

PHYSICAL RESTRAINT AND SECLUSION

It is the priority of Bonneville Joint School District No. 93 to promote a safe learning environment for all students and staff. The board recognizes that there may be emergency situations where it becomes necessary for a staff member to physically restrain or place a student in seclusion when the student's behavior poses an imminent risk of serious physical harm to self or others. The purpose of this policy is to ensure that all students and staff are safe in school, and that any student who may have a behavior crisis is free from the inappropriate use of physical restraint or seclusion.

The board supports programs that promote positive student behavior to improve overall school safety and create an environment that is conducive to learning, while also minimizing the need for the use of physical restraint and seclusion and ensuring that they are only used as a last resort in an emergency situation.

DEFINITIONS

"Aversive technique" means physical, emotional, or mental distress as a method of redirecting or controlling behavior.

"Crisis intervention" means implementation of a predetermined strategy to mitigate immediate harm to students or staff in a behavioral crisis.

"De-escalate" means utilizing strategically employed verbal or non-verbal interventions to reduce the intensity of threatening behavior before a crisis situation occurs.

"Emergency" means a situation in which a student's conduct creates a reasonable belief in another person that the student's conduct has placed the student or a third person in imminent danger of serious physical harm. An emergency requires an immediate intervention.

"Functional behavioral assessment (FBA)" means the evaluation process of gathering information that can be used to hypothesize about the function of student behavior to develop a behavior intervention plan (BIP) for those students on an individualized education program (IEP).

"Imminent" means likely to happen right away or within a matter of minutes.

"Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student to walk to a safe location. Dragging, carrying, and/or pulling a student constitutes physical restraint.

"Positive behavioral interventions and supports" means application of a broad range of systematic and individualized strategies for achieving important social and learning outcomes, while preventing problem behaviors by making them irrelevant, inefficient, and ineffective.

Idaho Code defines **"Restraint"** to mean physical, mechanical, or chemical forms of restriction, which are defined as follows:

- a. **"Physical restraint"** means a personal restriction that immobilizes or reduces the ability of a student to move his torso, arms, legs, or head freely. This term does not include a physical escort.
- b. **"Mechanical restraint"** means the use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school

personnel or utilized by a student that have been prescribed by an appropriate medical-related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- i. Adaptive devices or mechanical supports, when used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 - ii. Vehicle safety restraints, when used as intended during the transport of a student in a moving vehicle;
 - iii. Restraints for medical immobilization; or
 - iv. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- c. **“Chemical restraint”** means the use of drugs or medication to control behavior. This term does not include drugs or medication prescribed by and administered in accordance with the directions of a qualified health professional.

Idaho Code defines **“Seclusion”** to mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This term does not include a timeout that is a behavior management technique that is part of an approved program, involves the monitored separation of the student in an unlocked setting, and is implemented for the purpose of calming.

This policy further clarifies that “Seclusion” within the district shall also include involuntary confinement in a room or other space during which a student reasonably believes that he will be prevented from leaving. Means of seclusion include, the following:

1. manually, mechanically, or electrically locked doors that, when closed, cannot be opened from the inside;
2. blocking or other physical interference by staff; or
3. coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

APPROPRIATE USE OF PHYSICAL RESTRAINT OR SECLUSION

Restraint or seclusion should only be implemented in situations where a student's behavior poses imminent danger of serious physical harm to self or others, and not as a routine strategy to address instructional problems or inappropriate behavior. It is expected that school staff will consider implementing positive behavioral interventions and supports, functional behavioral assessments and related behavior plans, and utilize constructive methods, as appropriate, to de-escalate potentially dangerous situations.

Staff members are authorized to restrain a student or place a student in seclusion **only** when an emergency, as defined above, exists.

A student's individual education program (IEP), 504 Plan, behavioral intervention plan (BIP), or crisis plan may contain clarifying information to help staff identify imminent danger for individual students.

