

**Student Welfare**

**Seclusion and Restraint**

**A. Purpose**

It is the purpose of this policy to:

- Meet the requirements of RSMo 160.263.
- Promote safety and prevent harm to all students, school personnel and visitors in the school district.
- Treat all students with dignity and respect in the use of discipline and behavior-management techniques.
- Provide school personnel with clear guidelines about the use of seclusion, isolation and restraint on school district property or at any school district function or event.
- Promote retention of teachers and other school personnel by addressing student behavior in an appropriate and safe manner.
- Promote parent understanding about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions and responses to emergency situations.
- Promote the use of non-aversive behavioral interventions.

**B. Definitions:**

**“Authorized School Personnel”** means school personnel who have received annual training in:

- De-escalation practices,
- Appropriate use of physical restraint,
- Professionally accepted practices in physical management and use of restraints,
- Methods to explain the use of restraint to the student who is to be restrained and to the individual’s family,
- Appropriate use of isolation,
- Appropriate use of seclusion, and
- Information on the policy and appropriate documentation and notification procedures.

**“Behavior Intervention Plan (BIP)”** sets forth specific behavior interventions for a specific student who displays chronic patterns of problem behavior.

**“Chemical Restraint”** shall never be used by school personnel.

**“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, so as to determine the frequency, antecedent and response of the targeted behavior.

**“IEP”** means a student’s Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA).

**“Mechanical Restraint”** means the use of any device or equipment to restrict a student’s freedom of movement. “Mechanical Restraint” shall not include devices implemented by trained personnel or use by a student with prescription for such devices from an appropriate medical or related services professional and that are used for specific and approved purposes for which such devices were designed such as the following:

- a) 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.
- b) Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.
- c) Restraints for medical immobilization; or
- d) 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. "Physical restraint" shall not include:

- (a) A physical escort, which is a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student to walk to a safe location.
- (b) Comforting or calming a student.
- (c) Holding a student's hand to transport the student for safety purposes.
- (d) Intervening in a fight; or
- (e) Using an assistive or protective device prescribed by an appropriately trained professional or professional team.

**“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.

**“School personnel”** means

- Employees of a local board of education.
- Any person, paid or unpaid, working on school grounds in an official capacity.
- Any person working at a school function under a contract or written agreement with the school system to provide educational or related services to students.
- Any person working on school grounds or at a school function for another agency providing educational or related services to students.

**“Seclusion”** the involuntary confinement of a student alone in an area or room that the student is physically prevented from leaving and that complies with the code in effect in the District. Seclusion does not include the following:

- (a) A timeout, which is 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.
- (b) In-school suspension.
- (c) Detention; or
- (d) Other appropriate disciplinary measures.

**“Section 504 Plan”** means a student’s individualized plan developed by the student’s Section 504 multidisciplinary team after a pre-placement evaluation finding the student is disabled within the meaning of Section 504 and its implementing regulations.

**“Time out”** means brief removal from sources of reinforcement within instructional contexts that does not meet the definition of seclusion or isolation. Time out includes both of the following:

- a) Non-exclusionary time out: removal of reinforcers from the student without changing the physical location of the student (e.g., asking the student to put his/her head down on the desk); and
- b) Exclusionary time-out: removal of the student from participation in an activity or removal from the instructional area.

### **C. Seclusion**

The District will not confine a student in seclusion unless there is a situation or condition where there is imminent danger of physical harm to the student or others.

### **D. Mechanical, Physical and Prone Restraint**

For all school years beginning on or after July 1, 2022, the District will not use 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.
- (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 the student's hands free of restraint for brief periods unless an employee determines that such freedom appears likely to result in harm to self or others.

Physical restraints should never be used as a form of punishment or for the convenience of school personnel or unless there is a situation or condition in which there is an imminent danger of physical harm to the student or others.

### **E. Assurances and Training**

The District will ensure that the policy adopted under this section requires the following:

- (1) Any student placed in seclusion or restraint shall be removed from such seclusion or restraint as soon as the District personnel determines that the student is no longer an imminent danger of physical harm to self or others.
- (2) District personnel shall annually review the policy and 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 that the District uses.

### **F. Recordkeeping and Parental Notification**

The District will attempt to notify the parents or legal guardians as soon as possible but no later than one hour after the end of the school day on which the use of seclusion or restraint occurred. Notification shall be oral or electronic and shall include a statement indicating that the District will provide the parents or legal guardians a copy of the report described in this section within five (5) school days.

Each time seclusion or restraint is used for a student, the incident shall be monitored by a member of the District's staff and a report shall be completed by the District personnel that contains at a minimum the following:

- a) Date, time of day, location, duration and description of the incident and intervention.
- b) Any event leading to the incident and the reason for using seclusion or restraint.
- c) A description of the methods of seclusion or restraint used.
- d) The nature or extent of any injury to the student.
- e) The names, roles, and certifications of each employee involved in the use of seclusion or restraint.
- f) The name, role, and signature of the person who prepared the report.
- g) The name of the employee whom the parent or guardian can contact regarding the incident and use of seclusion or restraint.
- h) The name of the employee to contact if the parent or guardian wishes to file a complaint.
- i) A statement directing parents and/or legal guardian to a sociological, emotional, or behavioral support organization and a hotline number to report child abuse and neglect.

Form 2770 is a sample reporting form which may be utilized to satisfy the reporting requirement.

The District will maintain the report as an education record of the student, provide a copy of the report to the parent or legal guardian within five (5) school days, and a copy of each incident report shall be sent to the Department of Elementary and Secondary Education within thirty (30) days of the incident.

### **G. Applicability of this Policy**

This policy applies to all district school personnel. School personnel assigned to programs not located on district premises (hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work.

### **H. School Personnel Debriefing**

Following any situation involving the use of seclusion, isolation or restraint, as defined in this policy, a debriefing shall occur as soon as possible but no later than two (2) school days after the emergency situation. The debriefing 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 trauma 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.

### **I. Retaliation**

District employees will not retaliate against any person for having:

- (a) Reported a violation of any policy established under this section or failure of the District to follow any provisions of this section in retaliation to incidents of seclusion and restraint; or
- (b) Provided information regarding a violation of this section by the District or a member of the staff of the District.

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