



## Seclusion and Restraint Policy

Under Louisiana Revised Statutes 17:416.21

(Act 328 of 2011)

&

Louisiana Bulletin 1706, Revised 2016

Foundation Preparatory Charter School  
3121 St. Bernard Ave. New Orleans, LA 70119

## INTRODUCTION

This document provides procedures/guidance for the use, reporting, documentation and oversight of seclusion and restraint in the Foundation Preparatory Charter School Board following issuance of regulations by the Board of Elementary and Secondary Education (BESE), Louisiana Department of Education (LDE).

These procedures specifically address the statutory requirements of La.R.S. 17:416.21 (Louisiana Act 328 of 2011) and revised Louisiana Bulletin 1706 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 is a work in progress and in no way constitutes the totality of interventions and strategies that may be used by the Foundation Preparatory Charter School Board and its personnel in addressing the educational needs of students with exceptionalities.

For the purposes of this document, Foundation Preparatory Charter School Board may encompass policies adopted by the Foundation Preparatory Charter School Board; 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) and applicable sections of Louisiana Bulletin 1706.

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## 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.

**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 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.
- 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 expressed through verbal and/or physical means to cause serious physical harm to self or others, whether or not considered directly and substantially to be a manifestation of the student’s disability.

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.

# SUPERINTENDENT'S DIRECTIVES

## PURSUANT TO SCHOOL BOARD POLICY

The Foundation Preparatory Charter 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

Parents must be notified within 24 hours if physical restraint or seclusion is used on their child. Date, time, method and person contacting the parent must also be documented on Seclusion/Restraint Report Forms (Appendix). Copies of Seclusion/Restraint Report Forms should be signed by the person completing form and school administrator. Copies of the form must be sent within 24 hours of action to the Parent, Special Education Director, and Principal. The incident must also be documented in the Incident section of the SER system for state reporting purposes, within 24 hours.

#### ❖ Explanation of methods of physical restraint

Employees with Crisis Prevention Institute Training (CPI) are trained to focus on prevention and use proven strategies for safely defusing anxious, hostile, or violent behavior at the earliest possible stage. When practical, these employees are the 'first responders' in situations that may escalate to the point of physical restraint. These employees are trained to practicing the principles of nonharmful physical intervention, thereby reducing the risk of injury.

#### ❖ Training requirements relative to the use of restraint

The principal, in conjunction with Central Office Personnel will select the employees to be CPI trained. The training will be conducted by a certified trainer with refreshers/updates provided annually. The Special Education Director will maintain documentation of training.

#### ❖ Dissemination of guidelines and procedures to *all school employees*

All school employees will be provided a copy of the FPCSB Seclusion and Restraint Policy and Procedures during the first 3 weeks of school. All employees will be afforded the opportunity to receive additional information upon their request. School administrators will provide a copy to all employees and obtain their signature indicating receipt of the information.

#### ❖ Dissemination of guidelines and procedures to every parent of a child with an exceptionality

The FPCSB Seclusion and Restraint Policy and Procedures will be posted on the FPCSB web site. The Code of Conduct, which is distributed to all parents, will include a statement about how and where to access the FPCSB Seclusion and Restraint Policy and Procedures. Parents of all students with an IEP will receive a copy during the first 3 weeks of the school year.

❖ Notification to the Louisiana Department of Education

The Special Education Director will be responsible for notifying the LDE.

❖ Notification to any School Board-approved charter school officers and employees

The Special Education Director will be responsible for notifying the Deputy Superintendent of Charter Schools.

## 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 does not

include in-school suspension or 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 responded to 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.
- If 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).



## SECLUSION ROOM

A Seclusion Room is permitted only under the following conditions:

- As a LAST resort if and when less restrictive measures such as 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.

A 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.
- If 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).

### MECHANICAL RESTRAINT

No student shall be subjected to any form of mechanical restraint by school employees.

### 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.
- If 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 and Restraint require monitoring, documentation, and analysis of data collected:

- Continuous monitoring.
- Documentation every 5 minutes (with adjustments made accordingly).
- Student is released/removed as soon as the reasons for the action have subsided.
- Parent/guardian notified as soon as possible. The school shall document all efforts, including conversations, phone calls, electronic communications, and home visits, to notify the parent of a student who has been placed in seclusion or physically restrained (Seclusion/Restraint Report Forms in Appendix).
- Parent/guardian, Special Education Director, and Principal notified in writing (Seclusion/Restraint Report Forms in Appendix) 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.
- School employee who used seclusion/restraint shall complete Seclusion/Restraint Report Forms (Appendix) for each incident of restraint and/or seclusion.
- When a student is involved in 5 incidents of restraint/seclusion 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.
 

