



# NOBLESVILLE SCHOOLS

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## Noblesville Schools Restraint and Seclusion Plan

### **District Policy:**

The Board of School Trustees believes that maintaining an orderly and safe environment is conducive to a healthy learning environment, and is an appropriate expectation of all students and employees within the school corporation. The Board recognizes that there are times when it becomes necessary for employees to use reasonable physical restraint and/or isolated time out/seclusion to protect a student from causing harm to him/herself or to others. The use of objects or devices to address a student's behavioral outburst is strictly prohibited, unless approved under a student's Individualized Education Plan (IEP).

Seclusion and physical restraint shall be used only as a last resort, to maintain a safe and orderly environment for learning. Seclusion and restraint should only be used to the extent necessary to preserve the safety of students and staff. Use of seclusion and restraint may also be a component of a Behavioral Intervention Plan (BIP) and/or an Individualized Education Plan (IEP) for students. If such is the case, the terms of the BIP and/or IEP must address the use of seclusion and restraint and will control the guidelines of using these measures.

The Board authorizes the Superintendent/designee to establish procedures regarding the use of seclusion and restraint as part of the corporation's comprehensive discipline rules/guidelines.

### **Handbook Statement:**

Noblesville Schools believes that maintaining an orderly and safe environment is conducive to a healthy learning environment, and is an appropriate expectation of all students and employees within the school corporation. The Board recognizes that there are times when it becomes necessary for employees to use reasonable physical restraint and/or isolated time out/seclusion to protect a student from causing harm to him/herself or to others. In accordance with the law, Noblesville Schools has adopted a Seclusion/Restraint Plan to establish guidelines for the use of seclusion/restraint. The Noblesville Schools Seclusion/Restraint Plan can be found by clicking on the following link:

## I. USE OF RESTRAINT

- A. Restraint shall be used only as a last resort when a student is displaying physical behavior that presents substantial imminent risk of injury to the student or others.
- B. Restraint shall be employed only as a last resort after other methods of de-escalating a dangerous situation have been attempted without success.
- C. Any regularly used timeout procedure shall be documented and agreed upon in a student's BIP and/or IEP.
- D. Restraint shall be employed only by staff members who have received crisis intervention training by the school in the use of restraint procedures with the following exceptions:
  - 1. Other school personnel may employ restraint procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.
  - 2. Restraint of a student shall be conducted in a manner consistent with the techniques prescribed in the crisis intervention training program.
- E. Restraint shall last only if is necessary for the student to regain behavioral stability and the risk of injury has ended, usually a matter of minutes.
- F. The degree of restriction employed must be in proportion to the circumstances of the incident, the size and condition of the student, and the potential risks for injury to the student.
- G. Mechanical or chemical restraints are not authorized in school.
- H. Prone or supine forms of restraint are not authorized and shall be avoided.
- I. Restraint or seclusion shall never be used in a manner that restricts a child's breathing or harms the child.
- J. Every instance in which restraint or seclusion is used shall be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.

## **II. WHEN RESTRAINT PROCEDURES SHALL NOT BE EMPLOYED**

- A. Restraint shall not be used unless there is imminent risk of injury to the student or others.
- B. A verbal threat or verbally aggressive behavior does not itself indicate an imminent risk of injury and shall not result in restraint.
- C. Destruction or damage to property does not constitute a risk of imminent injury unless in so doing a risk of injury to the student or others is created.
- D. When known medical or physical condition of the student would make the restraint procedures dangerous for the student (e.g. students with heart or circulatory conditions, asthma, etc.) they shall not be employed.
- E. Restraint shall never be used as a punishment or to force compliance with staff commands.

## **III. USE OF SECLUSION**

- A. Seclusion shall be used only when a student is displaying physical behavior that presents substantial imminent risk to the student or others, and the threat could be diminished if the student was in a safe environment away from other students and staff.
- B. Any regularly used seclusion procedure shall be documented and agreed upon as part of a student's BIP and/or IEP.
- C. Seclusion shall be employed only as a last resort after other methods of de-escalating a dangerous situation has been attempted.
- D. Seclusion shall be used only if necessary and shall be discontinued when the student is no longer an imminent threat to self-and/or others.
- E. Seclusion shall be employed only by staff members who have received specific Noblesville Schools approved crisis intervention training in the use of seclusion procedures.
- F. Seclusion must be used only when the student can safely be transported to the seclusion environment by trained staff members using appropriate techniques based on crisis intervention training.
- G. Timeout procedures that do not constitute seclusion are permitted in school.

