

REFERENCE COPY

FILE: JGGA
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EXPLANATION: SECLUSION AND RESTRAINT

This policy was revised to meet the specific requirements of House Bill 432 (2021), which revised § 160.263, RSMo. Please be advised that most of this policy is lifted directly from the statute, so districts should first seek legal counsel before making changes to this language to ensure compliance with state law. Districts must modify their current seclusion and restraint policy to meet the requirements of House Bill 432 by July 1, 2022.

EDITOR'S NOTE: The district's previous policy was highly customized. Because the law has changed, MSBA recommends the district start over with MSBA's sample and customize if necessary.

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SECLUSION, ISOLATION AND RESTRAINT

Purpose

Through the adoption of this policy, the Board of Education expects to:

1. Promote safety and prevent harm to students, school personnel and visitors in the school district.
2. Approach the use of discipline and behavior management techniques with dignity and respect.
3. Provide school personnel with clear guidelines about the use of seclusion, isolation and restraint on district property or at any district function or event.
4. Provide parents/guardians information about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions and responses to emergency situations.
5. Promote the use of nonaversive behavioral interventions, including positive behavioral support techniques.

Policy Applicability

This policy applies to all district or school personnel. District personnel assigned to facilities not located on district premises (hospitals, detention centers, juvenile facilities and mental health facilities) shall follow the policies and procedures for the facilities or the program where they work. The terms of any written agreement between the district and any facility that provides services to district students will require that facility to have a policy on the use of seclusion and restraint that complies with state and federal law. Parents who consent to their student receiving services from facilities not located on district premises also consent to the application of those facilities' seclusion and restraint policy to their student.

Definitions

Assistive Technology Device— Any item, piece of equipment or product system that is used to increase, maintain or improve the functional capacities of a student with a disability.

Aversive Behavioral Intervention or Aversive Intervention— An intervention that is intended to inflict pain or discomfort upon a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as: contingent application of noxious, painful or intrusive stimuli or activities; any form of noxious, painful or intrusive spray, inhalant or tastes; or other similar interventions. The term does not include such interventions as voice control limited to loud, firm commands; time limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

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~~Corporal punishment administered in accordance with state law is not an aversive intervention for the purpose of this policy.~~

~~*Behavioral Intervention*—An individualized instructional and environmental support that teaches students appropriate behaviors to replace problem behaviors. Behavioral interventions are guided by a functional behavioral assessment (FBA) that identifies the communicative intent of problem behavior and takes into consideration any known medical, developmental or psychological limitation(s) of the student.~~

~~*Behavior Intervention Plan (BIP)*—A plan that sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.~~

~~*Behavior Management*—Comprehensive, schoolwide procedures applied in a proactive manner that constitute a continuum of strategies and methods to support and/or alter behavior in all students.~~

~~*Chemical Restraint*—Administration of a drug or medication to manage a student’s behavior that is not a standard treatment and dosage for the student’s medical condition.~~

~~*Confinement*—The act of preventing a student from leaving an enclosed space.~~

~~*Discipline*—Consequences for violating the district’s student code of conduct.~~

~~*Emergency Situation*—A situation in which a student’s behavior poses a serious, probable threat of imminent physical harm to self or others or destruction of property.~~

~~*Functional Behavior Assessment*—A formal assessment to identify the function or purpose the behavior serves for the student so that classroom interventions and behavior support plans can be developed to improve behavior. The assessment could include observations and charting of the behavior and interviews with family, teachers and the student to determine the frequency, antecedent and response of the targeted behavior.~~

~~*Individualized Education Program (IEP)*—A student’s individualized education program as defined by the Individuals with Disabilities Education Act (IDEA).~~

~~*Isolation*—The confinement of a student alone in an enclosed space without locking hardware. Isolation also includes the confinement of a student alone in a locked room where the student is constantly attended and supervised by district employees through a window or other viewing device, but only in accordance with a student’s IEP, Section 504 plan or other agreed upon plan to address a student’s behavior. Isolation does not include supervised in school suspension,~~

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~~detention or time out/time away used as disciplinary consequences in accordance with the district's student discipline code.~~

~~*Law Enforcement Officer*—Any public servant having both the power and duty to make arrests for violations of local, state or federal law.~~

~~*Locking Hardware*—Mechanical, electrical or other material devices used to lock a door or to prevent egress from a confined area.~~

~~*Mechanical Restraint*—A device or physical object that the student cannot easily remove that restricts a student's freedom of movement or normal access to a portion of his or her body. This includes, but is not limited to: straps, duct tape, cords or garments. The term does not include assistive technology devices.~~