The following guidelines apply to the use of physical restraint or seclusion:

1. Staff members will take reasonable efforts to prevent the need for the use of physical restraint or seclusion by implementing positive behavioral interventions and supports.
2. Staff members may only use physical restraint or seclusion in situations where (1) the student's behavior poses imminent danger of serious physical harm to self or others, and (2) other interventions are ineffective.
3. Staff members will utilize the least restrictive technique necessary to end the threat of imminent danger of serious physical harm.
4. Staff members will carefully and continuously visually monitor the student when physical restraint or seclusion is used to ensure the appropriateness of its use and the safety of the student and others.
5. Staff members will immediately terminate the use of physical restraint or seclusion as soon as it is determined the student is no longer in imminent danger of serious physical harm to self or others, or if the student is observed to be in severe distress.
6. Staff members will document in writing each incident requiring physical restraint or seclusion.
7. All staff directly assigned to students or classrooms shall receive annual professional development training regarding positive behavior supports, de-escalation techniques, and classroom behavior management.
8. All staff directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors shall receive annual professional development training in crisis management, de-escalation techniques, the correct use of restraints and seclusion when required, and the implementation of functional behavior assessment, behavior intervention plans, and crisis plans. These staff members will also be trained on the appropriate use of effective alternatives to physical restraint and seclusion. Only trained personnel will employ these interventions whenever possible.
9. Staff members will review and revise behavioral strategies as appropriate to address the underlying cause of the dangerous behavior, and to prevent the repeated use of physical restraint or seclusion for managing the dangerous behavior.
10. Parents will be notified verbally regarding physical restraint or seclusion as soon as possible and no later than 24 hours following the restraint or seclusion. (See "Notice to Parent/Guardian" section).

PROHIBITED PRACTICES

Certain practices are prohibited under all circumstances, including emergency situations. These practices include:

1. Physical restraint or seclusion techniques that restrict a student's breathing or harm the student. Specifically, the use of prone (i.e., lying face down) physical restraints should be avoided.
2. Using physical restraint or seclusion procedures when a known psychiatric, medical or physical condition of the student would make physical restraint or seclusion dangerous for that student. For example, seclusion is inappropriate for students who are severely self-injurious or suicidal.

3. Mechanical restraints (e.g., handcuffs or plastic straps) to restrict a student's freedom of movement.
4. Chemical restraints (i.e., drugs or medication). Note: Administration of medication prescribed by a qualified health professional is not considered to be a chemical restraint when administered as prescribed by the qualified health professional.
5. Any technique that is inconsistent with the student's rights to be treated with dignity and to be free from abuse. The use of any technique that is abusive will be reported to the appropriate authorities.
6. Using physical restraint or seclusion (1) as a form of punishment or discipline; (2) as a means of coercion, retaliation, or as a convenience; (3) as a planned behavioral intervention in response to behavior that does not pose imminent danger of serious physical harm to self or others; or (4) in a manner that endangers the student.

RISKS OF USING RESTRAINT OR SECLUSION

Staff members will understand that all physical restraints involve some risk. This may include injury, including in rare instances, death to the person being restrained and/or to staff members. Restraint related positional asphyxiation or other physical injuries can occur. For this reason, staff members will be trained in appropriate techniques that minimize the possibilities of risk.

There is also the risk of psychological impact in using restraints. An individual's past experience with abuse or the fear involved with being restrained may cause unanticipated responses. Staff members should be aware that for some students the use of physical restraint might have the unintended consequence of acting as positive reinforcement for their behavior.

In addition, staff members should be conscious of individual perceptions, experiences, and cultural orientation and recognize that for some students any touching may be unwelcome and misinterpreted despite good intentions. In these situations, touching the student may evoke an extreme and intense response and make the use of physical restraint more dangerous for both the student and the staff member(s).

