

# **Seclusion/Restraint Procedures**

Under

Louisiana Revised Statutes 17:416.21

(Act 328 of 2011)

&

Louisiana Bulletin 1706, Revised 2012



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Tangipahoa Parish School System  
59656 Puleston Road  
Amite, Louisiana 70422

**June 2013**

**[Adapted from Template Provided by Law Offices of Hammonds & Sills]**

# INTRODUCTION

This document provides procedures/guidance for the use, reporting, documentation and oversight of seclusion and restraint in the Tangipahoa Parish School System following issuance of regulations by the Board of Elementary and Secondary Education (BESE), Louisiana Department of Education (LDE).

These procedures specifically address the statutory requirements of La.R.S. 17:416.21 (Louisiana Act 328 of 2011) and revised Louisiana Bulletin 1706 regarding the use of seclusion and restraint as emergency safety measures to control the actions of students with exceptionalities in Louisiana's public schools. It is understood that this procedural/guidance document is a work in progress and in no way constitutes the totality of interventions and strategies that may be used by the Tangipahoa Parish School System and its personnel in addressing the educational needs of students with exceptionalities.

For the purposes of this document, Tangipahoa Parish School System may encompass policies adopted by the Tangipahoa Parish School System; administrative procedures implemented by school administrators and school employees (as defined herein) and guided forms developed to assist school employees in carrying out their responsibilities under La.R.S. 17:416.21 (Act 328 of 2011) and applicable sections of Louisiana Bulletin 1706.

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# DEFINITIONS

**EMERGENCY** - A sudden, generally unexpected set of circumstances that requires immediate action.

**IMMINENT RISK OF HARM** – An immediate and impending threat of a person causing substantial physical injury to self or others. The risk is “imminent” if it is likely to occur within a matter of moments.

**MECHANICAL RESTRAINT** - The application of any device or object used to limit a person’s movement. The term does NOT include the following:

- A protective or stabilizing device used in strict accordance with the manufacturer’s instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.
- Any device used by a duly licensed law enforcement officer in the execution of his official duties.

**PHYSICAL ESCORT** - Touching or holding a student with or without the use of force for the purpose of directing the student to a new location. Physical escort does not include the unforced holding of a student’s hand or other physical prompts for the purpose of safely guiding the student from one task to another or directing the student in an educational activity.

**PHYSICAL RESTRAINT** - Bodily force used to limit a person’s movement. The term does NOT include the following:

- Consensual, solicited, or unintentional contact.
- Holding of a student by a school employee, for less than 5 minutes in any given hour or class period for the protection of the student or others.
- Holding of a student by a school employee, for the purpose of calming or comforting the student—provided the student’s freedom of movement or normal access to his/her body is not restricted.
- Minimal physical contact for the purpose of safely escorting a student from one area to another.
- Minimal physical contact for the purpose of assisting the student in completing a task or response.

**POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORT** - A systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

**SECLUSION** - A procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others.

**SECLUSION ROOM** - A room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

**SCHOOL EMPLOYEE** - A teacher, paraprofessional, administrator, support staff member, or a provider of related services.

**SUBSTANTIAL RISK OF INJURY** – Behavior expressed through verbal and/or physical means to cause serious physical harm to self or others, whether or not considered directly and substantially to be a manifestation of the student’s disability.

**TIME OUT** – A behavior reduction procedure that involves the absence of positive reinforcement for a limited period of time. Time out may include: (1) *Inclusionary time-out* where the student remains in sight and sound of others in the classroom; (2) *Exclusionary time-out* where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving. These forms of time-out are NOT considered by the School Board to constitute seclusion but must be monitored and documented at the school level to ensure that repetitive incidents of time-out do not occur and, if occurring, do not result in substantial isolation of the student from instructional activities.

**WRITTEN GUIDELINES AND PROCEDURES** - The written guidelines and procedures adopted by a school’s governing authority regarding appropriate responses to school behavior that may require immediate intervention.