~~*Physical Escort*—The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.~~

~~*Physical Restraint*—The use of person to person physical contact to restrict the free movement of all or a portion of a student's body. It does not include briefly holding a student without undue force for instructional or other purposes, briefly holding a student to calm the student, taking a student's hand to transport him or her for safety purposes, physical escort, or intervening in a fight.~~

~~*Positive Behavior Supports*—A range of instructional and environmental supports to teach students pro-social alternatives to problem behavior and allow them multiple opportunities to practice pro-social skills and receive high rates of positive feedback.~~

~~*Restraint*—See the definitions for *chemical restraint*, *mechanical restraint* and *physical restraint*.~~

~~*School or District Employee or Personnel*—Includes the following:~~

~~Employees of the Board of Education.~~

~~Any person, paid or unpaid, working on district grounds in an official capacity.~~

~~Any person working at a district function under a contract or written agreement with the district to provide educational or related services to students.~~

~~Any person working on district grounds or at a district function for another agency providing education or related services to students on behalf of the district.~~

~~*Seclusion*—The confinement of a student unattended in an enclosed space from which the student is physically prevented from leaving by locking hardware. Seclusion does not include situations~~

~~where a student is alone in a locked room if the student is constantly attended and supervised by district employees through a window or other viewing device.~~

~~*Section 504 Plan*—A student’s individualized plan as defined by Section 504 of the Rehabilitation Act of 1973.~~

~~*Time Out/Time Away*—Brief removal from sources of reinforcement that does not meet the definition of seclusion or isolation. The purpose of time out/time away is to separate the student from the attention of staff and other students.~~

~~Use of Time Out/Time Away~~

~~Nothing in this policy is intended to prohibit the use of time out/time away as defined in this policy.~~

~~Use of Aversive Interventions~~

~~Aversive interventions will be used only in accordance with this policy. District personnel shall never use aversive interventions that compromise health and safety.~~

~~Use of Seclusion, Isolation and Restraint~~

~~*Seclusion*~~

~~Seclusion as defined in this policy is prohibited except in an emergency situation while awaiting the arrival of law enforcement officers as provided for in state law.~~

~~*Isolation*~~

~~Isolation shall be used only:~~

- ~~1. — In an emergency situation, or~~
- ~~2. — When less restrictive measures have not effectively de-escalated the situation, or~~
- ~~3. — With parental approval as specified in a student’s IEP, Section 504 plan or other agreed-upon plan to address a student’s behavior.~~

~~Students will only be confined in a locked room under this section in accordance with a student’s IEP, Section 504 plan or other agreed upon plan to address a student’s behavior.~~

~~Isolation shall never be used as a form of punishment or for the convenience of district personnel.~~

~~A student in isolation must be monitored by district personnel who are in close proximity and able to see and hear the student at all times. Monitoring shall be face to face unless personal safety is significantly compromised, in which case technology supported monitoring may be utilized. The~~

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~~total time in isolation is to be reasonably calculated based on the age of the student and the circumstances and is not to exceed 30 minutes without a reassessment of the situation and consultation with parents/guardians or administrative staff unless otherwise specified in an IEP, Section 504 plan or other parentally agreed-upon plan to address a student's behavior.~~

~~The space in which the student is isolated should be a room or classroom with standard lighting, ventilation, heating, cooling and ceiling height and that is free of objects that could cause harm to the student.~~

Physical Restraint

~~Physical restraint shall be used only:~~

- ~~1. In an emergency situation, or~~
- ~~2. When less restrictive measures have not effectively de-escalated the situation and the school has a plan for how to respond in such situations, or~~
- ~~3. With parental approval as specified in a student's IEP, Section 504 plan or other agreed-upon plan to address a student's behavior.~~

~~Physical restraint will:~~

- ~~1. Be used only for as long as necessary to resolve the actual risk of danger or harm that warranted the use of physical restraint.~~
- ~~2. Be no greater than the degree of force necessary to protect the student or other persons from imminent physical harm or to protect property.~~
- ~~3. Not place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat that restricts breathing.~~
- ~~4. Be done only by district personnel trained in the proper use of physical restraint.~~

~~District personnel who use physical restraint shall only use restraint methods in which they have received district approved training. Further, district personnel who use physical restraint may only~~

~~do so in the presence of at least one additional adult who is in the line of sight unless no other adult is immediately available due to an unforeseeable emergency situation.~~

~~Physical restraints should never be used as a form of punishment or for the convenience of district personnel.~~

Mechanical Restraint

~~Mechanical restraint shall be used only as specified in a student's IEP or Section 504 plan with two (2) exceptions:~~

