

TO: Board of Education
FROM: John Conwell, Superintendent
DATE: October 7, 2014
AGENDA ITEM: A MEMO NUMBER: 15 (2014-2015)
SUBJECT: Adoption of Board Policy 5142.3 RESTRAINT AND SECLUSION



ACTION ITEM

PERTINENT FACTS:

With the passage of HB 210 last year (2014) all school districts must enact policies which prohibit the restraint or seclusion of students except in situations where student behavior poses and imminent danger of physical injury (reference: AS 14.33.125). Districts must also provide periodic training in an approved crisis intervention program. (reference: AS 14.33.127).

There is currently no UCSD policy regarding Restraint and Seclusion. The draft policy was developed by the AASB Outside Counsel for Policy in partnership with the Lower Kuskokwim School District. Normally, policies would be given two readings by the Board, but the Board may choose to waive the second reading (BB 9311). It is anticipated that administrative regulation will be drafted for this board policy once the State develops its regulations.

FISCAL NOTE:

There is an anticipated, yet undetermined, cost for the provision in AS 14.33.127 requiring districts to provide training in an approved crisis intervention program.

RECOMMENDATION:

Administration recommends that the Board adopt Board Policy 5142.3 RESTRAINT AND SECLUSION and waive the second reading.

Attachment:

DRAFT BP 5142.3 RESTRAINT AND SECLUSION

Note: By October 14, 2014, school districts must prohibit the restraint or seclusion of students except in situations where student behavior poses an imminent danger of physical injury. AS 14.33.125. Districts must also provide periodic training in an approved crisis intervention program. AS 14.33.127. The following policy implements the requirements of HB 210 (2014) and further utilizes 2012 guidelines issued by the United States Department of Education in its *Restraint and Seclusion: Resource Document*.

The Board believes that a safe educational environment is necessary for learning and understands there are times when student behavior may impact on the safety of that student or others. To the maximum extent appropriate, the safety and welfare of students and staff should be secured through positive behavioral interventions. The use of physical restraint and seclusion is prohibited except in emergency situations as set forth below.

Chemical or mechanical restraint of students is never allowed. Chemical restraint means a psychopharmacological drug that is administered to a student for discipline or convenience and that is not required to treat a medical symptom. Mechanical restraint means the use of a device to restrict a student's freedom of movement but does not include the use of medical or therapeutic devices or protective gear, including gear designed to protect a student from injury due to falling, to achieve proper body position or balance, or to protect a student from self-injuring behavior.

This policy shall be annually reviewed with school personnel.

(cf. 5030 – School Discipline and Safety)
(cf. 5137 Positive School Climate)

Physical Restraint

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the student's arms, legs, or head freely. Physical restraint does not include briefly holding a student in order to calm or comfort, or the use of contact that is reasonably necessary to safely escort a person from one area to another

Physical restraint is prohibited unless the student's behavior poses an imminent danger of physical injury to the student or others and less restrictive interventions would be ineffective at stopping the imminent danger. To the extent possible without compromising safety, other interventions should be attempted prior to the use of restraint. Restraint must be limited to that necessary to address the emergency and must be immediately discontinued when the student no longer poses an imminent danger or when a less restrictive intervention is effective to stop the danger.

(cf. 4158 – Employee Security)
(cf. 5131.41 – Violent and Aggressive Conduct)
(cf. 5131.7 – Weapons and Dangerous Instruments)

Restraint may not be used as a form of discipline, to force compliance, as a convenience for staff, or as a substitute for appropriate educational support. The use of emergency restraint under this policy does not constitute corporal punishment.

Physical restraint must be implemented in a manner that protects the health and safety of the student and others. Restraint may be administered only by staff trained in crisis intervention, de-escalation, and safe restraint, unless a trained person is not immediately available and the circumstances are rare and present an unavoidable and unforeseen emergency. Restraint may not prevent or restrict the student from breathing or speaking nor may it restrict circulation. Prone or supine restraint, which occurs when the student is placed on his or her stomach or back, is expressly prohibited. A student's well-being must be monitored during restraint through the use of continuous face-to face contact or, if face-to-face contact is unsafe, by continuous direct visual supervision.

Seclusion

Seclusion means the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving. Seclusion does not include time-outs, a student's voluntary choice to enter a secluded environment, supervised detention or in-school suspension rooms that are utilized for instructional purposes, or suspension from school. "Time-outs" are behavior interventions to provide a student with an opportunity to regain self-control or engage in problem solving where the student is separated from other students for a limited period in a setting from which the student is not physically prevented from leaving. Time-out includes placing a student in an area of the classroom where the student observes classroom instruction but does not participate.

