

The seal of the State of Indiana is a large, faint watermark in the background. It features a central figure of a Native American holding a bow and arrow, surrounded by a circular border with the text "THE STATE OF INDIANA" and "1816".

# **COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS**

## **MODEL SECLUSION AND RESTRAINT PLAN**

<http://www.doe.in.gov/srcommission>

Effective: October 4, 2019

## **INDIANA'S COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOL'S POLICY STATEMENT**

Indiana Code 20-20-40 et. al. provides for the creation of the Commission on Restraint and Seclusion in Schools, a commission to provide guidance to schools regarding the limited use of either seclusion or restraint. The Commission believes that schools should provide a safe and healthy environment in which Indiana's students can learn, develop, and participate in instructional programs that promote high levels of academic achievement. The purpose of your plan should be to insure that all students and staff are safe in school, and that students who may have behavior crises are free from inappropriate use of seclusion or restraint.

Behavioral interventions for students must ensure the right of all students to be treated with dignity and respect. All students have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any physical restraint or seclusion imposed solely for purposes of discipline or convenience.

Seclusion or restraint shall not be used as routine school safety measures; that is, they shall not be implemented except in situations where a student's behavior or action poses imminent danger of physical harm to self or others and not as a routine strategy implemented to address instructional problems or inappropriate behavior (e.g., disrespect, noncompliance, insubordination, out of seat), as a means of coercion or retaliation, or as a convenience. Any use of either seclusion or restraint shall be supervised, short in duration and used only for the purposes of deescalating the behavior.

## Seclusion and Restraint Plan Elements

The Commission on Seclusion and Restraint in schools was created by the 2013 Indiana General Assembly. It is a ten member commission made up of parents, representatives of public and nonpublic schools, student advocacy organizations and staff from the Indiana Department of Education. The Commission was assembled to draft rules regarding the limited use of either seclusion or restraint by schools. In addition, the Commission is charged with creating a model plan to aid schools in the creation of school specific plans.

Each Indiana school corporation, charter school and accredited nonpublic school in Indiana must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following elements:

1. Any behavioral intervention must be consistent with a student's rights to be treated with dignity and respect, and to be free from abuse. Schools must promote and teach appropriate student behavior.
2. 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;
3. 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. Except in situations where the student's behavior creates an imminent risk of injury to the student or others, schools shall employ the use of prevention, positive behavior intervention and support, and conflict de-escalation before the use of any seclusion or restraint;
4. Physical restraint or seclusion shall not be used except as a last resort safety and only after other, less restrictive procedures have been implemented without success and there is an imminent risk of injury to the student or others
5. Use of seclusion or restraint may only be used for a short period of time and shall be discontinued as soon as the imminent risk of injury to self or others has passed;
6. Every incident involving the use of seclusion or restraint on a student, including incidents of restraint and seclusion involving school resource officers (as defined in IC 20-26-18.2-1), shall be documented in order to memorialize the events that led up the use of either seclusion or restraint. School seclusion and restraint plans must include a documentation and recording requirement that: (1) explains how every incident will be documented and debriefed; (2) explains how responsibilities will be assigned to designated employees for evaluation and oversight; and (3) designates which school employee will be the keeper of such documentation.
7. Every incident in which seclusion or restraint is used on a student, including incidents involving school resource officers (as defined in IC 20-26-18.2-1), shall be reported to the student's parent or guardian. Schools shall attempt to report every incident in which seclusion or restraint is used to the student's parent or guardian no later than the end of the school day or as soon as practical.
8. Schools must also provide a parent or guardian a copy of an incident report detailing the use of either seclusion or restraint.

9. School employees shall be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict de-escalation. At a minimum, the training must include the safe use of physical restraint and seclusion in incidents involving imminent risk of injury to the student, school employees, or others.

