Seclusion and Restraint Plan

Understanding the Law and the Rule

Public School Version

SECLUSION AND RESTRAINT

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Background

- Who we are?
- What are we doing here?
- Public and Non-Public School Modules
- First training component:
  - The Law and the Rule
- Coming in the future:
  - Debriefing
  - Prevention
    - De-escalation
    - Positive Behavior Intervention Support

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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 public corporation, charter school and accredited non-public school is required to have a plan (not a policy) in place by July 1, 2014

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Key Components

Legislation Intent

- Student safety/reduce the use of seclusion and restraint
- Include required components outlined in the rules

Creating a Plan

- Include required components outlined in rules

Training: To be defined in Plan

- Who needs training
- Where will training be provided
- Seclusion and restraint skill development for specified staff
- Intervention and prevention techniques

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Key Components cont.

Monitoring

- Who will monitor: “inspect what is expected”
- Training as well as implementation must be monitored

Documentation

- Documentation must be consistent
- Documentation of each seclusion and each restraint, as well as of all training sessions
- Where will documentation be housed

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Informing Parents & Guardians

- Parents must be notified by the end of the day or as soon as practical
- How will you notify the parents: phone call + written
- What will be included in the notification
- Documentation of notification should be consistent throughout district if possible

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Definitions written in plan

- **Consistent definitions** should be written in plan, resulting in a common understanding among staff of each definition; only seclusion and restraint are required definitions in the plan [see rules]
- **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 supervised time out or scheduled break as described in an IEP or Behavior plan.
- **Restraint**: encompasses chemical restraint, physical restraint and mechanical restraint
- **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 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.

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Definitions cont.

- **<u>Imminent Risk of Injury</u>**: 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 or others.

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Types of Restraint

Mechanical Restraint

Means the use of:

- Equipment attached or adjacent to a student's body or restricts normal access to the students body

The term does NOT include mechanical devices or material, or equipment used as authorized by a doctor or healthcare professional such as an OT/PT.
(Note: remembering students that use sign language as a primary language, restricting their ability to use their language, must be considered)

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Types of Restraint cont.

- **Chemical Restraint**

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

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Types of Restraint cont.

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 tem 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 preforming a task or to guide or assist a student from one area to another

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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 or school district, must adopt a plan which includes the following rules:

1. Any behavioral intervention must be consistent with a child's right to be treated with dignity and respect, and to be free from abuse
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 for the use of seclusion on a student

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Elements cont.

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 a short period of time
8. Staff (that have regular and direct contact with students) shall be trained, including regular updating on the appropriate use of effective alternatives to the use of seclusion and restraint

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The 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. Schools shall never use mechanical restraints to restrict a child's freedom of movement, and schools 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 (OT/PT). Schools shall never give a student any drug or medication that is not a standard treatment and dosage for the student's medical or psychiatric condition

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The Plan

11. Plan should focus on all students, not just students with disabilities
12. Schools shall never use mechanical or chemical restraint to restrict a child's freedom of movement, (except as authorized by a licensed physician or other qualified health professional, i.e., OT/PT)
13. Schools must designate the staff that will be responsible for documenting every incidence of seclusion and restraint

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The Plan

14. The plan must include how every incident will be documented and debriefed, how responsibilities will be assigned and designate employees for evaluation and oversight
15. Parents and guardians shall be informed of and have access to the school's plan on seclusion and restraint, at the child's school or educational setting. Will notify parents where all policies and this plan are kept in the district

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The Plan

16. Parents or guardians shall be notified as soon as practical following each instance in which seclusion or physical 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

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Training

- SEA 345: Understanding the Law and Rule
- Understanding the school's plan and the staff responsibilities
- Seclusion and restraint: what it is and what it is not
- Learning alternatives to seclusion and restraint
  - De-escalation
  - Positive behavior supports
- Debriefing practices

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Who needs training

- Schools/District will determine who needs training, what training each group of staff members require, what type and how often they are in need of training
- Who: Teachers, administrators, coaches, aides, volunteers, substitutes, bus drivers, custodians, security officers, related professionals [i.e., OT/TP, secretaries] etc.

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Monitoring and Oversight

Monitoring Use of Seclusion and Restraint

- Every instance in which seclusion or restraint is used shall be carefully, and 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 the use of either seclusion or restraint

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Monitoring and Oversight

Oversight and Review:

- Each school/district 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 over all usage and future planning
- Each district will include the data related to seclusion and restraint in the annual performance report
- Debriefing after an incident documentation

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Informing Parents & Guardians

- Access to the plan
  - Handbook
  - Website
- Occurrence of an incident
  - Phone call, always best practice to do so as soon as possible
  - Parent Incident Report
  - Plan will articulate if reports are to be sent or provided to the superintendent's office

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Incident Reports

- Each district will develop its own incident reports; a recommendation is to utilize consistent forms throughout the planning district
- Use of incident reports may be included in training efforts

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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 bus harness or safety equipment that is used to restraint a student during transportation must be documented

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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, within 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, 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 action taken in good faith.

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Resources

- The Commission on Seclusion and Restraint
  - http://www.doe.in.gov/srcommission
- SEA 345 & Rules
- Training
  - Commission developed resources at low or no cost
  - CPI for specific personnel
- General Resources
  - USDOE https://www2.ed.gov/policy/seclusion/restraintsandseclusion:resources.pdf

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Questions

- This is an ongoing process; the plan will be reviewed annually. Therefore, staff input and thoughts are valuable throughout the year.
- You may send questions to members of the commission including myself. We hope to develop a Q&A document in the future.

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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
Stephen McCaffrey	Mental Health America
John Elcesser	Indiana Nonpublic Education Association
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Paje Felts	Parent representative
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