

Seclusion and Restraint

2015

School Safety Specialist Training

Legislation

Indiana Senate Bill 345

- Senate Bill 345 intends to protect the safety of all students by providing training and guidelines for the safe and rare use of seclusion and restraint with students who pose imminent danger to themselves or others.
- Indiana Code 20-20-40-13 are the final rules of SB 345
- Every public school corporation, charter school and accredited non-public schools were required to have a plan [not policy] in place by July 1, 2014

Commission for Seclusion and Restraint

- SB 345 called for a commission to be developed for the ongoing development of safe seclusion and restraint in schools
- The Commission has worked and continues to work on this effort by researching and developing supports for schools

Why this legislation

- As of March 2015 22 states have laws with some protections, 34 states have laws for students with disabilities only
- **US Department of Education's Civil Rights Data Collection shows: 2011-2012 school year**
- Seclusion and restraint were used at least 267,000 times nationwide. Includes 163,000 which students were restrained. Mechanical restraints were used 7,600 of those times.

DATA

- Schools reported that they placed children in seclusion rooms about 104,000 times
- In 75% of the cases, it was students with disabilities who were restrained or secluded
- Note: unclear if districts were reporting accurately.
- 75 deaths reported 1998-2001
- California reported 39 deaths 1999 -2009

DATA

Definitions of Restraint and Seclusion per Office of Civil Rights

- **Restraint:** A practice that uses physical or mechanical means to restrict a student's freedom of motion. The CRDC does not consider physical escorts and the use of appropriate prescribed devices (such as seat belts and orthotics) to be restraint.
- **Seclusion:** A practice that involves the involuntary isolation of a student (usually for a period of several minutes). The CRDC does not consider "time-outs," whereby—as part of an approved behavioral management plan a student is placed in a non-locked setting for the purpose of calming—to be seclusion.

Legislation for all students
However

- Restraint and seclusion, by disability status and race: Students with disabilities (served by IDEA) represent 12% of the student population, but 58% of those placed in seclusion or involuntary confinement, and 75% of those physically restrained at school to immobilize them or reduce their ability to move freely. Black students represent 19% of students with disabilities served by IDEA, but 36% of these students who are restrained at school through the use of a mechanical device or equipment designed to restrict their freedom of movement.
- *U.S. Department of Education Office for Civil Rights 1 Civil Rights Data Collection: Data Snapshot (School Discipline) March 21, 2014*

Key Components

Legislative Intent

- Student safety / reduce the use of seclusion and restraint
- The school plan will include the required components outlined in the rules

Training: Defined in your plan

- Who will be required to participate in training
- Where the training will be provided
- Seclusion and restraint skill development for specified staff
- Intervention and prevention techniques training will be available

Monitoring

- Who will monitor and “inspect what we are expecting” including training and implementation of the plan

Key components
continued

Documentation

- The documentation will be consistent throughout the school
- The school will document every incident as well as training sessions
- Staff will have knowledge where the Plan is housed in your building

Informing Parent & Guardians
of every incident

- Parents or Guardians must be notified of an incident of seclusion or restraint by the end of the school day or as soon practical
- The leadership will notify the parents and send appropriate letters to the parents
- The notification will include the specific information as required by law

Definitions
included in your plan as required by
law

- Definitions are written in the plan in order to have common understanding among staff of each definition
- The law only requires seclusion and restraint to be within the school plan, however, there are additional definitions recommended for the plans

Definitions
per Indiana Legislation

Seclusion
Seclusion is the confinement of a student alone in a room or area from which the student is physically prevented from leaving

Restraint
Restraint encompasses chemical restraint, physical restraint and mechanical restraint

Time Out
A behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time out occurs when the ability of student to receive normal reinforcement in the school environment is restricted. Time out shall be both developmental and behavioral appropriate and shall be short in duration

Definitions continued

- **Imminent Risk of Injury**

Likely to happen right away , within minutes

Imminent danger does not mean implementing physical intervention techniques when a student is speaking in loud tones, threatening others without the ability to carry out the physical threat and not harming self or others

Types of Restraint

- **Mechanical Restraint**

Means the use of equipment attached or adjacent to a student's body

The term does NOT include mechanical devices or material, or equipment used as authorized by an doctor or healthcare professional such as OT/PT.

Types of Restraint continued

- **Chemical Restraint**

The administration of a drug or medication to manage students behavior or restrict a student freedom of movement that is not a standard treatment and dosage for the student medical or psychiatric condition.

Types of Restraint continued

- **Physical Restraint**

Physical contact between a school employee and a student in which the student unwillingly participates and that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body. The term does not include:

1. Briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in physical altercation
2. Physical escort
3. Physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one area to another

Prevention Techniques Defined

- **De-escalation**

Techniques used to cause a situation to become more controlled, calm and less dangerous

- **Positive Behavior Intervention & Support**

A systematic evidence-based approach which includes strategies to reinforcement desired behaviors and diminish problem behaviors.

