion SHALL NOT be used as a disciplinary consequence for minor infractions or to otherwise isolate the student from needed educational instruction.**

**SECLUSION  
ROOM:**

School personnel may confine a student with a disability 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 a disability should be escorted to the seclusion area without the use of physical force. 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.

➤ **ENVIRONMENTAL AND OTHER CONDITIONS:**

When a seclusion room is necessary as a last resort (after less restrictive measures have been used such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of the student's environment), the following environmental and other conditions are **REQUIRED:**

- The student must be supervised by a school employee;
- The supervising employee must be able to see and hear the student the entire time the student is confined to the seclusion room;
- The seclusion room must be free of any object that poses a potential danger to the student while in the room;
- The seclusion room must have an observation window of a size appropriate to the student's size, behavior, and chronological and developmental age;

- The seclusion room must have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school;
- The seclusion room must NOT be used as a form of discipline or punishment or to threaten or bully the student or to obtain behavioral compliance;
- The seclusion room must NOT be used for the convenience of school personnel or when unreasonable, unsafe, or unwarranted;
- The seclusion room IS NOT PERMITTED for use by a student has a known medical or psychological condition that precludes its use(as certified by a licensed health care provider in a written statement provided to the school).

**DOCUMENTATION:**

- All incidents of seclusion and use of a seclusion room must be documented on the Seclusion Incident Report Form.
- A copy of the procedures governing the use of seclusion/seclusion rooms should be provided to the parent(s) student of majority age at each student’s annual IEP review meeting. A statement can be added to the IEP document indicating that the parent was provided a copy of the school district’s restraint/seclusion procedures.

**INCIDENT REPORTING:**

Reporting the use of seclusion and/or restraint MUST be made to SPECIFIED individuals within the timelines indicated in

these procedures and recorded on the Seclusion Incident Reporting Form.

Seclusion/Seclusion Room Incident Reporting data must be analyzed at least annually. These procedures should be reviewed and revised as necessary during the interim period to ensure appropriateness and effectiveness.

It is recommended that data will be used to track the number of incidents of 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.

**SECLUSION/RESTRAINT**  
**INCIDENT REPORTING FORM**  
Union Parish School System  
Date of Report \_\_\_\_\_

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Exceptionality: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Duration of Seclusion/Restraint (or Beginning + Ending Times):

Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_ Total Time: \_\_\_\_\_

Teacher/Staff Initiating Seclusion/Restraint:

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Teacher(s)/Staff Monitoring/Supervising Seclusion/Restraint:

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**De-escalation Procedures Used in Attempt to Resolve Situation Prior to Implementing Seclusion/Restraint:**

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**Class/Specific Activity At Time of Incident/Preceding Incident:**

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**Other Possible Triggers:**

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Injuries:  Yes  No

Detailed Description:

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Other Comments/Observations:

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# SECLUSION/RESTRAINT INCIDENT LOG

Union Parish School System

Date: \_\_\_\_\_

Student: \_\_\_\_\_ Location: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Describe Dangerous Behavior Warranting Action of Last Resort:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>OBSERVATION</b>											
Code: ✓ = Student OK; still poses imminent danger C = Calming Begins R = Released from Seclusion/Restraint											
Check Student Every 15 Mins.	Start Time: End Time:										Total
1	2	3	4	5	6	7	8	9	10	11	12

# **Louisiana's Seclusion/Restraint Law**

**[La.R.S. 17:416.21 attached hereto.]**