- H. All seclusion environments shall be inspected and:
1. Be of reasonable size to accommodate the student and at least one adult.
  2. Be of reasonable size to permit students to lie or sit down.
  3. Have adequate ventilation including heat and air conditioning as appropriate.
  4. Have adequate lighting.
  5. Be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass.
  6. Permit direct continuous visual and auditory monitoring of the student.
  7. Permit automatic release of any locking device if fire or other emergency in the school exists.
  8. Shall meet current fire and safety codes.

#### **IV. WHEN SECLUSION PROCEDURES SHALL NOT BE EMPLOYED**

- A. When the substantial imminent risk of injury no longer exists.
- B. When known medical or physical condition of the student would make the seclusion procedures dangerous for that student (e.g. students expressing suicidal thoughts, students with heart or circulatory conditions, asthma, or other conditions).
- C. Seclusion shall never 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.
- D. Seclusion shall never be used as a punishment, or to force compliance with staff commands.

#### **V. TIMEOUT**

Time-out is a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period. Timeout occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Timeout shall be both developmentally and behaviorally appropriate and shall be short. Any regularly used timeout procedure shall be documented and agreed upon in a student's BIP and/or IEP.

#### **VI. INFORMING PARENTS AND GUARDIANS**

As soon as possible after any such use of time out, restraint and/or seclusion, the parents or guardian will be informed when any of these actions have occurred and will be provided with a

detailed account of the incident including the circumstances that led to the use of timeout, restraint and/or seclusion.

## **VII. TRAINING**

- A. Noblesville Schools 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 and certified staff when behavioral crises occur.
- B. This training will be recurrent and will be provided to new staff.
- C. A core group of appropriate personnel will be trained in each building in crisis intervention techniques (Crisis Team) which will include the use of restraint and seclusion procedures. Recurrent training will be provided.

## **VIII. Reporting, Documenting and Debriefing Requirements**

- A. Immediately after the student has restored emotional and behavioral control following the use of restraint and/or seclusion, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the restraint or seclusion.
- B. The building administrator or designee will attempt to notify the parent/guardians as soon as possible (no later than the end of the school day or as soon as practical on the day on which the restraint or seclusion occurs). If the administrator cannot reach the parent he/she may send home a paper copy of the incident report via US Mail. The building administrator or designee will communicate with the parent/guardian: 1. the student's current physical and emotional state and 2. strategies to assist the parent/guardian in dealing with any residual effects of the incident.
- C. Log Entry Report
  - 1. Staff involved in the use of seclusion or restraint will complete a log entry in the PowerSchool, student information system, as soon as practical after the use of seclusion or restraint.
  - 2. The building administrator or designee will send a copy of the written report to the parent or guardian documenting the use of restraint or seclusion, and will place a copy of the report in the student's file.
  - 3. A copy of the log entry report shall also be sent to a designated administrator.

- D. A minimum of the following will be included in the log entry created after each instance of restraint or the use of seclusion:
1. The student's name;
  2. The date, time incident began, *time incident ended*, and location of the incident;
  3. The duration of any restraint or seclusion, or the beginning and ending times of the restraint and/or seclusion;
  4. A description of any relevant events leading up to the incident;
  5. A description of any interventions used *to de-escalate* student prior to the implementation of restraint or seclusion;
  6. A description of the incident and/or student behavior that resulted in implementation of the restraint or seclusion including a description of the danger of injury which resulted in the restraint or seclusion;
  7. A log of the student's behavior during restraint or seclusion,
  8. Description of the seclusion/restraint technique(s) utilized (*include manner of restraint and the length of time for each period of seclusion and restraint*) and any other interaction between the student and staff;
  9. A description of any injuries to students, staff, or others or property damage;
  10. A list of the school personnel who participated in the implementation, monitoring, and supervision of restraint or seclusion and whether they had training related to restraint or seclusion;
  11. How restraint ended:
    - Determination by administrator/staff that student was no longer a risk to him/herself or others
    - Intervention by administrator/staff member to facilitate de-escalation
    - Arrival of law enforcement
    - Arrival of medical assistance
    - Arrival of Parent
    - Other: \_\_\_\_\_
  12. The date, time, and manner of parent/guardian notification; (*telephone, in person, etc.*) of Seclusion/Restraint (Copy of Seclusion and Restraint Incident Form must be provided to parent.)
- E. Data on students that have a BIP and/or IEP may be kept in a private location and shared with parents based on agreed upon intervals.
- F. Each staff member involved in an incident will engage in debriefing or processing session(s) to determine what could have been done to prevent the future need for use of restraint or seclusion for the specific student and for other students in similar situations. Also with assistance from staff, the student will process the event at the earliest appropriate time.

