

**\*\*553 – Restraint and Seclusion:** Since this policy was last updated in 2014, the Office for Civil Rights in the U.S. Department of Education released its *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities*, in 2016. We have updated this policy consistent with the most recent Dear Colleague Letter, and have included a reference to it in the legal references section.

It is the priority of Soda Springs School District No. 150 to promote a safe learning environment for all students and staff. The board recognizes that there may be emergency situations where it becomes necessary for a staff member to physically restrain or place a student in seclusion when the student’s behavior poses an imminent risk of serious physical harm to self or others. The purpose of this policy is to ensure that all students and staff are safe in school, and that any student who may have a behavior crisis is free from the inappropriate use of physical restraint or seclusion.

*The board supports school-wide programs and services that promote positive student behavior to improve overall school safety and create an environment that is conducive to learning, while also minimizing the need for the use of physical restraint and seclusion and ensuring that they are only used as a last resort in an emergency situation.*

#### **DEFINITIONS**

“Aversive technique” means physical, emotional, or mental distress as a method of redirecting or controlling behavior.

“Crisis intervention” means implementation of a predetermined strategy to mitigate immediate harm to students or staff in a behavioral crisis.

“De-escalate” means utilizing strategically employed verbal or non-verbal interventions to reduce the intensity of threatening behavior before a crisis situation occurs.

“Emergency” means a situation in which a student’s conduct creates a reasonable belief in another person that the student’s conduct has placed the student or a third person in imminent danger of serious physical harm. An emergency requires an immediate intervention.

“*Functional behavioral assessment (FBA)*” means the evaluation process of gathering information that can be used to hypothesize about the function of student behavior to develop a behavior intervention plan (BIP) for those students on an individualized education program (IEP).

“Imminent” means likely to happen right away or within a matter of minutes.

“Positive behavioral interventions and supports” means application of a broad range of systematic and individualized strategies for achieving important social and learning outcomes, while preventing problem behaviors by making them irrelevant, inefficient, and ineffective.

“Restraint” means a physical, mechanical, or chemical device, material or equipment used for the purpose of immobilizing or reducing an individual’s freedom of movement for the purpose of preventing harm to students and others. The term does not include seatbelts and other safety equipment when used to secure students during transportation.

- a. “Physical restraint” means immobilizing or reducing the ability of a student to move his or her torso, arms, legs, or head freely; not including temporary touching or holding for the purposes of escorting the student to a safe location.
- b. “Mechanical restraint” means using a device, object, or equipment to restrict a student’s freedom of movement; not including the use of devices prescribed by a qualified health or related services professional which are used for the specific and approved purposes for which such devices were designed; devices implemented by trained school personnel; vehicle restraints; or devices used by law enforcement officers.
- c. “Chemical restraint” means using drugs or medication to control behavior; not including those prescribed by and administered in accordance with the directions of a qualified health professional.

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“Seclusion” means involuntary confinement in a room or other space during which a student is prevented from leaving, or reasonably believes that he will be prevented from leaving, by means that include, but are not limited to, the following: (1) manually, mechanically, or electrically locked doors that, when closed, cannot be opened from the inside; (2) blocking or other physical interference by staff; or (3) coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion. The term does not include a timeout used for the purpose of calming the student as part of an approved program that involves the monitored separation of the student in a non-locked setting.

**PROHIBITED PRACTICES**

The following are prohibited under all circumstances, including emergency situations:

- 1. Mechanical restraints (e.g., handcuffs or plastic straps) to restrict a student’s freedom of movement. *This policy does not prohibit law enforcement from using physical or mechanical restraints in exercising their law enforcement duties.*
- 2. Chemical restraints (i.e., drugs or medication) to control behavior or restrict freedom of movement unless it is (1) prescribed by a qualified health professional, and (2) administered as prescribed by the qualified health professional.