**THE FOLLOWING ELEMENTS ARE NOT REQUIRED BY INDIANA LAW TO BE INCLUDED AS PART OF A SCHOOL'S PLAN. THE COMMISSION, HOWEVER, BELIEVES THESE ELEMENTS ARE IMPORTANT AND EACH SCHOOL SHOULD TAKE THEM INTO CONSIDERATION WHEN DRAFTING INDIVIDUAL PLANS.**

1. Every incident in which seclusion or restraint is used, including every incident involving school resource officers, 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;
2. Plans restricting the use of seclusion and restraint shall apply to all students, not only students with disabilities;
3. Seclusion or restraint shall never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience;
4. 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;
5. Parents or guardians shall be informed of and have access to the plan on seclusion and restraint at their student's school or other educational setting;
6. Any plan regarding the use of seclusion and restraint shall provide that each incident involving the use of seclusion or restraint, including every incident involving a school resource officer, be documented, in writing, with sufficient detail to provide for the collection of specific data that would enable teachers, staff, and other personnel to review seclusion and restraint policies in order implement modifications to the school's plan. Data collected from the use of either seclusion or restraint shall be reviewed at least annually in order to improve prevention, positive behavior intervention and support, and conflict de-escalation techniques in order to avoid the use of seclusion or restraint;
7. 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 over intent of this model plan.
8. School Resource Officers shall be trained in "response to resistance" strategies according to their agency policy. School Resource Officers will also be trained in matters regarding seclusion and restraint at a level determined by their agency and/or school district.

**The following is a detailed model plan created by the Commission on Seclusion and Restraint in Schools. It is intended as a model only.**

**All public, charter and accredited nonpublic schools are required to adopt and implement a plan on the limited use of seclusion or restraint. Schools are free to adopt a plan that fits the school's particular needs. Any plan must, at a minimum, include the requirements listed in Indiana Code 20-20-40-13, which are all provided in the guidelines above.**

**This model plan also contains an appendix of definitions and list of resources for schools for support and training.**

# Model Seclusion and Restraint Plan

## [ This is only a Model ]

A copy of this plan shall be available to students and their families. At a minimum, this plan shall be copied and available:

### [ Select any or all that apply ]

\_\_\_\_\_ in every student handbook; AND/OR

\_\_\_\_\_ on the school's website at \_\_\_\_\_; AND/OR

\_\_\_\_\_ at the school \_\_\_\_\_ office located at \_\_\_\_\_

\_\_\_\_\_.

## I. USE OF RESTRAINT

A. Every effort shall be made to avoid the need for the use of restraint of a student..

B. Physical restraint, including physical restraint by a school resource officer, shall not be used except when used as a last resort and only when:

1. the student's behavior poses imminent risk of injury to self or others; and,
2. other less restrictive interventions are ineffective.
3. use of restraint by a school resource officer will follow the officers' agency training regarding the use of restraints.

C. A student shall never be physically restrained by a school employee who has not received appropriate training by the school in the use of restraint procedures except in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.

D. Physical restraint of a student, including physical restraint by a school employee, may only be used for a short period of time and shall be discontinued as soon as the imminent risk of injury to self or others has dissipated, usually a matter of minutes.

E. 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 need and use of any bus harness or safety equipment used to restrain a student during transportation must be documented. Mechanical or chemical restraints are otherwise not authorized.

- F. The use of any drug, medication, or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited.
- G. A School employee may never give a student any drug or medication that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition unless otherwise prescribed by a physician.
- H. Every incident in which restraint is used shall be carefully, continuously, and visually monitored to ensure the safety of the student, other students and school employees.
- I. Immediately after the imminent risk of injury to self or others has dissipated, the student should no longer be physically restrained and a school employee, not involved with the restraint, shall examine the student to ascertain if any injury has been sustained during the restraint of the student.

## II. WHEN RESTRAINT PROCEDURES SHALL NOT BE EMPLOYED

- A. Physical restraint, including physical restraint by a school resource officers, shall not be used unless the student's behavior poses imminent risk of injury to self or others and other less restrictive interventions are ineffective.
- B. A verbal threat or verbally aggressive behavior does not itself indicate an imminent risk of injury, and shall not result in restraint.
- C. Destruction or damage to property does not constitute a risk of imminent injury unless in so doing a risk of injury to the student or others is created.
- D. When known medical or physical condition of the student would make physical restraint dangerous for that, physical restraint shall not be used.
- E. Restraint shall never be used as a punishment, or to force compliance with staff commands.