# **Seclusion/Restraint Guidelines and Procedures**

## **PURSUANT TO SCHOOL BOARD POLICY**

**The Tangipahoa Parish School System has approved the following guidelines and procedures relative to the use of seclusion and restraint by its employees:**

### **Reporting requirements**

#### **❖ Notification requirements for school officials and parents/legal guardians**

When a student is restrained or placed in seclusion, parents must receive a phone call from a school administrator within 24 hours of the incident. All employees who witnessed/assisted with the incident must complete the Physical Restraint Incident Report (PRI) within 24 hours and submit the form to their school administrator. The Physical Restraint Incident Report must be mailed to the parent(s) no later than 2 school days after the incident. If an administrator is not available, the administrator's designee must notify the parent(s). The Director of Special Education, as well as the Child Welfare and Attendance Administrator must receive a copy of the form within 2 school days.

The Seclusion Incident Log (SIL) must be completed by the person(s) designated to observe/monitor the student every 15 minutes. This form must be submitted to the school administrator by the end of the day of the incident.

#### **❖ Explanation of methods of physical restraint**

Employees with Handle with Care Behavioral Management System Training (HWC) are trained to focus on prevention and use proven strategies for safely defusing anxious, hostile, or violent behavior at the earliest possible stage. When practical, these employees are the 'first responders' in situations that may escalate to the point of physical restraint. These employees are trained to practicing the principles of non-harmful physical intervention, thereby reducing the risk of injury.

#### **❖ Training requirements relative to the use of restraint**

The principal, in conjunction with Central Office Personnel will select the employees to be trained to use HWC. The training will be conducted by a certified trainer with refreshers/updates provided annually. The Special Education Coordinator will maintain documentation of training.

❖ **Dissemination of guidelines and procedures to *all school employees***

All school employees will be provided a copy of the TPSS Seclusion and Restraint Policy and Procedures during the first 3 weeks of school. All employees will be afforded the opportunity to receive additional information upon their request. School administrators will provide a copy to all employees and obtain their signature indicating receipt of the information.

❖ **Dissemination of guidelines and procedures to every parent of a child with an exceptionality**

The TPSS Seclusion and Restraint Policy and Procedures will be posted on the TPSS website. It will also (beginning with the 2013-2014 school year) appear in the Student Handbook. Parents of all students with an IEP will receive a copy during the first 3 weeks of the 2013-2014 school year.

❖ **Notification to the Louisiana Department of Education**

The Director of Special Education and Child Welfare and Attendance Administrator will be responsible for notifying the LDOE.

# SECLUSION

**Seclusion** is a procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others. Seclusion does not include \*time-out, in-school suspension, or student requested breaks.

## **Seclusion is permitted only:**

### **For behaviors that involve an imminent risk of harm.**

- As a LAST resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
- As long as necessary to minimize the imminent risk of harm while summoning the assistance of personnel trained in HWC, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

## **Seclusion is prohibited:**

- For addressing behaviors such as general noncompliance, self-stimulation, and academic refusal. (Such behaviors SHALL be responded to with less stringent and less restrictive techniques).
- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

**\*TIME OUT:** School personnel may separate a student from other students for a limited duration as a behavior management technique, as long as the student is monitored at all times and is not substantially isolated from instructional activities. TIME OUT is not considered seclusion; however, TIME OUT periods must be documented to ensure that repetitive incidents of TIME OUT do not occur and to ensure that repetitive behaviors are addressed appropriately.



# SECLUSION ROOM

**Seclusion Room** is permitted only under the following conditions:

- **As a LAST resort** if and when less restrictive measures such a positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.
- **By a school employee** who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he/she is in the seclusion room.
- If one student is placed in a seclusion room at any given time and the school employee supervising the student is able to see and hear the student the **entire time** the student is placed in the seclusion room.
- The room is **free of any object** that poses a danger to the student placed in the room.
- The room has an **observation window** and is of a size appropriate for a student's size, behavior, and chronological and developmental age.
- The room has a ceiling height and heating, cooling, ventilation, and lighting systems **comparable** to operating classrooms in the school.

