Seclusion and Restraint Plan:

Understanding the Law & the Rule

Non-Public School Version

SECLUSION AND RESTRAINT

COMMISSION ON SECLUSION & RESTRAINT

Background

- Who we are? (Commission)
- What are we doing here?
- Non-Public & Public School Modules
- First training component: The Law and the Rule
- Future Modules:
  - Prevention
    - De-escalation
    - Positive Behavior Intervention Support
  - Debriefing

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New Legislation
Indiana Senate Bill 345

- SEA 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. This document is intended to **both inform and serve as a resource** to school leaders as they work to implement the intent of the legislation.
- Every **"accredited" non-public school** is required to have a plan (not a policy) in place by July 1, 2014.
- We have created a document can be used as a **model plan** that schools can choose to use or adapt.

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Disclaimer!

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Key Components

- Legislative Intent:
  - Student Safety/Reduce Use of S&R
- Creating a Plan (plan not policy required)
  - Include required components
- Training
  - Who needs what training?
  - Where to get training?
  - Seclusion & Restraint
  - Preventative Techniques
- Monitoring
- Informing Parents

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Definitions

- **Seclusion:** means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized service plan (ISP) or Choice School Education Plan (CSEP), in which an adult is continuously present in the room with the student.
- **Time out:** means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Time-out shall be both developmentally and behaviorally appropriate and shall be short in duration.

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Definitions

- **Imminent Risk of Harm:** Likely to happen right away; within a matter of 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 himself and/or others.

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Definitions
Types of Restraint

- **Mechanical restraint:** means the use of (1) a mechanical device (2) a material or (3) equipment **attached or adjacent to a student's body** that the student cannot remove and **that restricts the freedom of movement** of all or part of the student's body or restricts normal access to the student's body. The term **does not include** (1) mechanical devices, (2) a material or (3) equipment used as authorized by a doctor or health care professional.

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Definitions
Types of Restraint

- **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 a physical altercation, (2) physical escort, or (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.

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Definitions
Types of Restraint

- **Chemical Restraint**: **the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement** that is not a standard treatment and dosage for the student's medical or psychiatric condition.

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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 reinforce desired behaviors and diminish problem behaviors.

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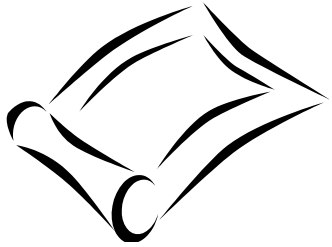
The Plan



- By July 1, 2014, each school must adopt a plan which includes 18 elements from SEA 345:

1. **Treating children with dignity and respect**, and to be free from abuse.
2. Any behavior intervention used must be **consistent** with any intervention plan for the student.
3. Every effort shall be made to **prevent the need for** the use of restraint or for the use of seclusion on a child.
4. **Prevention**, positive behavior intervention and support, and conflict de-escalation shall be used regularly to eliminate or minimize the need for use of seclusion or restraint.
5. Shall not be used except when used **as a last resort** in situations where the child's behavior poses imminent danger or serious physical harm to self or others.

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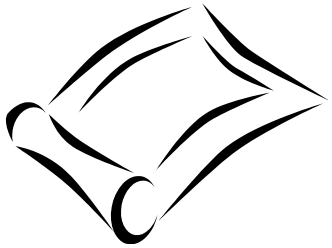
The Plan



6. May only be used for a **short period of time.**
7. **Staff (that has regular and direct contact with children) shall be trained including regular updating** on the appropriate use of effective alternatives to the use of seclusion and restraint.
8. Every instance in which seclusion or restraint is used shall be carefully and **continuously and visually monitored.**
9. Plan should **focus on all students** not just students with disabilities.
10. Schools shall **never use mechanical or chemical restraints** to restrict a child's freedom of movement, (except as authorized by a licensed physician or other qualified health professional).

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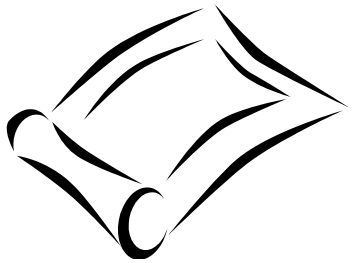
The Plan



11. Seclusion or restraint shall **never be used as punishment** or discipline.
12. Seclusion or restraint **shall never be used in a manner that restricts a child's breathing** or harms the child.
13. Multiple uses with a child should trigger a **review** of practices and strategy.
14. **Parents or guardians shall be informed** of and have access to the plan on seclusion and restraint at their child's school or other educational setting.
15. Behavioral strategies to address dangerous behavior that results in the use of seclusion or restraint shall **address the underlying cause or purpose of the dangerous behavior.**

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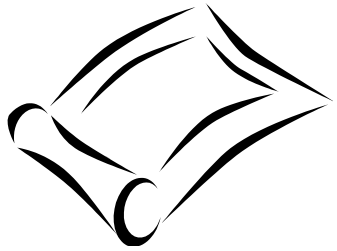
The Plan