**THE FOLLOWING ARE NOT REQUIRED BY INDIANA LAW TO BE INCLUDED AS PART OF A SCHOOL'S PLAN. THE COMMISSION, HOWEVER, BELIEVES THESE ELEMENTS ARE IMPORTANT AND EACH SCHOOL SHOULD TAKE THEM INTO CONSIDERATION WHEN DRAFTING INDIVIDUAL PLANS.**

- F. Prone or Supine forms of restraint are not authorized in school.
- G. Seclusion or restraint shall never be used in a manner that restricts a student's breathing or harms a student.

### III. USE OF SECLUSION

- A. Every effort shall be made to avoid the need for the use of seclusion of a student.
- B. Seclusion, including seclusion of a student by a school resource officer, shall not be used except when used as a last resort and only when:
  - 1. the student's behavior poses imminent risk of injury to self or others; and,
  - 2. other less restrictive interventions are ineffective.
- C. A student shall never be secluded by a school employee, including seclusion of a student by a school resource officer, who has not received appropriate training by the school in the use of restraint procedures except in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.
- D. Seclusion of a student, including seclusion of a student by a school resource officer, may only be used for a short period of time and shall be discontinued as soon as the imminent risk of injury to self or others has dissipated, usually a matter of minutes.
- E. Every incident in which seclusion is used, including every incident involving a school resource officer, shall be carefully, continuously, and visually monitored to ensure the safety of the student, other students and school employees.
- F. Immediately after the imminent risk of injury to self or others has dissipated, the student should no longer be secluded and a school employee, not involved with the restraint, shall examine the student to ascertain if any injury has been sustained during the physical restraint of the student.
- G. Time out does not constitute seclusion.

**THE FOLLOWING ARE NOT REQUIRED TO BE IN A SCHOOL'S PLAN. THE COMMISSION, HOWEVER, BELIEVES THESE ELEMENTS ARE IMPORTANT AND EACH SCHOOL SHOULD TAKE THEM INTO CONSIDERATION WHEN DRAFTING INDIVIDUAL PLANS.**

All seclusion environments shall be inspected and shall:

- 1. Be of reasonable size to accommodate the student and at least one adult;
- 2. Have adequate ventilation including heat and air conditioning as appropriate;
- 3. Have adequate lighting;
- 4. Be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass;



5. Permit direct continuous visual and auditory monitoring of the student;
6. Permit automatic release of any locking device if fire or other emergency in the school exists;
7. If locked, shall be automatically released after five minutes or with any building wide alarm (such as fire, tornado or code red alarm); and,
8. Shall meet current fire and safety codes.

#### **IV. WHEN SECLUSION PROCEDURES SHALL NOT BE USED**

- A. Seclusion, including seclusion of a student by a school resource officer, shall not be used unless the student's behavior poses imminent risk of injury to self or others and other less restrictive interventions are ineffective.
- B. A verbal threat or verbally aggressive behavior does not itself indicate an imminent risk of injury, and shall not result in restraint.
- C. Destruction or damage to property does not constitute a risk of imminent injury unless in so doing a risk of injury to the student or others is created.
- D. When known medical or physical condition of the student would make physical restraint dangerous for that student, the student may not be excluded.
- E. Seclusion shall never be used as a punishment, or to force compliance with staff commands.
- F. Seclusion shall never be used unless a school employee can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student.

#### **V. TIME-OUT**

Time-out is 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.

#### **VI. DEBRIEFING**

- A. As soon as practical and after every incident in which seclusion or restraint is used on a student, including every incident of restraint and seclusion involving school resource officers, the school administrator or designee shall do the following:
  1. meet with at least one school employee who participated in the implementation, monitoring, and supervision of the seclusion or restraint to discuss whether

- proper seclusion or restraint procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion;
2. direct a staff person, who was not part of the seclusion or restraint of the student, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of restraint or seclusion; and,
  3. provide a copy of an incident report to the parent(s) or guardian(s) and offer the opportunity to request a meeting regarding the incident of restraint or seclusion.
- B. When applicable, the procedures described in 511 IAC 7-44-5 should be followed.