**Seclusion Room is prohibited:**

- As a form of discipline or punishment. As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel. When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

# **MECHANICAL RESTRAINT**

**No student shall be subjected to any form of mechanical restraint by school employees.**

# **PHYSICAL RESTRAINT**

**Physical Restraint is permitted only under the following conditions:**

- If the student's behavior presents a threat of imminent risk of harm to self or others.
- As a last resort to protect the safety of self and others.
- To the degree necessary to stop dangerous behavior.
- In a manner that causes NO PHYSICAL INJURY to the student.
- Results in the least possible discomfort to the student.
- Does not interfere in any way with a student's breathing or ability to communicate with others.
- Does not involve the use of any form of mechanical restraint.
- The student is not physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.
- Applied only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

### **Physical Restraint is prohibited:**

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

## **MONITORING & DOCUMENTATION**

### **Seclusion and Restraint require monitoring, documentation, and analysis of data collected:**

- Continuous monitoring.
- Documentation every 15 minutes (with adjustments made accordingly).
- Student is released/removed as soon as the reasons for the action have subsided.
- Parent or guardian notified as soon as possible. The school shall document all efforts, including conversations, phone calls, electronic communications, and home visits, to notify the parent of a student who has been placed in seclusion or physically restrained.
- Parent or guardian notified in writing within 24 hours of EACH incident of seclusion/restraint.
  - Reason for seclusion/restraint
  - Description of procedures used
  - Length of time of seclusion/restraint
  - Names and titles of school employees involved.

- Director of Special Education notified any time student is placed in seclusion/restraint.
- School employee who used restraint shall complete the Physical Restraint Incident Report for each incident of restraint. School employee who used seclusion shall complete the Seclusion Incident Log for each incident of seclusion.
- School employee shall submit Forms SIL and/or PRI to the School Principal not later than the school day immediately following the day of the seclusion/restraint.
- School employee shall submit copy of the applicable form to student's parent or guardian.
- When a student is involved in 5 incidents of restraint/seclusion in a single school year\*, convene the IEP Team to review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.
- Review data/documentation at least once every 3 weeks for students secluded and restrained and whose challenging behavior continues or escalates.

\*Five (5) incidents in a school year includes the cumulative number of incidents of restraint AND seclusion. (e.g., 2 restraints + 3 seclusions = 5 incidents).

# SECLUSION AND RESTRAINT PROCEDURES

## I. Dissemination of Policy, Procedures, and LDE Guidance

By August 7, 2013 and annually thereafter, each school Principal shall make available to school personnel and the parents/guardians/students of majority age, copies of La.R.S. 17:416.21 (Louisiana Act 328 of 2011), LDE Guidance (if approved by BESE by such date), and local policies and procedures regarding the use of reasonable restraint and seclusion of students with exceptionalities in the educational environment. It shall be considered permissible to publish such regulations, guidance, policies and procedures on the website of the Tangipahoa Parish School System. Such restraint and seclusion notification shall also be referenced and/or included in the annual notice of student rights and responsibilities provided to the parents/guardians/students of majority age.

## II. Use of Restraint and/or Seclusion by School Personnel

**TIME OUT:** School personnel may separate a student from other students for a limited duration as a behavior management technique, as long as the student is monitored at all times and is not substantially isolated from instructional activities. TIME OUT is not considered seclusion; however, TIME OUT periods must be documented to ensure that repetitive incidents of TIME OUT do not occur and to ensure that repetitive behaviors are addressed appropriately.

If time-out in a separate room is used on a daily basis as a behavior management technique, the IEP team or 504 committee must reconvene to discuss and document the specific plan of action.

If using a separate room for time-out, the following parameters are required:

- Close monitoring
- Visual proximity to the student
- Release the student as soon as the behaviors cease that led to the isolation
- The space where the student is isolated must have adequate lighting, ventilation, heating and cooling

- The space must be free of objects or items that may unreasonably expose the student to danger
- The space must be designated by the school as a safe environment for temporary, safety-required isolation.

**SECLUSION:** **School personnel may use seclusion (isolation and confinement of the student in a separate area) ONLY when the student poses an immediate risk of danger to self or others as more fully described below:**

- The person is in control of a weapon;
- Isolation is needed to break up a fight or maintain order at the school;
- The person poses a viable threat of imminent harm to self or others or substantial destruction of school property;
- Isolation is required/specified by a student’s IEP, Section 504 Plan, and/or Behavior Intervention Plan;
- Other such incidents involving imminent risk of significant injury to the student or others.

➤ **Seclusion SHALL BE:**

- The action of last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
- Used only as long as necessary to minimize the risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

➤ **Seclusion SHALL NOT be used:**

- As the sole means of behavioral intervention and support for any student with a disability
- As a form of discipline or punishment
- As a threat to control, bully, or obtain behavioral compliance
- For the convenience of school personnel
- When unreasonable, unsafe, or unwarranted

- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care providers in a written statement provided to the school in which the student is enrolled); or
- After the substantial risk of injury no longer exists.