3. Physical restraint or seclusion techniques that restrict a student’s breathing or harm the student, and will be limited to using reasonable force when utilizing physical restraint or seclusion with a student. Specifically, the use of prone (i.e., lying face down) physical restraints should be avoided.
4. Using physical restraint or seclusion procedures when a known psychiatric, medical or physical condition of the student would make physical restraint or seclusion dangerous for that student. For example, seclusion is inappropriate for students who are severely self-injurious or suicidal.
5. Any technique that is inconsistent with the student’s rights to be treated with dignity and to be free from abuse. The use of any technique that is abusive will be reported to the appropriate authorities.
6. Using physical restraint or seclusion (1) as a form of punishment or discipline; (2) as a means of coercion, retaliation, or as a convenience; (3) as a planned behavioral intervention in response to behavior that does not pose imminent danger of serious physical harm to self or others; or (4) in a manner that endangers the student.

#### **APPROPRIATE USE OF PHYSICAL RESTRAINT OR SECLUSION**

Restraint or seclusion should only be implemented in situations where a student’s behavior poses imminent danger of serious physical harm to self or others, and not as a routine strategy to address instructional problems or inappropriate behavior. *It is expected that school staff will implement positive behavioral interventions and supports, functional behavioral assessments and related behavior plans, and utilize constructive methods to de-escalate potentially dangerous situations.*

Staff members are authorized to restrain a student or place a student in seclusion when an emergency, as defined above, exists; *or when a student's individualized education program (IEP) or behavioral intervention plan (BIP) describes the specific behaviors and circumstances in which restraint and seclusion may be used.*

The following guidelines apply to the use of physical restraint or seclusion:

1. Staff members will take reasonable efforts to prevent the need for the use of physical restraint or seclusion by implementing positive behavioral interventions and supports.
2. Staff members may only use physical restraint or seclusion in situations where: (a) the student’s behavior poses imminent danger of serious physical harm to self or others; and (b) other interventions are ineffective.
3. Staff members will utilize the least restrictive technique necessary to end the threat of imminent danger of serious physical harm.

4. Staff members will carefully and continuously visually monitor the student when physical restraint or seclusion is used to ensure the appropriateness of its use and the safety of the student and others.
5. Staff members will immediately terminate the use of physical restraint or seclusion as soon as it is determined the student is no longer in imminent danger of serious physical harm to self or others, or if the student is observed to be in severe distress.
6. Staff members will document in writing each incident requiring physical restraint or seclusion.
7. Selected staff members will be trained on the appropriate use of effective alternatives to physical restraint and seclusion, and when appropriate, the safe use of physical restraint and seclusion. *Only trained personnel will employ these interventions whenever possible.*
8. Staff members will review and revise behavioral strategies as appropriate to address the underlying cause of the dangerous behavior, and to prevent the repeated use of physical restraint or seclusion for managing the dangerous behavior.
9. Parents will be notified verbally regarding physical restraint or seclusion as soon as possible and no later than 24 hours following the restraint or seclusion. (*See “Notice to Parent/Guardian” section.*)

**NOTICE TO ADMINISTRATOR**

Staff members must notify the building principal (and special education director, if appropriate) immediately when a student is physically restrained or placed in seclusion.

**OBSERVATION OF STUDENT**

Seclusion will not be used unless a staff member can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student. A staff member will maintain continuous, direct visual and auditory contact with the student throughout the duration of any physical restraint or seclusion to ensure the appropriateness of its use and the safety of the student and others.

Students will be permitted to use the restroom upon request and will be escorted to and from the restroom. Students will also be provided water on request.

*Monitoring will be conducted by a staff member who has received the required training to ensure the safety of the student and that procedures are appropriately implemented and documented.*

**SECLUSION AREA**

Each school building must designate a clean and safe seclusion area intended for confining a student without causing or allowing the student to harm him- or herself or others. The seclusion

area will be of reasonable size; adequately lighted, ventilated, and heated/cooled; free from any objects or potential hazards that unreasonably expose the student or others to harm; permit direct, continuous visual and auditory monitoring of the student; must not be locked or prevent the student from exiting the area should an emergency arise; and comply with state and federal fire safety requirements.

A staff member will be required to visually inspect the seclusion area before and after each use to determine whether the area is clean and safe, and address any concerns by cleaning the area and/or reporting the concerns to maintenance staff.