\*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).
- Review data/documentation at least once every 3 weeks for students secluded and restrained and whose challenging behavior continues or escalates.

# SECLUSION AND RESTRAINT PROCEDURES

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

The Principal shall make available to school personnel and the parents/guardians/students of majority age, copies of La.R.S. 17:416.21 (Louisiana Act 328 of 2011), LDE Guidance, and local policies and procedures regarding the use of reasonable restraint and seclusion of students with exceptionalities in the educational environment. It shall be considered permissible to publish such regulations, guidance, policies and procedures on the website of the Foundation Preparatory Charter 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: 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.

- 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
- If 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 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/Restraint Report Forms and entered in SER.
- A copy of the procedures governing the use of seclusion/seclusion rooms should be provided to the parent(s) and/or 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/Restraint Report Forms.

Seclusion/Restraint Reporting data must be analyzed at least annually. These procedures should be reviewed and revised as necessary to ensure appropriateness and effectiveness.

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.

## APPENDIX



PHYSICAL RESTRAINT REPORT FORM  
FOUNDATION PREPARATORY CHARTER SCHOOL BOARD

Student Name: \_\_\_\_\_ Date of Report: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Exceptionality: \_\_\_\_\_

Date of Restraint: \_\_\_\_\_ Time of Restraint: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Teacher/Staff Initiating Restraint: \_\_\_\_\_

Procedure used during the physical restraint was:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Injuries: \_\_\_ Yes \_\_\_ No

Details: \_\_\_\_\_

\_\_\_\_\_

Describe Behavior of Student and Environmental Situation Precipitating Physical Restraint:

Location: \_\_\_\_\_ Students/Staff Present: \_\_\_\_\_

Class/Specific Activity at Time of Physical Restraint/Preceding Physical Restraint:

Other Possible Triggers: \_\_\_\_\_

\_\_\_\_\_

Was Parent Notified? : \_\_\_\_\_ Yes \_\_\_\_\_ No Time & Date of Notification: \_\_\_\_\_

Method of Notification: \_\_\_\_\_ Person Contacting Parent: \_\_\_\_\_

Has student been restrained and/or secluded 5 or more times this year? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, it is MANDATORY that the IEP Team be reconvened promptly to review and revise, if necessary, the BIP and/or appropriate behavioral supports.

Other Comments or Observations:

\_\_\_\_\_  
\_\_\_\_\_

Person Initiating Restraint \_\_\_\_\_ School Administrator \_\_\_\_\_

Signature

Signature

This form must be completed within 24 hours. Copies must be sent to Parent, Special Education Director, and Principal, then entered in SER, within that time period.

SECLUSION REPORT FORM  
FOUNDATION PREPARATORY CHARTER SCHOOL BOARD

Student Name: \_\_\_\_\_ Date of Report \_\_\_\_\_

School Grade: \_\_\_\_\_ Exceptionality: \_\_\_\_\_

Date of Seclusion: \_\_\_\_\_ Time of Seclusion: \_\_\_\_\_

Teacher/Staff Initiating Seclusion: \_\_\_\_\_

Person(s) Supervising Student During Seclusion: \_\_\_\_\_

Describe Behavior Warranting Seclusion:  
\_\_\_\_\_  
\_\_\_\_\_

Class/Specific Activity At Time of Incident/Preceding Seclusion:  
\_\_\_\_\_  
\_\_\_\_\_

Possible Triggers:  
\_\_\_\_\_  
\_\_\_\_\_

It is MANDATORY that student be monitored constantly.

- |             |                          |                        |
|-------------|--------------------------|------------------------|
| 1. Agitated | 4. Hostile               | 7. Self-Abusive        |
| 2. Calm     | 5. Physically Aggressive | 8. Verbally Aggressive |
| 3. Crying   | 6. Quiet                 | 9. Other: _____        |

Document Behavior every 5 min using codes above. Start time: _____ End Time _____ ___5 min ___10 min ___15 min ___20 min ___25 min ___30 min ___35 min ___40 min ___45 min ___50 min ___55 min ___60min
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Was Parent Notified? : \_\_\_\_\_ Yes \_\_\_\_\_ No Time & Date of Notification: \_\_\_\_\_

Method of Notification: \_\_\_\_\_ Person Contacting Parent: \_\_\_\_\_

Has student been restrained and/or secluded 5 or more times this year? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If Yes, it is MANDATORY that the IEP Team be reconvened promptly to review and revise, if necessary, the BIP and/or appropriate behavioral supports.