## **IX. Issues related to Special Education & IEP/BIP Implementation:**

- A. The Seclusion & Restraint (S/R) law is not a special education law, but applies to all students.
- B. The S/R law refers to Behavior Intervention Plans and uses the exact same definition of a BIP as used in Article 7. Therefore, any BIP in a student's IEP is the same BIP referred to in the S/R plan.
- C. The Noblesville S/R plan limits the use of S/R "as a last resort when a student is displaying physical behavior that presents substantial imminent risk of injury to the student or others."
- D. Definition of imminent from Merriam-Webster Online Dictionary: ready to take place; especially: hanging threateningly over one's head
- E. Based on the law and the Noblesville plan, S/R cannot be used as an intervention except when there is an imminent danger of physical harm.

The legal questions that follow are:

- a. Are there any situations where an IEP/BIP trumps the S/R restriction?
- b. Are there any situations where a student with an IEP/BIP can be secluded/restrained as an intervention or a preventive measure to avoid a potential or likely situation of physical harm?

Answers:

- a. This is a new law and has not been tested yet so these questions have not been clearly answered yet, but may eventually be answered through case law.
- b. Federal law is supreme over state law. IDEA is a federal and the S/R law in an Indiana law.
- c. IDEA requires Individual Education Plans, so it is possible that a student's BIP could include S/R as an intervention or preventive measure if a case conference committee includes S/R in a BIP.
- d. However, considering the Indiana law, use of S/R should be scrutinized and only included in BIPs very thoughtfully.

### **Other Areas to address:**

- A. Special Education staff should be aware of the PBIS plans/teams available for all students and use PBIS for all special education students as the first way to address behavior.
- B. Special education teachers should only consider including Seclusion/Restraint in BIPs as a last resort.

- C. Considering the new law, all Teachers of Record should review all current IEP/BIPs prior to the end of the school year to determine if any IEP/BIPs conflict with the new Indiana law. If there are conflicts, these cases should be reviewed to determine if the BIP needs to be revised prior to July 1, 2014.
  
- D. This would also be an opportunity to make sure all BIPs:
  - a. are based on Functional Behavioral Assessments (FBAs) that identify the function of the behavior and were used to develop a BIP for the student.
  - b. contain all the required components of BIPs including:
    - i. Positive interventions and supports, and other strategies, to:
      - 1. Address the behavior; and
      - 2. Maximize consistency of implementation across people and settings in which the student is involved
    - ii. If applicable, the skills that will be taught and monitored to change a specific pattern of behavior of the student.
    - iii. The BIP seeks to maximize consistency across people and settings in which the student is involved.

## **X. Annual Review, Planning Process and Oversight**

- A. A Noblesville Schools' administrator (or designee) will be designated as the coordinator of data, planning and oversight of the use of restraint or seclusion procedures in Noblesville Schools.
  
- B. Each Noblesville School shall conduct an annual review of all individual and program-wide data associated with this policy. Upon review of the data, the Committee shall identify any issues and/or practices that require further attention/training and provide written recommendations.
  
- C. The Committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the training curriculum.

## APPENDIX & DEFINITIONS

**Behavioral Intervention Plan:** a plan that is agreed upon by the case conference committee (CCC) and incorporated into a student's individualized education program (IEP) and that, a minimum, describes the following:

1. The pattern of behavior that impedes the student's learning or the learning of others.
2. The purpose or function of the behavior as identified in a functional behavioral assessment.
3. The positive interventions and supports, and other strategies, to:
  - (A) address the behavior; ; and
  - (B) maximize consistency of implementation across people and settings in which the student is involved.
4. If applicable, the skills that will be taught and monitored to change a specific pattern of behavior of the student.

The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

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

**Coping Skills:** Removing a student from the area to another part of the same classroom to allow him/her to utilize coping skills that have been taught to the student.

**Crisis Intervention Training:** training provided to selected staff members which addresses how to deal with aggressive, violent or out--of--control behaviors. It includes specific techniques for restraint and seclusion and could result in certification of the individuals who complete the training.

**De-Escalation:** causing a situation to become more controlled, calm, and less dangerous, thus lessening the risk for injury to someone.

