

	<b>ABERDEEN SCHOOL DISTRICT</b>	<b>NEPN Code: JGB</b>
	<b>POLICIES AND REGULATIONS</b>	

## **RESTRAINT AND SECLUSION**

The use of restraint or seclusion will be implemented in a non-discriminatory manner. Interventions authorized by this policy may be applied to any student enrolled in Aberdeen Public School District ("the District") and identified as exhibiting dangerous behavior only if such interventions are implemented in full compliance with this policy. If a student to whom restraint or seclusion is to be applied also has an Individualized Education Program, Behavioral Intervention Plan, 504 plan, or similar plan, those plans will be followed in an effort to avoid the use of restraint or seclusion.

The use of restraint or seclusion is prohibited in any situation other than when the child's behavior poses imminent danger of serious physical harm to self or others and other available interventions are ineffective. The use of restraint or seclusion must be discontinued as soon as imminent danger has dissipated, such as when it appears the child has calmed down, e.g. the child's breathing returns to normal, the child is no longer tense, or the child can express that he or she feels safe. Restraint or seclusion will not be used as punishment, reprisal, retaliation, a substitute for appropriate behavioral or educational support, a routine school safety measure, to force compliance with school personnel, to prevent property damage, or for the convenience of school personnel. The use of restraint or seclusion will be in accordance with all applicable laws and regulations.

Heightened attention and review by school administrators and behavioral experts will occur when restraint or seclusion is used more than once with an individual child, used multiple times within the same classroom, or used multiple times by the same school personnel.

## **DEFINITIONS**

**Restraint:** A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term does not include a physical escort, which involves a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

**Seclusion:** The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming. Students will always be monitored by an adult and will be allowed to move around.

**Dangerous Behaviors:** Behavior that poses imminent danger of serious physical harm to self or others.

**Interventions:** Individualized behavioral strategies designed to support de-escalation.

**Mechanical Restraint:** A prohibited device involving any device or equipment used to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed.

**Supports:** individualized behavioral strategies designed to help maintain appropriate behavior.

## **BEHAVIORAL INTERVENTION STRATEGIES**

Every effort will be made to prevent the use of restraint or seclusion. To minimize the need for restraint or seclusion, the District will implement behavioral intervention strategies school-wide to positively state behavior expectations and implement proactive environmental controls. Schools successfully implementing comprehensive behavioral systems create school-wide environments that reinforce appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion.

## **BEHAVIORAL INTERVENTION PLANS AND SERVICES**

When a child's behavior impedes the child's learning or that of others, school personnel, including the Individualized Education Program (IEP) team, must consider the use of positive behavioral interventions and supports, and other strategies including reasonable modifications, to address that behavior.

Behavioral Intervention Plans (BIPs) are informed by evaluations based on parental input and professional assessments referred to as functional behavioral assessments (FBAs). FBAs analyze environmental factors, such as antecedents, behavior, and the function of behavior, including any history of trauma that may contribute to a child's inappropriate behaviors. Data obtained from the FBA is considered in the development of a BIP, which school personnel can draw upon for examples of positive behavioral strategies that are effective and individualized to the child's needs. An FBA provides the foundation necessary to create an appropriate BIP for the student.

School personnel or the IEP team may address the behavior through annual goals in the IEP (including a BIP that is incorporated in the IEP), a 504 plan, or some other format. For example, an IEP may determine that a child's behavior warrants an FBA. School personnel or the IEP team would then conduct an FBA. Data obtained through the FBA would be considered in the development of a BIP, which staff could draw upon for examples of behavioral strategies that are effective for the specific child. If the child needs a BIP to support learning and socialization, the BIP will be included in the IEP and aligned with the goals in the IEP. If the BIP is not effective, e.g. the child reacts negatively to supports and interventions or the strategies being utilized are not helping the behavior, the IEP team will meet to make changes to the current BIP or create a new plan.

When any behavioral intervention, support, or other strategy is to be used by the District, the Superintendent or designee will consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment.

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee will cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner across all settings.

Behavior assessments and behavioral intervention services will be provided only by individuals who possess appropriate training and qualifications.

## **EMERGENCY INTERVENTIONS**

Emergency interventions will be used only to control unpredictable, spontaneous behavior which poses imminent danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of an approved emergency technique used to contain the behavior. Emergency interventions will not be used as a substitute for behavioral intervention plans.

Only approved emergency interventions will be used. No emergency intervention will be used for longer than is necessary to contain the behavior. As appropriate for the situation, school personnel may seek assistance of the principal, mental health professional, or other personnel.

Emergency interventions will not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion or a device, material, or object that simultaneously immobilizes all hands and feet will not be allowed, except as allowed by law.

## **PROHIBITED INTERVENTIONS**

Aberdeen School District employees, contractors, volunteers, and other individuals serving or working in any capacity for the District are prohibited from imposing the following on any student at any time:

1. Any intervention designed or likely to cause physical pain, including but not limited to electric shock.
2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face.
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to the bathroom.
4. Any intervention that restricts a child's breathing or harms the child.
5. Any intervention that subjects the student to verbal abuse, ridicule, humiliation, or emotional trauma.
6. Any intervention that involves the use of mechanical restraints.
7. Any intervention that utilizes any materials or objects that simultaneously immobilizes all hands and feet, including prone or supine restraint.
8. Any intervention that the employee knows or reasonably should know to be contraindicated based on the student's disability, health needs, or the medical or physical condition of the student.
9. Any intervention that precludes adequate supervision of the student.
10. Any intervention that deprives the student of one or more of his/her senses.
11. Any intervention that utilizes locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room.
12. Any intervention that utilizes force exceeding what is reasonable and necessary under the circumstances.