➤ **Monitoring:**

A student placed in seclusion must be monitored/supervised at all times by an adult. Monitoring requires close, visual proximity to the student, release as soon as the behaviors cease that led to the isolation/seclusion, the space where the student is secluded has adequate lighting, ventilation, heating and cooling, the space is free of objects or items that may unreasonably expose the student to danger; the space is designated by the school as a safe environment for temporary, safety-required seclusion.

**Seclusion used for reasons other than imminent risk of harm and contrary to the procedures listed above shall be considered unreasonable and strictly prohibited. Seclusion SHALL NOT be used as a disciplinary consequence for minor infractions or to otherwise isolate the student from needed educational instruction.**

## **SECLUSION ROOM:**

School personnel may confine a student with a disability to a seclusion room (a room or other confined area from which the student is involuntarily prevented from leaving) on an individual basis and for a limited time to allow the student the opportunity to regain control in a private setting.

When the use of a seclusion room is necessary, the student with a disability should be escorted to the seclusion area without the use of physical force. Physical prompts are permissible for the purpose of safely guiding the student from one area to another, but care should be taken to limit the use of physical contact with the student and to avoid the use of physical force. Verbal redirection and other means of positive support should be used before resorting to physical means.

### ➤ **ENVIRONMENTAL AND OTHER CONDITIONS:**

**When a seclusion room is necessary as a last resort (after less restrictive measures have been used such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of the student's environment), the following environmental and other conditions are REQUIRED:**

- The student must be supervised by a school employee;
- The supervising employee must be able to see and hear the student the entire time the student is confined to the seclusion room;
- The seclusion room must be free of any object that poses a potential danger to the student while in the room;
- The seclusion room must have an observation window of a size appropriate to the student's size, behavior, and chronological and developmental age;
- The seclusion room must have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school;
- The seclusion room must NOT be used as a form of discipline or punishment or to threaten or bully the student or to obtain behavioral compliance;



- The seclusion room must NOT be used for the convenience of school personnel or when unreasonable, unsafe, or unwarranted;
- The seclusion room IS NOT PERMITTED for use by a student who has a known medical or psychological condition that precludes its use (as certified by a licensed health care provider in a written statement provided to the school).

#### **DOCUMENTATION:**

- All incidents of seclusion and use of a seclusion room must be documented on the Seclusion Incident Log.
- A copy of the procedures governing the use of seclusion/seclusion rooms should be provided to the parent(s) student of majority age at each student's annual IEP review meeting. A statement can be added to the IEP document indicating that the parent was provided a copy of the school district's restraint/seclusion procedures.

#### **INCIDENT REPORTING:**

- Reporting the use of seclusion and/or restraint MUST be made to SPECIFIED individuals within the timelines indicated in these procedures and recorded on the Seclusion Incident Log.
- Seclusion/Seclusion Room Incident Reporting data must be analyzed at least annually. These procedures should be reviewed and revised as necessary during the interim period to ensure appropriateness and effectiveness.
- It is recommended that data will be used to track the number of incidents of seclusion by student, staff, and type of incidents; description and number of injuries sustained by student and/or staff and the nature of any such injuries; and other factors such as precipitating events and other observable factors.

**TANGIPAHOA PARISH PHYSICAL RESTRAINT INCIDENT REPORT**

**IDENTIFYING INFORMATION:**

School: \_\_\_\_\_

Student: \_\_\_\_\_

Date of Restraint: \_\_\_\_\_

Age: \_\_\_\_\_ Grade Level: \_\_\_\_\_ Gender: M F

Date of this report: \_\_\_\_\_

Does student currently receive special education services? Yes No

Location of restraint: \_\_\_\_\_

**STAFF ADMINISTERING RESTRAINT:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Trained to administer restraint? Yes No

Name of training program: \_\_\_\_\_

Instructor of training program: \_\_\_\_\_

**STAFF MONITORING RESTRAINT:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Trained to administer restraint?  Yes  No

Name of training program: \_\_\_\_\_

Instructor of training program: \_\_\_\_\_

**OTHER OBSERVERS (IF ANY):**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**DISCIPLINARIAN OR DESIGNEE WHO WAS VERBALLY INFORMED FOLLOWING THE RESTRAINT:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Reported by: \_\_\_\_\_ Title: \_\_\_\_\_