**Employee:** all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

**Functional Behavioral Assessment:** ongoing process of gathering information that can be used to hypothesize about the function of student behavior. The analysis provides the information necessary to develop an intervention plan.

**Imminent:** likely to happen right away; within a matter of minutes.

**Mechanical Restraint:** the use of (1) a mechanical device; (2) a material, or (3) equipment attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body. The term does not include (1) mechanical devices; (2) a material, or (3) equipment used as prescribed by a doctor.

**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 term does not include (1) briefly holding a student without undue force to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation, (2) physical escort, or (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one area to another.

**Prevention and Conflict De-Escalation Training:** training which is provided broadly to school staff on how to prevent, defuse and de-escalate potential behavioral crisis situations.

**Positive Behavior Intervention and Support:** a systematic approach that uses evidence-based practices and data-driven decision making to improve school climate and culture, and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish recurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students.

**Prone Physical Restraint:** person held face down lying on their stomach on a horizontal surface such as the floor.

**Seclusion:** 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 a supervised timeout or a scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

**Staff:** all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

**Supine Physical Restraint:** a person held face up on their back on a horizontal surface such as the floor.

**Timeout:** means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period. Timeout occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Timeout shall be both developmentally and behaviorally appropriate and shall be short.

**Substantial Risk:** situation where there is serious, imminent threat of bodily harm and where there is the immediate ability to enact such harm.

**Staff Trained in Crisis Intervention:** individuals who successfully complete and maintain certification in a training program that results in acquisition of skills to prevent restraints, evaluate risk of harm in an individual situation, use approved restraint techniques and monitor the effect of the restraint.

**Parent or guardian:** the student's parent, legal guardian, surrogate parent or student over the age of 18.

## **CPI De-Escalation Techniques:**

Effective de-escalation techniques include multiple levels, with each level giving students the opportunity to make good choices. It is important to note that for disruptive behavior requiring more restrictive interventions, once the behavior begins to de-escalate, transition to less restrictive forms of timeout may make the return to regular classroom activities easier for the student.

### **Level I : Student is showing signs of anxiety (crying, tapping pencil, turning colors, etc.)**

#### **Be Supportive:** *(Remember you can't force the student to do anything)*

- A. Be (or have aide/associate) available to counsel, provide one-to-one assistance to the student by asking "how can I help you?" or a similar statement.
  - a. Do not touch the student.
  - b. Do not scold/punish the student.
  - c. Do not extend one-way conversation to the student.
- B. If the anxiety is related to school work modify/change student's assignment to get him or her re-involved with learning. Select a task that will provide immediate success.
- C. If student agrees you may separate student from others (i.e. creative seat assignment).
  - a. This will stop others from getting involved which could escalate the crisis.
- D. Send student out of room -on an errand, for a walk, to "cool off".
- E. When possible, talk to disruptive student out of classroom away from other students so that he or she can save face.
- F. There are many other techniques to being supportive.

**Level II: Student is refusing to comply with staff members request. Level II has more restrictive options than the first-level interventions. It is giving the student an opportunity to make good choices by using setting limits techniques.**

#### **Set Limits:** *(Give the student options to stay on task and stay in the same environment or to go to a more restrictive environment)*

- A. Set Limits by giving the student two options for compliance.
  - i State positive option first-- "Have a seat or go to the office?"
  - ii Make sure options are specific, reasonable, enforceable by you and the student is capable.
  - iii Avoid lengthy explanations to student. Simply say: "you can go have a seat or go to the office to meet with \_\_\_\_\_" (counselor/administrator).
  - iv Avoid power struggles. Work on getting the student to make a choice.

- v Give the student a reasonable amount of time to make a choice (if not enough time it could be that you are not giving the student a choice).

B. Allow student to use his/her coping strategies in a supervised area of the classroom.

**Level III: Student needs to be moved to a seclusionary environment and held without the ability to leave the area.**

**Seclusionary Timeout:**

A. If seclusionary timeout is used, keep timeout periods brief.

- i Seclusionary periods lasting longer than a total of 15 minutes rarely serve their intended purposes.
- ii For timeout periods, longer than 5 minutes in which the student has shown no signs of calming down, a supervisory staff person/administrator shall be consulted about the appropriateness of continuing the timeout procedure.
- iii For any timeout period, longer than a total of 30 minutes, a supervisory staff person/administrator shall be consulted about the appropriateness of continuing the timeout procedure.

B. Make sure the student is supervised always during any timeout period.

C. Allow the student access to any lesson or instruction being offered to other students in the student's classroom when appropriate.

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