**TIME AND DURATION**

Physical restraint and seclusion should not be used any longer than necessary to allow a student to regain control of his/her behavior *and may not exceed thirty (30) minutes.*

*If an emergency seclusion lasts longer than the suggested maximum time, the following are required: additional support (e.g., change of staff, introducing a nurse or specialist, or obtaining additional expertise) and documentation to explain the extension beyond the time limit.*

**REINTEGRATION INTO THE CLASSROOM**

*Staff members may make an independent judgment about when the student is ready to rejoin classmates or other activities. Reintegration may occur quickly, or may be very gradual, but will depend on the circumstances and the emotional state and readiness of the student to return to the normal situation.*

**INCIDENT REPORTING**

Immediately after the student has restored emotional and behavioral control following the use of physical restraint or seclusion, a staff member not involved with the incident will visually examine the student to ascertain if any injury has been sustained during the physical restraint or seclusion.

The staff member(s) involved with the incident will complete a written incident report as soon as possible after the incident and no later than *one school day* after the event. The building principal or designee will place a copy of the report in the student’s education file.

*Each staff member involved in an incident will engage in a debriefing session to determine what could have been done to prevent the need for use of physical restraint or seclusion for this student specifically and for other students in similar situations.*

**Incident Report Requirements**

The following should be included in the incident report created after each instance of physical restraint or the use of seclusion:

1. Information about the student (i.e., name, grade, etc.).
2. If the student has a disability (IDEA or Section 504), and the type of disability.
3. The date and start and end times of the restraint or seclusion.
4. The location of the incident.
5. A description of the incident.
6. A description of the dangerous behavior that resulted in the implementation of physical restraint or seclusion.
7. If applicable, a note that physical restraint and/or seclusion were not employed due to a psychiatric, medical, or physical condition of the student that would make physical restraint or seclusion dangerous for that student.
8. Possible events that triggered the dangerous behavior that led to the restraint or seclusion.
9. Prevention, redirection, or pre-correction strategies that were used during the incident.
10. A description of the restraint or seclusion strategies that were used during the incident and a log of the student's behavior during physical restraint or seclusion.
11. A description of any injuries or physical damage that occurred during the incident.
12. How the student was monitored during and after the incident.
13. A description of behaviors displayed demonstrating the student's ability to return to the educational environment.
14. The staff member(s) who participated in the implementation, monitoring, and supervision of physical restraint or seclusion and whether the person(s) had training related to restraint or seclusion.
15. The extent to which the staff member(s) adhered to the procedural implementation guidelines.
16. The follow-up that will occur to review or develop the student's positive behavioral interventions and supports in order to avoid the use of restraint or seclusion in the future.
17. The date and time the parent/guardian was notified.

**NOTICE TO PARENT/GUARDIAN**

The building principal or designee will verbally notify the parent/guardian of a student requiring physical restraint or seclusion as soon as possible and no later than 24 hours following the incident. Verbal notice will include a brief summary of the incident and contact information for the staff member who will provide additional information. The delivery of the notice will be documented by the district.

*Verbal notice will be provided via telephone. In the event a staff member is unable to speak directly to the parent via telephone, a message will be left on the individual's voicemail, if available. If unable to reach the parent via telephone or leave a message on voicemail, the staff member will send an e-mail to the parent, if the e-mail address is known. Alternatively, a written message may be sent home with the student.*

Parents/guardians will receive written, annual notice about the district's policies and procedures for restraint and seclusion. *Parents/guardians will be notified within thirty (30) days of any changes to such policies and procedures.*

*All student handbooks in our schools will contain this statement:*

*As a part of the emergency procedures in place in our schools, any student who poses an imminent risk of injury to him/herself or others may be physically restrained and/or placed in seclusion by school staff in accordance with school board policies. These could occur along with other emergency actions such as calling the police. Significant violations of the law including assaults on students and staff will be reported to the police. The parent/guardian will be informed when any of these actions have occurred as soon as possible after any such incident. These policies will be available with other school board policies to all parents electronically via our website or as a hard copy on request.*