Date/Time Notified: \_\_\_\_\_

**TANGIPAHOA PARISH PHYSICAL RESTRAINT INCIDENT REPORT**

**PARENT/GUARDIAN NOTIFICATION:**

**Parent/Guardian Contacts Attempted:**

**(Check all applicable)**

- Phone (Requires 2 or more attempts)
- Dates/Times: \_\_\_\_\_
- In Person
- FAX FAX # Used: \_\_\_\_\_
- Other (Specify): \_\_\_\_\_

**Parent/Guardian Successfully Contacted:**

**(Check all applicable)**

Date/Time: \_\_\_\_\_ Phone In Person FAX - FAX # Used: \_\_\_\_\_

**Must mail TPSS SPED Behavior Report Form postmarked no later than 3 working days**

Other (Specify): \_\_\_\_\_

**PARENT/GUARDIAN WHO WAS VERBALLY INFORMED OF THIS RESTRAINT:**

Name: \_\_\_\_\_

Telephone number: (\_\_\_\_) \_\_\_\_\_

Called by: \_\_\_\_\_ Title: \_\_\_\_\_

Date and Time(s) Called: \_\_\_\_\_

**PRECIPITATING ACTIVITY:**

Thorough description of the activity the student was engaged in preceding use of physical restraint:

\_\_\_\_\_  
\_\_\_\_\_

Specific behavior that prompted and justified the restraint:

\_\_\_\_\_  
\_\_\_\_\_

Possible reasons (including environmental and emotional factors) for the behavior:

\_\_\_\_\_  
\_\_\_\_\_

Thorough description of efforts made to deescalate and alternatives to restraint that were attempted and student's response: \_\_\_\_\_

**DESCRIPTION OF PHYSICAL RESTRAINT:**

Justification for initiating physical restraint (Check all that apply):

- Non-physical interventions were not effective
- To protect student from imminent, serious, physical harm
- To protect other student(s)/staff(s) from imminent, serious, physical harm
- To implement necessary restraint in accordance with the student's IEP or other written plan (Describe pertinent provisions of IEP or other written plan)

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Describe restraint holds used and why such holds were necessary:

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Student's behavior and reaction during restraint:

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Time restraint began: \_\_\_\_\_ Time restraint ended: \_\_\_\_\_

Description of any injury to student and/or staff and any medical or first aid care provided:

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Further action to be taken: (Attach separate page, if necessary)

The school will take the following action (Check all that apply)

- Review incident with student to address behavior that precipitated the restraint
- Review incident with staff to discuss whether proper restraint procedures were followed
- Consider whether follow-up is necessary for students who witnessed the incident
- Contact with parent/guardian, responsible school district, other state agency (describe below)
- Meet to discuss possible changes to student's programming to avoid need for future restraints
- Contact with other professionals or agencies (describe): \_\_\_\_\_

**TANGIPAOA PARISH PHYSICAL RESTRAINT INCIDENT REPORT**

**PARENT/GUARDIAN NOTIFICATION REQUIRED FOR ALL RESTRAINTS:**

Tangipahoa Parish School System Special Education Behavior Report Form was sent to parent/guardian on (Date): \_\_\_\_\_ at the following current address of record:

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Parent/Guardian was offered opportunity to discuss the administration of physical restraint with teacher/administrator. Results of discussion (Attach separate page, if necessary):

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This report was filed with the following personnel on (Date): \_\_\_\_\_

1. School Disciplinarian/Designee
2. Special Education Director
3. Student's *Special Education Yellow Tracking Folder*
4. Handle with Care Instructor
5. Child Welfare & Attendance Administrator

**TANGIPAOA PARISH SCHOOL SYSTEM  
Seclusion Incident Log**

Appendix #2

Student Name: \_\_\_\_\_ School: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ Location: \_\_\_\_\_

Duration of Seclusion: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_ Total Time: \_\_\_\_\_

Teacher/staff initiating seclusion: \_\_\_\_\_

Teacher/staff monitoring seclusion: \_\_\_\_\_

Does the student have a BIP and/or Crisis Plan?  Yes  No

Methods used to de-escalate in attempt to resolve the situation prior to implementing seclusion: \_\_\_\_\_