## **DOCUMENTATION, NOTIFICATION, AND RE-EVALUATION**

Any time an emergency intervention is applied, including restraint or seclusion, parents or guardians will be notified. Notification will occur within one school day of the intervention. School personnel administering the intervention will document the intervention using the District's restraint or seclusion reporting form. The completed form will be submitted to the Assistant Superintendent and Director of Special Education for review and placed in the student's file. The report will include the following:

1. The name and age of the student;
2. The setting and location of the incident;
3. The name of the school personnel or other persons involved, including any witnesses;
4. The time of the incident (measured from the antecedent incident to the end of the emergency);
5. A description of the incident (from the antecedent incident to when the child was calm), including a description of the possible events that triggered the behavior that led to the incident;
6. A description of the supports and interventions that were used during the incident;
7. A description of the emergency intervention used during the incident;
8. A statement of whether the student is currently engaged in a BIP, a description of what supports or interventions from that BIP were used, if any, and if none were used, an explanation of why none were used;
9. Details of any injuries sustained by students or others, including school personnel, as a result of the incident;
10. The time and date the parents or guardians were notified of the incident, or if a parent or guardian could not be contacted, a description of the notification attempt(s);
11. A description of the debriefing that occurred with school personnel following the incident; and
12. A description of next steps (e.g., a proposed IEP team meeting, reconsideration of the supports or interventions used, or a need for a new assessment

If the report is for a student who does not have a BIP, the Superintendent or designee will, within two school days, schedule an IEP team or 504 team meeting to review the report, determine the necessity for a FBA, and determine the necessity for an interim BIP. The IEP team or 504 team will document the reasons for not conducting an assessment and/or not developing an interim plan.

If the report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective will be referred to the IEP or 504 team. The IEP team or 504 team will review the incident and determine whether the student's program or plan needs to be modified.

If the report is for a student who does not have an IEP or 504 plan but staff suspect that the student may have a disability, the District will convene a meeting for the purpose of considering whether the child should be evaluated for IDEA or Section 504 services, pursuant to existing obligations under federal law.

District administration will review and monitor the restraint or seclusion reporting forms received. If restraint or seclusion is used more than once with an individual child, used multiple times within the same classroom, or used multiple times by the same school personnel, or if there has been a previously unseen serious behavior problem, the student's educational team will review the student's plan to determine the effectiveness of current intervention strategies and may recommend additional evaluations. Additionally, staff training and skills will be re-evaluated, along with staff assignments.

The following statement will be contained in the school handbook:

"As part of the emergency procedures in place in our schools, any student who poses an imminent danger of serious physical harm to self or others may be physically restrained and/or placed in seclusion by school personnel in accordance with the District's Restraint and Seclusion policy, as well as in accordance with all applicable laws and regulations. Significant violations of the law, including assaults on students and school personnel, will be reported to the police. Parents/guardians will be informed as soon as possible after any such incident."

## **SCHOOL PERSONNEL TRAINING REQUIREMENTS**

Aberdeen Public School District will provide regular training to appropriate school personnel in physical restraint and seclusion, along with a copy of this policy.

1. School personnel will receive comprehensive training on school-wide programs of positive behavioral supports and other strategies, including de-escalation techniques, for preventing dangerous behavior that leads to the use of restraint or seclusion.
2. School personnel will be trained regularly on the use of appropriate behavioral supports and interventions to avoid reliance on emergency interventions such as restraint and seclusion. This means school personnel will be trained on how to implement a child's IEP, 504 plan, and BIP, including the behavioral supports and interventions provided therein, and, only for cases involving imminent danger of serious physical harm, on the safe use of restraint and seclusion.
3. School personnel will receive training on school policies and procedures for timely reporting and documenting all instances in which restraint or seclusion is used.
4. Only trained school personnel will implement restraint or seclusion interventions.
  - a. If a trained staff member is unavailable in a situation necessitating the use of restraint or seclusion as defined by this policy, the untrained staff member will contact a trained staff member for assistance.
  - b. If the urgency of the situation prohibits contacting a trained staff member, or if the seclusion intervention complies with all prohibitions contained in this policy and in the student's IEP, BIP, 504 plan, or other plan, the untrained staff member may take necessary measures in compliance with this policy to ensure the safety of the child.
5. School personnel who administer restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy and established by the District.
6. The Administrator will ensure that named school personnel are debriefed after the incident and arrange for school personnel to receive training on physical restraint and seclusion if appropriate.

## **POLICY VIOLATIONS**

District personnel who violate this policy will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and district policies, and if applicable, the Negotiated Agreement.

**REFERENCE:** U.S. Department of Education Restraint and Seclusion Resource Document  
**ADOPTED:** August 27, 2018  
**REVISED:** August 12, 2019