SECLUSION AREA

Each school building must designate a clean and safe seclusion area intended for confining a student without causing or allowing the student to harm him- or herself or others. The seclusion area will be of reasonable size; adequately lighted, ventilated, and heated/cooled; free from any objects or potential hazards that unreasonably expose the student or others to harm; permit direct, continuous visual and auditory monitoring of the student; must not be locked or prevent the student from exiting the area should an emergency arise; and comply with state and federal fire safety requirements.

A staff member will be required to visually inspect the seclusion area before and after each use to determine whether the area is clean and safe, and address any concerns by cleaning the area and/or reporting the concerns to maintenance staff.

OBSERVATION OF STUDENT

Seclusion will not be used unless a staff member can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student. A staff member will maintain continuous, direct visual and auditory contact with the student throughout the duration of any physical restraint or seclusion to ensure the appropriateness of its use and the safety of the student and others.

Students will be permitted to use the restroom upon request and will be escorted to and from the restroom. Students will also be provided water on request.

TIME AND DURATION

Physical restraint and seclusion should not be used any longer than necessary to allow a student to regain control of his/her behavior and should not exceed thirty (30) minutes. Termination of restraint or seclusion shall occur immediately once it is determined that the student is no longer an immediate danger to himself or to any other individual or when a parent or legal guardian has taken custody of the child.

If an emergency seclusion lasts longer than the suggested maximum time, the following are required: additional support (e.g., change of staff, introducing a nurse or specialist, or obtaining additional expertise) and documentation to explain the extension beyond the time limit.

REINTEGRATION INTO THE CLASSROOM

Staff members may make an independent judgment about when the student is ready to rejoin classmates or other activities. Reintegration may occur quickly, or may be very gradual, but will depend on the circumstances and the emotional state and readiness of the student to return to the normal situation. The total amount of time a student is out of the classroom, including time to reintegrate, must be included in the report.

NOTICE TO ADMINISTRATOR

Staff members must notify the building principal immediately when a student is physically restrained or placed in seclusion. The special education director and superintendent shall be notified by written report no later than 24 hours after the restraint or seclusion.

NOTICE TO PARENT/GUARDIAN

The building principal or designee will verbally notify the parent/guardian of a student requiring physical restraint or seclusion as soon as possible and no later than 24 hours following the incident. Verbal notice will include a brief summary of the incident and contact information for the staff member who will provide additional information. The delivery of the notice will be documented by the district on Form 3115F1.

Verbal notice will be provided via telephone. In the event a staff member is unable to speak directly to the parent via telephone, a message will be left on the individual's voicemail, if available. If unable to reach the parent via telephone or leave a message on voicemail, the staff member will send an email to the parent, if the email address is known. If other methods have been exhausted a written message may be sent home via mail or with the student. A copy of the written report will be made available to the parent /guardian upon request.

Parents/guardians will be notified of the district's policies and procedures for restraint and seclusion.

CRISIS INTERVENTION TRAINING

All staff directly assigned to students or classrooms shall receive annual professional development training regarding positive behavior supports, de-escalation techniques, and classroom behavior management. All

staff directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors shall receive annual professional development training in crisis management, de-escalation techniques, the correct use of restraints and seclusion when required, and the implementation of functional behavior assessment, behavior intervention plans, and crisis plans. Training in crisis intervention may include, but is not limited to:

1. Evidence-based skills training related to positive behavioral interventions and supports, safe physical escort, crisis prevention, understanding antecedents, de-escalation strategies, and conflict management.
2. Evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion, including techniques to identify events and environmental factors that may trigger emergency safety situations.
3. Evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion.
4. Techniques to identify dangerous behaviors, as well as methods for evaluating the risk of harm to determine whether the use of physical restraint or seclusion is warranted.
5. The risk of using physical restraint or seclusion in consideration of a student's known and unknown psychiatric, medical, and physical limitations.
6. First aid and cardiopulmonary resuscitation (CPR).
7. The requirements of this policy and the procedures to be followed in cases of physical restraint and seclusion.

