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EXPLANATION: SECLUSION, ISOLATION AND RESTRAINT

Editor's Note: MSBA has incorporated custom district language identified in the district's original policy JGGA during final reviews of the district's old manual. MSBA has entered the custom district language in orange highlight so that the district can tell the difference between changes MSBA is recommending (yellow highlight) and the district's custom language. The district had made changes under the "Positive Behavior Supports" section that did not make sense as written, so MSBA has included MSBA's default language instead. The district may wish to review the language in the old policy to see what was intended for this section and revise accordingly.

MSBA has modified this policy based on district input and to remove the annual training requirement.

MSBA has removed the requirement for annual training because it is not required by law. District employees must understand the district's position on the use of restraint, isolation or seclusion and should have training on de-escalation techniques to help mitigate behaviors that may lead to the use of restraint. It is imperative that your staff members understand that the use of seclusion, isolation and restraint as described in this policy is not permissible unless the district has designated them to use such interventions.

For more information on training required by law and recommended by MSBA, see the MSBA guidance "Employee Training Required by Law or Policy" on MSBA's website (mosba.org).

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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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. ~~Foster a climate of dignity and respect in~~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 ~~in response to emergency situations~~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 personnel ~~as defined in the policy~~. District personnel assigned to facilities not located on district premises (hospitals, detention centers, juvenile facilities and mental health facilities) will follow the ~~policy as specified in the written agreement between the district and the facility~~. If no policy is specified in a written agreement, employees will follow the facilities' policies unless such policies conflict with the district's policy. If there is a conflict, the employee will notify his or her supervisor and follow district policy until otherwise directed by the Board of Education ~~policies and procedures for the facilities or programs 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, isolation and restraint that complies with state and federal law.

Parents/Guardians who consent to their child receiving services by facilities not located on district premises also consent to the use of that facility's seclusion, isolation and restraint policy.

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. 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

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FILE: JGGA
Critical

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 does not include supervised in-school suspension, detention or time-out 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 the laws of this 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 – Any person employed by the district, volunteering for the district or performing services on behalf of the district or at the direction of the district. "School or District Employee or Personnel" may include persons working with students as independent contractors or on behalf of an independent contractor, or persons employed by another agency who are providing educational or related services to students. School resource officers are not school or district employees or personnel because they are employees of the local law enforcement agency.

Seclusion – The confinement of a student alone in an **unattended** enclosed space from which the student is physically prevented from leaving by locking hardware.

Section 504 Plan – A student's individualized plan as defined by Section 504 of the Rehabilitation Act of 1973.

Time-Out – Brief removal from sources of positive reinforcement that does not meet the definition of seclusion or isolation. The purpose of time-out is to separate the student from the attention of staff and other students.

Use of Time-Out

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

Use of Aversive Interventions

Aversive interventions will ~~only~~ 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 ~~only~~ 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, **as determined by the IEP team;** Section 504 plan, **as determined by the Section 504 team;** or other **agreed-upon plan that included parental input** to address a student's behavior.

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

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FILE: JGGA
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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 total time in isolation is to be reasonably calculated based on the age of the student, disability, environment in which educational services are provided and the any unique circumstances, and is not to exceed 40 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. Any incident of student isolation should be no longer than is reasonably necessary; incidents exceeding 40 minutes should be specifically justified in the written report to parents/guardians.

The space in which the student is isolated should be a normal-sized meeting room or classroom commonly found in a school setting with standard of adequate width, length lighting, ventilation, heating, cooling and ceiling height. The space should have lighting, ventilation, be of an appropriate room temperature and that is be free of objects that could cause harm to the student.

Physical Restraint

Physical restraint shall ~~only~~ 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, as determined by the IEP team; Section 504 plan, as determined by the Section 504 team; or other agreed-upon plan that included parental input** to address a student's behavior.

Physical restraint will:

1. ~~Only b~~ 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 bodily injury or to protect property.
3. Not place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat that restricts breathing.
4. ~~Only b~~ 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 ~~only~~ be used **only** as specified in a student's IEP or Section 504 plan with two 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

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The superintendent or designee shall ensure that all district personnel are trained annually and know the policy informed about policies and procedures involving the use of seclusion, isolation and restraint. Training shall include all of the following:

1. A continuum of prevention techniques.
2. Environmental management techniques.
3. A continuum of de-escalation techniques.
4. Information about this policy.

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

1. The appropriate use of physical restraint.
2. Professionally accepted practices in physical management and use of restraints.
3. The best way to explain the proposed restraint methods to students and parents/guardians.
4. The appropriate use of isolation.
5. The appropriate use of seclusion.

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; if 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 or Section 504 plan, 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.

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.
5. ~~Plan to prevent the need for future use of seclusion, isolation or restraint.~~

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.

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, ~~a formal functional behavior assessment~~ **an FBA**, and the student must have a BIP in place.

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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.

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Revised:

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

St. Joseph School District, St. Joseph, Missouri