Class or specific activity preceding the incident at the time of the incident: \_\_\_\_\_

Other possible triggers: \_\_\_\_\_

Describe the challenging behavior warranting action of last resort: \_\_\_\_\_

Describe the student's behavior after the seclusion: \_\_\_\_\_

Describe any injuries to the student or adults during or after the seclusion: \_\_\_\_\_

**OBSERVATION LOG**

Code: **√** = Student OK; still poses imminent danger **C** = Calming begins **R** = Released from seclusion

**Record student behavior every 15 minutes using code above**

1	2	3	4	5	6	7	8	9	10	11	12
Initials	Initials	Initials	Initials	Initials	Initials	Initials	Initials	Initials	Initials	Initials	Initials

Methods of Parent Notification:  in person;  by phone;  by mail - Date: \_\_\_\_\_

Date of Report: \_\_\_\_\_ Person Completing Form: \_\_\_\_\_

Appendix #3

### **Louisiana's Seclusion/Restraint Law**

§ 416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint  
A. As used in this Section:

(1) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others.

(2)(a) "Mechanical restraint" means the application of any device or object used to limit a person's movement.

(b) Mechanical restraint does not include:

(i) A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.

(ii) Any device used by a duly licensed law enforcement officer in the execution of his official duties.

(3)(a) "Physical restraint" means bodily force used to limit a person's movement.

(b) Physical restraint does not include:

(i) Consensual, solicited, or unintentional contact.

(ii) Holding of a student, by a school employee, for less than five minutes in any given hour or class period for the protection of the student or others.

(iii) Holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted.

(iv) Minimal physical contact for the purpose of safely escorting a student from one area to another.

(v) Minimal physical contact for the purpose of assisting the student in completing a task or response.

(4) "Positive behavior interventions and support" means a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

(5) "School employee" means a teacher, paraprofessional, administrator, support staff member, or provider of related services.

(6) "Seclusion" means a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others.

(7) "Seclusion room" means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

(8) "Written guidelines and procedures" means the written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to student behavior that may require immediate intervention.

B. (1) Seclusion shall be used only:

(a) For behaviors that involve an imminent risk of harm.

(b) As a last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.

(2) Seclusion shall not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors shall be responded to with less stringent and less restrictive techniques.

(3)(a) A seclusion room shall be used only as a last resort if and when less restrictive measures, such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.

(b) A student shall be placed in a seclusion room only by a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he or she is in the seclusion room.

(c) Only one student may be placed in a seclusion room at any given time, and the school employee supervising the student must be able to see and hear the student the entire time the student is placed in the seclusion room.

(4) A seclusion room shall:

(a) Be free of any object that poses a danger to the student placed in the room.

(b) Have an observation window and be of a size that is appropriate for the student's size, behavior, and chronological and developmental age.

(c) Have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

C. (1) Physical restraint shall be used only:

(a) When a student's behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others.

(b) To the degree necessary to stop dangerous behavior.



(c) In a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student's breathing or ability to communicate with others.

(2) No student shall be subjected to any form of mechanical restraint.

(3) No student shall be physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.

(4) A student shall be physically restrained only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

D. Seclusion and physical restraint shall not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel.

E. No student shall be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

F. A student shall not be placed in seclusion or physically restrained if he or she is known to have any medical or psychological condition that precludes such action, as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled.

G. A student who has been placed in seclusion or has been physically restrained shall be monitored continuously. Such monitoring shall be documented at least every fifteen minutes and adjustments made accordingly, based upon observations of the student's behavior.

H. A student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.

I.(1) The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be notified in writing, within twenty-four hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved.

(2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

J. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Plan team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.

L. The documentation compiled for a student who has been placed in seclusion or has been physically restrained and whose challenging behavior continues or escalates shall be reviewed at least once every three weeks.

M.(1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

(a) Reporting requirements and follow-up procedures.

(b) Notification requirements for school officials and a student's parent or other legal guardian.

(c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

(2) These guidelines and procedures shall be provided to all school employees and every parent of a child with an exceptionality.

N.(1) The governing authority of each public elementary and secondary school shall report all instances where seclusion or physical restraint is used to address student behavior to the Department of Education.

(2) The Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.

Acts 2011, No. 328 § 1, eff. June 29, 2011.