Other Comments or Observations:  
\_\_\_\_\_  
\_\_\_\_\_

Person Initiating Seclusion \_\_\_\_\_ School Administrator \_\_\_\_\_  
Signature Signature

This form must be completed within 24 hours. Copies must be sent to Parent, Special Education Director, and Principal, then entered in SER, within that time period.

LSA-R.S. 17:416.21

§ 416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint

A. As used in this Section:

(1) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others.

(2)(a) "Mechanical restraint" means the application of any device or object used to limit a person's movement.

(b) Mechanical restraint does not include:

(i) 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.

(ii) Any device used by a duly licensed law enforcement officer in the execution of his official duties.

(3)(a) "Physical restraint" means bodily force used to limit a person's movement.

(b) Physical restraint does not include:

(i) Consensual, solicited, or unintentional contact.

(ii) Holding of a student, by a school employee, for less than five minutes in any given hour or class period for the protection of the student or others.

(iii) 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.

(iv) Minimal physical contact for the purpose of safely escorting a student from one area to another.

(v) Minimal physical contact for the purpose of assisting the student in completing a task or response.

(4) "Positive behavior interventions and support" means 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.

(5) "School employee" means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

(6) “Seclusion” means a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others.

(7) “Seclusion room” means 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.

20 § 416.21. Behavior of students with exceptionalities; use of..., LA R.S. 17:416.21 (8) “Written guidelines and procedures” means the written guidelines and procedures adopted by a school’s governing authority regarding appropriate responses to student behavior that may require immediate intervention.

B. (1) Seclusion shall be used only:

(a) For behaviors that involve an imminent risk of harm.

(b) As a last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.

(2) Seclusion shall not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors shall be responded to with less stringent and less restrictive techniques.

(3)(a) A seclusion room shall be used only as a last resort if and when less restrictive measures, such as 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.

(b) A student shall be placed in a seclusion room only 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 or she is in the seclusion room.

(c) Only one student may be placed in a seclusion room at any given time, and the school employee supervising the student must be able to see and hear the student the entire time the student is placed in the seclusion room.

(4) A seclusion room shall:

(a) Be free of any object that poses a danger to the student placed in the room.

(b) Have an observation window and be of a size that is appropriate for the student’s size, behavior, and chronological and developmental age.

(c) Have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

C. (1) Physical restraint shall be used only:

(a) When a student’s behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others.

(b) To the degree necessary to stop dangerous behavior.

(c) In a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student’s breathing or ability to communicate with others.

(2) No student shall be subjected to any form of mechanical restraint.

(3) No student shall be physically restrained in a manner that places excessive pressure on the student’s chest or back or that causes asphyxia.

(4) A student shall be physically restrained only in a manner that is directly proportionate to the circumstances and to the student’s size, age, and severity of behavior.

D. Seclusion and physical restraint shall not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel.

E. No student shall be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

21 F. A student shall not be placed in seclusion or physically restrained if he or she 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.

G. A student who has been placed in seclusion or has been physically restrained shall be monitored continuously. Such monitoring shall be documented at least every fifteen minutes and adjustments made accordingly, based upon observations of the student's behavior.

H. A student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.

I. (1) The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be notified in writing, within twenty- four 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.

(2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

J. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Plan team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.

L. The documentation compiled for a student who has been placed in seclusion or has been physically restrained and whose challenging behavior continues or escalates shall be reviewed at least once every three weeks.

M. (1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

(a) Reporting requirements and follow-up procedures.

(b) Notification requirements for school officials and a student's parent or other legal guardian.

(c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

(2) These guidelines and procedures shall be provided to all school employees and every parent of a child with an exceptionality.

N. (1) The governing authority of each public elementary and secondary school shall report all instances where seclusion or physical restraint is used to address student behavior to the Department of Education.

(2) The Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.

Credits

Added by [Acts 2011, No. 328, § 1, eff. June 29, 2011](#). Current through the 2011 First Extraordinary and Regular Sessions.

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