## **VII. INCIDENT DOCUMENTATION AND REPORTING**

- A. Every incident in which seclusion or restraint is used on a student, including every incident involving school resource officers, shall be documented in order to memorialize the events that led up to the use of either seclusion or restraint.
- B. Documentation must be made on the form prescribed by the school and shall include the following:
1. The student's name;
  2. The date and time of the incident;
  3. The duration of any seclusion or restraint or the beginning and ending times of the restraint or seclusion, or both;
  4. A description of any relevant events leading up to the incident;
  5. A description of the incident 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;
  6. A description of relevant interventions used immediately prior to the implementation of seclusion or restraint;
  7. A summary of the student's behavior during seclusion or restraint, including a description of the restraint technique or techniques used and any other interaction between the student and staff;
  8. A description of any injuries to students, staff, or others or property damage;
  9. A list of school employees who participated in the implementation, monitoring and supervision of the seclusion or restraint; and,
  10. If applicable, a statement that intervention used was consistent with the student's most current behavioral intervention plan or IEP.
- C. The building administrator or designee shall attempt to verbally report every incident in which seclusion or restraint is used on a student, including every incident involving school resource officers, to the student's parent or guardian no later than the end of the school day or as soon as practical.
- D. The building administrator or designee shall also send written notification, as soon as practical, to the student's parent or guardian after every incident in which seclusion

or restraint is used on a student including every incident involving school resource officer.

## VIII. TRAINING

- A. The \_\_\_\_ [School or Corp name here] \_\_\_\_ will provide all school employees with training on:
1. Appropriate use of effective alternatives to physical seclusion and restraint;
  2. Conflict deescalation procedures;
  3. Positive supports and behavioral interventions techniques;
  4. The dangers of seclusion and restraint;
  5. Procedures for contacting fully trained and certified staff when behavioral crises occur;
  6. The safe use of seclusion and restraint;
  7. Steps to avoid the use of seclusion or restraint; and,
  8. Debriefing practices and procedures. In addition, school employees must be trained.
- B. This training will be recurrent and will be provided to new school employees.
- C. A core group of appropriate personnel will be trained in each building in crisis intervention techniques, which will include the use of seclusion and restraint procedures. Any member of the core group, trained in crisis intervention techniques, including the safe use of seclusion or restraint procedures, may provide training to other school employees under this plan.
- D. Recurrent training will be provided to school employees on a regular basis at least (annually/biennially/other).

*THE FOLLOWING SECTION IS NOT REQUIRED AS PART OF INDIANA'S SECLUSION AND RESTRAINT LAW. THE COMMISSION, HOWEVER, BELIEVES THIS PROVISION IS IMPORTANT.*

## IX. Annual Review, Planning Process and Oversight

- A. A \_\_\_\_ [School or Corp name here] \_\_\_\_ administrator (or designee) will be designated as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures in the \_\_\_\_ [School or Corp name here].
- B. The \_\_\_\_ [School or Corp name here] \_\_\_\_ shall establish a Committee or use a standing committee to conduct an annual review of all individual and program-wide data associated with this policy. The Committee shall review the following components related to the use of restraint:
1. incident reports;
  2. procedures used during restraint, including the proper administration of specific \_\_\_\_ [School or Corp name here] \_\_\_\_ approved restraint techniques;

3. preventative measures or alternatives tried, techniques or accommodations used to avoid or eliminate the need of the future use of restraint;
  4. documentation and follow up of procedural adjustments made to eliminate the need for future use of restraint;
  5. injuries incurred during a restraint;
  6. notification procedures;
  7. staff training needs;
  8. specific patterns related to staff or student incidents;
  9. environmental considerations, including physical space, student seating arrangements, and noise levels.
- C. Upon review of the data, the Committee shall identify any issues and/or practices that require further attention and provide written recommendations to the Superintendent of Schools for changes in policies or practices.
- D. The Committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the \_\_\_\_\_ [School or Corp name here] \_\_\_\_\_ training curriculum.