"Multi Tier Systems of Support – Positive Behavior Supports"

School Plan

The plan will include the following statements which are required by the rules and are expected to be integrated into the school culture [model plan available]

1. Any behavioral intervention must be consistent with a child's right to be treated with dignity
2. Appropriate student behavior will be promoted and taught
3. Any behavior intervention used must be consistent with the student's most current individualized education program and with the student's behavioral intervention plan, if applicable
4. Every effort shall be made to prevent the need for the use of restraint or seclusion of a student

School Plan

- 5. Prevention: positive behavior intervention and support, and conflict de-escalation shall be used regularly to eliminate or minimize the need for use of seclusion, chemical restraint, mechanical restraint, or physical restraint
- 6. Seclusion or physical restraint shall not be used except when used as a last resort in situation where the student's behavior poses imminent danger to self or others
- 7. Use of seclusion may only be used for short period of time
- 8. Staff [that have regular and direct contact with the students] shall be trained, including regular updating, on the appropriate use of effective alternative to the use of seclusion restraint

Plan

- 9. Every instance in which seclusion or restraint is used shall be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the student, other students, teachers, and other personnel
- 10. The school shall never use mechanical restraint to restrict a child's freedom of movement, and the school shall never use a drug, medication, or other chemical to control behavior or restrict freedom of movement, except as authorized by a licensed physician or other qualified health professional (i.e. OT/PT, Nurse) Schools shall never give a student any drug or medication that is not standard treatment and dosage for the student's medical or psychiatric condition
- 11. Your plan focuses on ALL students not just students with a disability

Plan

- 12. The school will designate the staff that will be responsible for documenting every incidence of seclusion or restraint
- 13. The plan includes how every incident will be documented and debriefed
- 14. Parents and guardians shall be informed and have access to the schools plan on seclusion and restraint, in the your school setting. You will be notifying parents where the plan is kept in your school [i.e.. In the main office]
- 15. Parents will be notified as soon as practical following each instance in which seclusion or restraint is used with their child. A phone call will be made and a letter will be sent by the principal or designee.
- 16. Every incident of the use of seclusion or restraint will be documented on the specified form

Training

The law requires the following training to be provided and articulated in every schools plan

- 1. Understanding the Law and Rules
- 2. Seclusion and restraint : what it is and what it is not
- 3. Instruction on alternatives to Seclusion and Restraint including De-escalation and Positive Behavior Supports, and Debriefing practices

Your School's Training Plan

- Your school determines who needs training, what training each group of staff members requires, what type and how often staff members are in need of training
- The training will include the following persons as determined by your administrator:

Teachers, Administrators, Coaches, Paraprofessionals, Custodians, Secretaries, Security Officers, related professionals [OT/PT/ SLP/] Bus Drivers, Substitutes, Volunteers

The school's Training Plan

- 1. Annually the staff will review the plan at the beginning of the school year
- 2. The administrators will designate the staff to participate in specific training for seclusion and restraint
- 3. The volunteers and substitutes will be provided directives not to seclude or restrain unless specifically directed to do so
- 4. The Special Education Leadership will collaborate with the district in order to provide appropriate training for the staff hired on any outside contract; such as OT, PT, SLP, School Psychologists.
- 5. Ongoing training for such subjects as debriefing and de-escalation will be arranged by the leadership team or designees.

Practice what is learned

- THE UNTHINKABLE reminds us often to practice for a crisis. [by Amanda Ripley]
- “Train your brain” [page 232] is the best way to improve performance is to proactive. The brain is best with body memory so practicing the actual body movements etc. is imperative.
- Lowering anxiety levels: [page 231] The reference to breathing , practicing your breathing to lower anxiety is a wonderful idea for staff allowing them to be prepared physically for a crisis situation, such as one when a student is need of restraint.

Monitoring and Oversight

Monitoring Use of Seclusion and Restraint

- Every instance in which seclusion or restraint is used shall be carefully, continuously visually monitored to ensure the safety of students, other students, teachers and other staff
- Incident Documentation: Every incident in which seclusion or restraint is used on a student shall be documented in order to memorialize the events that led up to the use of either seclusion or restraint
- Debriefing after an incident will be documented as well

Monitoring and Oversight continued

Oversight and Review

- Your administrator will designate a staff person(s) to document all instances of seclusion or restraint as well as required staff training. This person will work with the school leadership in the monitoring process, review of each instance, as well as an annual review of a overall usage and future planning
- The data related to seclusion and restraint will be included in the annual performance report beginning July 2016

Informing Parents &Guardians of location of the plan

Access to the plan :

The location of the plan may be included in the parent handbook. The plan may be located in the office and if parents request, they may have a copy of your plan. Choose where and how parents and the community can access your plan, make it easy !!

Occurrence of an incident:

The leadership will contact the parent and send the designated letter home as soon as practical

Transportation

While transporting a student on a moving vehicle, a bus harness or other safety equipment may be required and is permissible for safety purposes. The use of any harness or safety equipment that is used to restrain a student must be documented

Legal Note

- It is important to note the need to balance safety concerns of the school, including the imminent risk of injury to the student , other students, school employees, or visitors to the school, with in the rights of the students requiring behavioral intervention.
- The seclusion and restraint plan should not be construed to prevent a school employee from stopping a physical altercation, action to prevent physical harm to a student employee, or other individuals action to address an emergency
- Teachers and administrators are immune from civil liability for reasonable action taken in good faith.

Police vs. School Employee

- Police, when acting as Police Officers, fall under their legal framework
- Therefore, the code is not intended to, in any manner, alter the rules a police officer follows
- Documentation, parent notification is different,
- Data will be reported in the Annual Performance report for all seclusion and restraint will not include police actions
- requirements outlined in the Indiana Code for school employees do not apply to Police Officers conducting their work

Police Action vs. School Action

- This is not stating that the parents do not need to be notified; they certainly do, however they are notified as you would any other police action.
- The documentation of police action is recommended as well

Questions and Discussion

- This is an ongoing process and in order for all of us to fully understand our plan we must work together and continue to have conversations regarding how we keep our children safe in our schools.

Questions

- Please feel free to contact myself or other members of the Commission on Seclusion and Restraint via the Indiana Department of Education website.

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