- ~~1. — Vehicle safety restraints shall be used according to state and federal regulations.~~
- ~~2. — Mechanical restraints employed by law enforcement officers in school settings should be used in accordance with appropriate professional standards and applicable policies.~~

Chemical Restraint

~~Chemical restraints shall never be used by district personnel.~~

Emergency Situation Follow-ups

~~Following any emergency situation involving the use of seclusion, isolation or restraint, a meeting shall occur as soon as possible but no later than two school days after the emergency situation. The meeting shall include, at a minimum, a discussion of the events that led to the emergency and why the de-escalation efforts were not effective; any traumatic reactions on the part of the student, other students or school personnel; what, if anything, could have been done differently; and an evaluation of the process. All staff members directly involved with the emergency situation will be included in the meeting, which will be scheduled and led by the building principal or designee.~~

Positive Behavior Supports

~~The superintendent or designee is responsible for implementing the districtwide use of appropriate positive behavior supports designed to support or alter behavior in all students.~~

Training

~~The superintendent or designee shall ensure that all district personnel are informed about policies and procedures involving the use of seclusion, isolation and restraint.~~

~~In addition to the information provided to all district personnel, those who utilize seclusion, isolation or restraint will receive training in:~~

- ~~1. De-escalation practices.~~
- ~~2. The appropriate use of physical restraint.~~
- ~~3. Professionally accepted practices in physical management and use of restraints.~~
- ~~4. Methods to explain the proposed restraint methods to students and parents/guardians.~~
- ~~5. The appropriate use of isolation.~~
- ~~6. The appropriate use of seclusion.~~
- ~~7. Appropriate documentation and notification procedures.~~

Records

~~The superintendent or designee will maintain records documenting the use of seclusion, isolation and restraint showing when they were used and the reason for use; the duration of the use; names of district personnel involved; whether students or school personnel were injured; the name and age of the student; whether the student has an IEP, Section 504 plan or BIP; when the parents/guardians were notified; whether the student was disciplined; and any other documentation required by federal or state law.~~

Notice to Parents/Guardians

~~Except as otherwise specified in a student's IEP, Section 504 plan or other agreed upon plan to address a student's behavior, following an emergency situation involving the use of seclusion, isolation or restraint, the parent/guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible but no later than the end of the day of the incident, unless circumstances render it unreasonable or impossible to notify the parent/guardian~~

~~by the end of the day, in which case the parent/guardian will be notified through verbal or electronic means of the incident no later than noon of the next day.~~

~~The parent/guardian shall receive a written report of the emergency situation within five school days of the incident. The written incident report shall include all of the following:~~

- ~~1. Date, time of day, location, duration and description of the incident and interventions.~~
- ~~2. Event(s) that led up to the incident.~~
- ~~3. Nature and extent of any injury to the student, when applicable.~~
- ~~4. Name of an employee the parent/guardian can contact regarding the incident.~~

Students with Disabilities

~~If the IEP or Section 504 plan of a student with a disability includes the use of seclusion, isolation, restraint or aversive behavior intervention:~~

- ~~1. The IEP or Section 504 plan must specify the conditions under which seclusion, isolation, restraint or aversive behavior intervention may be used.~~
- ~~2. The IEP or Section 504 plan must include steps to eliminate the need for the use of seclusion, isolation, restraint or aversive behavior intervention.~~
- ~~3. Any use of seclusion, isolation, restraint or aversive behavior intervention must be limited to what is set forth in the IEP or Section 504 plan, unless otherwise provided for in this policy.~~

~~Before adding the use of seclusion, isolation, restraint or aversive behavior intervention to an IEP or Section 504 plan, the student must have undergone appropriate assessments including, but not limited to, an FBA, and the student must have a BIP in place.~~

The district will treat all students with dignity and provide a safe learning environment for students and a safe working environment for district personnel. Seclusion and restraint interventions will be used only when necessary and in accordance with this policy, and they will never be used as a form of punishment or for the convenience of district personnel. The restrictions in this policy apply to the district and any other provider of educational or related services to the student on behalf of the district.

The board directs the superintendent or designee to train and direct district personnel to use with fidelity measures to proactively address student behaviors, such as positive behavior support techniques, and to identify students with disabilities who may need behavior intervention plans.

Definitions

Behavior Intervention Plan (BIP) – A plan that sets forth specific behavior interventions for a

specific student who displays chronic patterns of problem behavior.

District Personnel – All persons employed by the district or performing services on behalf of or at the direction of the district, including persons working with students as independent contractors or on behalf of an independent contractor.