### **CRISIS INTERVENTION TRAINING**

*The district will provide all staff members with basic training about conflict de-escalation procedures, the dangers of restraint and seclusion, and procedures for contacting fully trained staff when behavioral crises occur. This training will be recurrent and will be provided to new staff during orientation.*

Selected teachers and other personnel working directly with students will complete crisis intervention training on the appropriate use of effective alternatives to physical restraint and seclusion, and in cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion. Training in crisis intervention may include, but is not limited to:

1. Evidence-based skills training related to positive behavioral interventions and supports, safe physical escort, crisis prevention, understanding antecedents, de-escalation strategies, and conflict management.

2. Evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion, including techniques to identify events and environmental factors that may trigger emergency safety situations.
3. Evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion.
4. Techniques to identify dangerous behaviors, as well as methods for evaluating the risk of harm to determine whether the use of physical restraint or seclusion is warranted.
5. The risk of using physical restraint or seclusion in consideration of a student’s known and unknown psychiatric, medical, and physical limitations.
6. First aid and cardiopulmonary resuscitation (CPR).
7. The requirements of this policy and the procedures to be followed in cases of physical restraint and seclusion.

*Restraint and seclusion techniques will only be utilized by a person who has been trained in crisis intervention. Other school personnel may employ physical restraint and seclusion procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff should request assistance from trained staff as soon as possible.*

**RISKS OF USING RESTRAINT OR SECLUSION**

*Staff members will understand that all physical restraints involve some risk. This may include injury, including in rare instances, death to the person being restrained and/or to staff members. Restraint related positional asphyxiation or other physical injuries can occur. For this reason, staff members will be trained in appropriate techniques that minimize the possibilities of risk.*

*There is also the risk of psychological impact in using restraints. An individual’s past experience with abuse or the fear involved with being restrained may cause unanticipated responses. Staff members should be aware that for some students the use of physical restraint might have the unintended consequence of acting as positive reinforcement for their behavior.*

*In addition, staff members should be conscious of individual perceptions, experiences, and cultural orientation and recognize that for some students any touching may be unwelcome and misinterpreted despite good intentions. In these situations, touching the student may evoke an extreme and intense response and make the use of physical restraint more dangerous for both the student and the staff member(s).*

**MONITORING AND REPORTING**

The superintendent or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy in the district. The superintendent or



designee will comply with all state and federal requirements for reporting incidents of physical restraint or seclusion.

The building principal or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy within the school.

**ANNUAL POLICY REVIEW**

The district will annually review this policy and related procedures to determine the efficacy of the policy and procedures; whether modification of the policy or procedures is necessary; and whether selected school staff should receive additional training on positive behavior intervention and supports, or the proper use of restraint, seclusion, and other aversive techniques. The review must include a review of the documentation and reporting of incidents involving physical restraint and seclusion.



**LEGAL REFERENCE:**

Idaho Code Sections

33-512 – Governance of Schools

33-1612 – Thorough System of Public Schools

IDAPA Proposed Rule 08.02.03.160-161 (Aug. 11-12, 2010) – Safe Environment and Discipline

U.S. Dept. of Ed., *Restraint and Seclusion: Resource Document* (2012),

<http://www.ed.gov/policy/restraintseclusion>

*Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities (OCR 2016).*

[www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf)

34 C.F.R. §300.324(a)(2)

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In May 2012, the Office of Special Education Programs (OSEP) of the U.S. Department of Education released *Restraint and Seclusion: Resource Document*. The document identifies 15 principles for states, local school districts, parents/guardians, and other stakeholders to consider when developing and implementing policies and procedures related to physical restraint and seclusion. Idaho does not currently have any state statutes, regulations, or policies addressing this issue. Although the Idaho State Board of Education released a set of proposed rules in 2010 regarding the use of physical restraint and seclusion, the proposed rules were never promulgated. This policy was drafted to meet the requirements of the proposed rules, dated August 11-12, 2010, and is based on the principles as set forth in the above mentioned resource document, as well as the *Dear Colleague Letter* referenced above.