Seclusion of a student is prohibited unless the student's behavior poses an imminent danger of physical injury to the student or others and less restrictive interventions would be ineffective at stopping the imminent danger.

(cf. 4158 – Employee Security)

(cf. 5131.41 – Violent and Aggressive Conduct)

(cf. 5131.7 – Weapons and Dangerous Instruments)

Seclusion should last only as long as necessary to resolve the actual risk of imminent danger or when a less restrictive intervention is ineffective to stop the danger. Seclusion should never be used as a form of discipline, to force compliance, as a convenience for staff, or as a substitute for appropriate educational support.

While in a seclusion setting, a student must be continuously monitored by an adult in face-to-face contact or, if face-to-face contact is unsafe, by continuous direct visual contact with the student. Students must be provided necessities such as restroom breaks and food and water as needed. Any signs of medical distress should be immediately addressed. Seclusion must be sensitive to any particular vulnerabilities of the student and to the student's developmental level.

Follow-up and Review

As soon as practicable after restraint or seclusion have been used, staff shall review the incident. The review shall include review of and recommendations for adjusting or amending, as applicable, procedures, strategies, accommodations, the IEP, a student behavior plan, or additional staff training. Follow-up communication shall occur with the student and parent/legal guardian regarding the review process and outcomes.

Students with Disabilities

This policy does not prohibit the inclusion of safe restraint or seclusion in a student's Individualized Education Plan or behavioral intervention plan if determined appropriate by the IEP team after considering all less restrictive alternatives. However, in all instances, the use of physical restraint or seclusion must be in compliance with this policy.

(cf. 6159 – Individualized Education Program)

Reporting/Notification Requirements

The parent/legal guardian of a student who has been physically restrained or secluded shall be notified on the same day and provided information about the incident. .

Instances of physical restraint or seclusion shall be documented. A written report must be prepared by school personnel who restrain or seclude a student and provided to the school administrator. The report must include: the date and time of the incident; names and job titles of the school personnel who participated or supervised; a description of the conduct that preceded the incident, including efforts and strategies utilized prior to restraint or seclusion; a description of the restraint or seclusion, including duration; and a description of how the incident ended, including any further action taken. A copy of the written report shall be provided to the parent/legal guardian.

Annually, the District shall report to the Department of Education and Early Development the following information: the total number of restraints and seclusion; the number of injuries or deaths of students or personnel; the number of restraints or seclusion by untrained personnel; and the number of students with a disability who were restrained or secluded, including the category of disability.

Crisis Intervention Training

The Superintendent or designee shall provide for periodic crisis intervention training for a sufficient number of school staff members to meet the needs of the school population. Training should include evidence based techniques effective at preventing restraint and seclusion; evidence-based skills related to positive behavior supports, conflict prevention and management techniques, skills to de-escalate student behavior, and understanding antecedents; the safe use of restraint or seclusion in emergency situations; first aid and cardiopulmonary resuscitations; and applicable policies and procedures. The form of training may vary depending upon the staff member's role and the instructional setting.

Policy Not Applicable to Law Enforcement

This policy is applicable to District employees. It is not intended to limit the use or type of restraint or seclusion by law enforcement personnel who may need to utilize these methods while on District property.

(cf. 1410 – Interagency Cooperation for Student and Staff Safety)

Legal Reference:

UNITED STATES CODE

20 U.S.C. §§ 1400, et seq. *Individuals with Disabilities Education Act*
No Child Left Behind Act of 2001, 20 U.S.C. §§ 2361-2368 (P.L. 107-110)

ALASKA STATUTES

11.81.430 *Justification, use of force, special relationships*
 11.81.900 *Definitions*
 14.03.078 *Report*
 14.30.180-.350 *Education for Exceptional Children*
 14.33.120 *School disciplinary and safety program*
 14.33.125 *Student restraint or seclusion; limitations*
 14.33.127 *Crisis Intervention Training*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.172 *Reporting of school disciplinary and safety programs*
 4 AAC 06.200-.270 *Safe schools*
 4 AAC 06.250 *Reporting*
 4 AAC 07.010-4 AAC 07.900 *Student rights and responsibilities*
 4 AAC 52.010-.990 *Education for exceptional children*

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