## APPENDIX & DEFINITIONS

**Behavioral intervention plan:** A plan that is agreed upon by the case conference committee (as defined in IC 20-35-7-2) and incorporated into a student's IEP (as defined in IC 20-18-2-9) and that describes the following:

- (1) The pattern of behavior that impedes the student's learning or the learning of others.
- (2) The purpose or function of the behavior as identified in a functional behavioral assessment.
- (3) The positive interventions and supports, and other strategies, to:
  - (A) address the behavior; and
  - (B) maximize consistency of implementation across people and settings in which the student is involved.
- (4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.

The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

**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.

**Deescalation:** Causing a situation to become more controlled, calm and less dangerous, thus lessening the risk for injury to someone.

**School Employee:** Any paid school staff, volunteer, contract employee, consultant or any other agent of the school or corporation.

**Functional Behavioral Assessment:** Has the same meaning set forth in 511 IAC 7-32-41.

**Imminent:** Likely to happen right away; within a matter of minutes.

**Mechanical restraint:** The use of a mechanical device, a material or equipment that is 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 a mechanical device, a material or any equipment that is used as authorized by a licensed physician or other qualified health care professional. The term also does not include a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes.

**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. The term does not include the use of a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes.

**Positive Behavior Intervention and Support:** a systematic approach that uses evidence based practices and data driven decision making to improve school climate and culture, and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students.

**Prevention and Conflict Deescalation Training:** Training which is provided broadly to school staff on how to prevent, defuse and de-escalate potential behavioral crisis situations without physical contact between a school employee and a student.

**Seclusion:** 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 during which an adult is continuously present in the room with the student.

**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 a student to receive normal reinforcement in the school environment is restricted.

**Parent or guardian:** The student's parent, legal guardian, surrogate parent or student over the age of 18.

**Volunteer:** A person who is eighteen (18) years of age or older, has regular and direct contact with students, and donates time, energy, or talent to various phases of school programs under the direction and permission of school district personnel for which the person does not receive monetary compensation.

## SAMPLE TIME-OUT PROCEDURES

Effective time out procedures include multiple levels, with each level becoming more restrictive and exclusionary. It is important to note that for disruptive behavior requiring more restrictive interventions, once the behavior begins to de-escalate, transition to less restrictive forms of time out may make the return to regular classroom activities easier for the student. The following is a potential time-out plan that schools may consider adopting.

### Level I.

- A. Planned Ignoring: Ignore the student as long as possible if he or she is out of place or seat, noncompliant but not otherwise disruptive.
- B. Be (or have aide/ associate) available to counsel, provide one-to-one tutoring, or negotiate if the student is involved in a dispute.
- C. Modify/change student's assignment to get him or her reinvolved with learning. Select a task that will provide immediate success.
- D. Separate student from others (i.e. creative seat assignment).
- E. Send student out of room - on an errand, for a walk, to "cool off."
- F. Offer a "time-in" situation with a support person outside the classroom.
- G. Quietly praise other students for ignoring inappropriate student behavior.
- H. When possible, talk to disruptive student out of classroom away from other students so that he or she can save face.

**Level II.** Level II time out is more restrictive than the first-level interventions. It is the exclusion of a student from positive reinforcing activities of the classroom without removing him or her from the room.

- A. Move student to different part of the classroom (i.e. closer to teacher, further away from audience)
- B. Avoid lengthy explanations to student. Simply say: "Because you \_\_\_\_\_, you go to time out for \_\_\_\_ minutes." Avoid other interaction.
- C. Allow student to take their own time-out.
- D. Keep time-out period brief. (Time out periods longer than 15 minutes rarely serve their intended purpose-temporary withholding of positive reinforcement. For time out periods longer than 30 minutes, a supervisory staff person shall be consulted about the appropriateness of continuing the time out procedure.) In-school suspension or other out of class but in school interventions shall be considered.
- E. The student shall be supervised at all times during the time-out period.
- F. The student shall still be able to access any lesson or instruction being offered to other students in the student's classroom.