Mechanical Restraint – The use of any device or equipment to restrict a student's freedom of movement. This term shall not include devices implemented by trained personnel or used by a student with a prescription for such devices from an appropriate medical or related service professional that are used for specific and approved purposes for which such devices were designed, such as the following:

1. Adaptive devices or mechanical supports 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;
2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization; or
4. Orthopedically prescribed devices that permit a student to participate in activities without risk.

Physical Restraint – A personal restriction such as person-to-person physical contact that immobilizes, reduces or restricts the ability of a student to move the student's torso, arms, legs or head freely. This term shall not include:

1. A physical escort, which is a temporary touching or holding of the hand, wrists, arm, shoulder or back for the purpose of inducing a student to walk to a safe location;
2. Comforting or calming a student;
3. Holding a student's hand to transport the student for safety purposes;
4. Intervening in a fight; or
5. Using an assistive or protective device prescribed by an appropriately trained professional or professional team.

Positive Behavior Supports – A range of instructional and environmental supports to teach students prosocial alternatives to problem behavior and allow them multiple opportunities to practice prosocial skills and receive high rates of positive feedback.

Prone Restraint – Using mechanical or physical restraint or both to restrict a student's movement while the student is lying with the student's front or face downward.

Restraint – Includes, but is not limited to, mechanical restraint, physical restraint and prone restraint.

Seclusion – The involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving. This term shall not include:

1. A timeout;
2. In-school suspension;
3. Detention; or
4. Other appropriate disciplinary measures.

Timeout – A behavior management technique that is part of an approved program, involves the monitored separation of the student in a nonlocked setting, and is implemented for the purpose of calming.

Seclusion and Restraint Limitations

District personnel will reserve the use of seclusion or restraint for situations or conditions in which there is imminent danger of physical harm to self or others. Any student placed in seclusion or restraint shall be removed from such seclusion or restraint as soon as district personnel determine that the student is no longer an imminent danger to self or others.

Seclusion Spaces

In the limited situations where seclusion is used, it must occur in a room that complies with applicable building codes. The space in which the student is confined should be a normal-sized meeting room or classroom commonly found in a school setting with standard lighting, ventilation, heating, cooling and ceiling height and that is free of objects that could cause harm to the student.

Mechanical, Physical or Prone Restraint Limitations

District personnel are prohibited from using any mechanical, physical or prone restraint technique that:

1. Obstructs views of the student's face;

2. Obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia;
3. Places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen or genitals;
4. Obstructs the student's circulation of blood;
5. Involves pushing on or into the student's mouth, nose, eyes or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets or washcloths;
6. Endangers the student's life or significantly exacerbates the student's medical condition;
7. Is purposely designed to inflict pain; or
8. Restricts the student from communicating. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student shall be permitted to have their hands free of restraint for brief periods unless district personnel determine that such freedom appears likely to result in harm to self or others.

Parent/Guardian Notifications

The district will attempt to notify the parents/guardians of the student as soon as possible but no later than one hour after the end of the school day on which seclusion or restraint occurred. Notification will be oral or electronic and will include a statement indicating that the district or district contractor will provide the parents/guardians a copy of the report required by law and this policy within five school days.

Monitoring and Reporting

District personnel shall monitor the use of student seclusion or restraint and shall complete a report for each incident that minimally contains the following:

1. The date, time of day, location, duration and description of the incident and interventions;
2. Any event leading to the incident and the reason for using seclusion or restraint;
3. A description of the methods of seclusion or restraint used;
4. The nature and extent of any injury to the student;

5. The names, roles and certifications of any district personnel involved in the use of seclusion or restraint;
6. The name, role and signature of the person who prepared the report;
7. The name of an employee whom the parent/guardian can contact regarding the incident and use of seclusion or restraint;
8. The name of an employee to contact if the parent/guardian wishes to file a complaint; and
9. A statement directing parents/guardians to a sociological, emotional or behavioral support organization and a hotline number to report child abuse and neglect.

The report will be an education record of the student. The district or district contractor will provide a copy of the report to the parent/guardian of the student within five school days, and a copy of each incident report will be given to the Department of Elementary and Secondary Education within 30 days of the incident.

Training

All district personnel, as defined in this policy, will annually review this policy and district procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques used by the district.

Retaliation Prohibited

School board members, administrators and district personnel will not retaliate against any person for reporting a violation of this policy or failure to follow state law regarding seclusion and restraint. Likewise, retaliation is prohibited against any person for providing information regarding a violation of law regulating seclusion and restraint.

Note: ~~The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.~~ Search the index for this section and the cross references to identify related policies, administrative procedures and forms.

Adopted: 06/27/2011

Revised: 10/14/2019;

Legal Refs: §§ 160.261, .263, 563.061, RSMo.

Raytown C-2 School District, Raytown, Missouri