Restraint and seclusion techniques should only be utilized by a person who has been trained in crisis intervention. Other school personnel may employ physical restraint and seclusion procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff should request assistance from trained staff as soon as possible.

INCIDENT REPORTING PROCEDURES

Immediately after the student has restored emotional and behavioral control following the use of physical restraint or seclusion, a staff member not involved with the incident will visually examine the student to ascertain if any injury has been sustained during the physical restraint or seclusion.

The staff member(s) involved with the incident will complete a written incident report (Form 3115F1) as soon as possible after the incident and no later than one school day after the event. The building principal or designee will place a copy of the report in the student's cumulative file or special services folder (as appropriate).

Each staff member involved in an incident will engage in a debriefing session (Form 3115F2) to determine what could have been done to prevent the need for use of physical restraint or seclusion for this student specifically and for other students in similar situations.

INCIDENT REPORT REQUIREMENTS

The following should be included in the incident report created after each instance of physical restraint or the use of seclusion:

1. Information about the student (i.e., name, grade, etc.).
2. If the student has a disability (IDEA or Section 504), and the type of disability.
3. The date and start and end times of the restraint or seclusion.
4. The total amount of time a student was out of the learning environment, including time used for reintegration.
5. The location of the incident.
6. A description of the incident.
7. A description of the dangerous behavior that resulted in the implementation of physical restraint or seclusion.
8. Possible events that triggered the dangerous behavior that led to the restraint or seclusion.
9. Prevention, redirection, or pre-correction strategies that were used during the incident.
10. A description of the restraint or seclusion strategies that were used during the incident and a log of the student’s behavior during physical restraint or seclusion.
11. A description of any injuries or physical damage that occurred during the incident.
12. How the student was monitored during and after the incident.
13. A description of behaviors displayed demonstrating the student’s ability to return to the educational environment.
14. The staff member(s) who participated in the implementation, monitoring, and supervision of physical restraint or seclusion and whether the person(s) had training related to restraint or seclusion. Identify any untrained staff and indicate how quickly they were able to transfer the restraint or seclusion to a trained staff member.
15. The extent to which the staff member(s) adhered to the procedural implementation guidelines.
16. The follow-up that will occur to review or develop the student’s positive behavioral interventions and supports in order to avoid the use of restraint or seclusion in the future.
17. The date and time the parent/guardian was notified.

MONITORING AND REPORTING

The superintendent or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy in the district. The superintendent or designee will comply with all state and federal requirements for reporting incidents of physical restraint or seclusion.

The board will review current district practices and instances of restraint and seclusion within the district at least annually.

ANNUAL POLICY REVIEW

The district will annually review this policy and related procedures to determine the efficacy of the policy and procedures; whether modification of the policy or procedures is necessary; and whether selected school staff should receive additional training on positive behavior intervention and supports, or the proper use of restraint, seclusion, and other aversive techniques. The review must include a review of the documentation and reporting of incidents involving physical restraint and seclusion.



Adopted 11-04-2015 Reviewed _____ Revised 08-09-2023

Legal Reference:

Idaho Code 33-512 – Governance of Schools
Idaho Code 33-1224 – Powers and Duties of Teachers
Idaho Code 33-1612 – Thorough System of Public Schools
U.S. Dept. of Ed., *Restraint and Seclusion: Resource Document* (2012),
<http://www.ed.gov/policy/restraintseclusion>. 34 C.F.R. §300.324(a) (2)

In May 2012, the Office of Special Education Programs (OSEP) of the U.S. Department of Education released *Restraint and Seclusion: Resource Document*. The document identifies 15 principles for states, local school districts, parents/guardians, and other stakeholders to consider when developing and implementing policies and procedures related to physical restraint and seclusion. Idaho amended Idaho Code 33-1224 in July 2023 to include specific requirements surrounding restraint and seclusion. This policy was drafted in 2014 to meet the requirements of rules proposed by the Idaho State Board of Education in 2010. It was amended in 2023 to comply with the newly enacted Idaho statute.