16. **Parents or guardians shall be notified as soon as possible** following each instance in which seclusion or restraint is used with their child
17. Any plan regarding the use of seclusion and restraint shall provide that each incident involving the use of seclusion or restraint be **documented, in writing, with sufficient detail**
18. **Nonpublic schools may establish different reporting and accountability requirements as well as requirements with respect to implementing behavior intervention strategies. However, this flexibility shall not be interpreted to lessen or minimize the nonpublic school's responsibility for student safety and the overall intent of this model plan.**

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Training

- **SEA 345: Understanding the Law and Rule**
- **Understanding your school's plan and determining staff responsibilities**
- **Seclusion and Restraint: What it is and What it is not:**

  Understanding what seclusion and restraint are and how to use them appropriately and only when absolutely necessary

  -Definitions

  -Appropriate use and techniques

- **Learning alternatives to the use of seclusion and restraint**
  - **De-escalation**
  - **Positive behavior supports**
- **Debriefing Practices**

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Training

- According to your S&R Plan, the school should **determine your Core S&R Team** for both training designation and to assist administration with training and implementation issues as outlined in the school's plan.
  - This Core Team should receive annual training updates and can assist with staff training and with the monitoring function prescribed in the plan.
  - This group could include: school principal or designee, guidance counselor, special education or resource teacher, school nurse, coach or PE teacher (could also include a school custodian).
- All **staff should be current** in their seclusion & restraint training. This would include new staff orientation and periodic re-training of existing staff.
- An i**nformation packet** should be available for adults who have student contact but **not on a consistent basis** (e.g., substitutes, contract employees, public school personnel, some volunteers).
- If using a **tiered approach to staff training**, the Core team should determine what level of training is required by staff in each tier (e.g., Core Team, Regular Faculty/Staff, "Non-regular" personnel)

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Monitoring & Oversight

- Monitoring Use
  - Every instance in which seclusion or restraint is used shall be **carefully and continuously visually monitored** to ensure the safety of the student, other students, teachers, and staff.
- Incident Documentation
  - **Every instance** in which seclusion or restraint is used on a student **shall be documented** in order to memorialize the events that led up the use of either seclusion or restraint.
- Oversight and Review
    - Each school must **designate a staff person(s) to document** all instances of Seclusion and Restraint as well as required staff training. This person (s) will work with school leadership in monitoring and review of each instance as well as annual review of overall usage and future planning.
    - **Each accredited nonpublic school** shall report, in writing, the number of instances in which either seclusion or restraint is used in its school **to its governing authority.**
- Debriefing after an incident

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Incident Reports

Seclusion/Restraint School Incident Report

School Report

School Name	Address	Today's Date
Date of Incident	Time of Incident	
Name of Student	Name of responding staff member	Location of incident

List school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint.

Has staff member received seclusion/restraint training? YES NO

Narrative of incident (Narrative should apply to:)
The duration of any seclusion or restraint; or the beginning and ending times of the restraint and/or seclusion;
A description of any relevant events leading up to the incident; A description of any interventions used prior to the implementation of seclusion or restraint;
A description of the incident and/or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint.
A log of the student's behavior during seclusion or restraint, including a description of the restraint technique(s) used and any other interaction between the student and staff;
A description of any injuries (to students, staff, or others) or property damage;
A description of the planned approach to dealing with the student's behavior in the future;

The date/time of parent or guardian notification	If the student has a disability, the type of disability

Principal Signature_____

Seclusion/Restraint Incident Report

Parent Copy

School Name	Address	Today's Date
Date of Incident	Time of Incident	
Name of Student	Name of responding staff member	Location of incident

Narrative of incident (Narrative should include :)
The duration of any seclusion or restraint; or the beginning and ending times of the restraint and/or seclusion;
A description of any relevant events leading up to the incident; A description of any interventions used prior to the implementation of seclusion or restraint;
A description of the incident and/or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint.
A technique(s) used and any other interaction between the student and staff;
A description of any injuries (to students, staff, or others) or property damage;
A description of the planned approach to dealing with the student's behavior in the future;

The date/time of parent or guardian notification	If the student has a disability, the type of disability

Principal Signature_____

Parent Copy

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Informing Parents & Others

- Access to the Plan
  - Handbook
  - Website
- Occurrence of an incident
  - Phone call (asap)
  - Parent Incident Report
- Reporting to governing authority

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Initial Process

- Identify S&R Core Team
- Review model plans
- Create your plan (prior to July 1, 2014)
  - Engage staff in creating and/or understanding your plan
- Place plan or statement in handbook
- Develop your training plan** (document training)
- Determine monitoring process and responsibilities

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A 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 the rights of students requiring behavioral intervention.

The Seclusion and Restraint Plan **should not be " construed to prevent a school employee from stopping a physical altercation, acting to prevent physical harm to a student, employee or other individuals, or acting to address an emergency**".

Teachers and administrators are **immune from civil liability** for reasonable actions taken in good faith.

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Resources**

- The Commission on Seclusion and Restraint
  - http://www.doe.in.gov/srcommission
    - SEA345 & Emergency Rules
    - Other Resources
- Training
  - Commission Developed Resources (low to no cost)
  - CPI (Training in S&R and prevention techniques)
- General Resources
  - USDOE
    - https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf

**More to come

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Questions

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Commission Members

Danielle Shockey, Chair	Indiana Department of Education
Dana Renay	Autism Society of Indiana
Kim Dodson	ARC of Indiana
Joan McCormick	ICASE
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Contact Information

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