

SECLUSION/RESTRAINT GUIDELINES AND PROCEDURES FOR ALL STUDENTS

Because of the increasing incidence and severity of violent actions by and upon students, the Tangipahoa Parish School Board shall maintain appropriate 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 Louisiana Board of Elementary and Secondary Education (BESE), Louisiana Department of Education (LDOE).

These procedures specifically address the statutory requirements of La. Rev. Stat. Ann. §17:416.21 and revised *Regulations for the Implementation of the Exceptional Children's Act*, Bulletin 1706, Louisiana Department of Education regarding the use of seclusion and restraint as emergency safety measures to control the actions of students with and without 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 Board and its personnel in addressing the educational and behavioral needs of students with and without exceptionalities. The School Board shall not preclude the use of physical restraint and/or seclusion performed consistent with the requirements of a student's *Individualized Education Program (IEP)* or behavior intervention/management plan.

It is acknowledged that this document may encompass policies adopted by the Tangipahoa Parish School Board; 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. Rev. Stat. Ann. §17:416.21 and applicable sections of Louisiana Department of Education Bulletin 1706.

USE OF PHYSICAL FORCE ON STUDENTS

The Tangipahoa Parish School Board takes school safety very seriously. All employees and students are to be provided a safe and secure environment that is conducive to learning. With regard to breaking up a student fight, not only could an employee be accused of causing injury to one or more of the students in the fight, but the employee could also be injured in the process.

Conversely, an employee who takes no action to prevent or address a student fight could be accused of negligent supervision by the parents. These procedures shall be in place to protect all parties involved and to ensure a process is followed for addressing student fights on campus.

REASONABLE FORCE

Appropriate Use of Force:

Physical force may be used to prevent or minimize imminent bodily injury, substantial bodily harm or great bodily harm to self or others, or if de-escalation interventions fail or when inappropriate to protect School Board property.

Mechanical restraint may be used when a student's behavior poses a threat of imminent, substantial or great bodily harm to self or others; or will cause significant property damage but shall be used only by a School Resource Officer (SRO) or police officers and trained personnel authorized by the School Board to use these tools after de-escalation interventions fail or when appropriate.

Inappropriate Use of Force:

Physical force or mechanical restraint shall not be used as a form of discipline or punishment;

Physical force or mechanical restraint will not be used as an initial response to destruction of property, school disruption, or refusal of the student to comply with school rules or a staff directive; or a verbal threat that does not constitute a threat of eminent bodily injury, unless other forms of de-escalation intervention fail or become inappropriate.

Physical force or mechanical restraints should not be used as an intervention, if the school employee, school resource officer or school security officer knows that the student has a health condition or physical problem and the condition or problem would be exacerbated by the use of force.

Degree of Force:

Force shall not be continued if a determination is made by the staff member administering the force that the student is no longer at risk of causing imminent bodily injury to him or herself or others;

Force shall be administered in such a way so as to prevent or minimize physical harm. If at any time during the use of force, the student demonstrates significant physical distress, the force shall be reduced immediately and, if necessary, school staff shall take immediate steps to seek medical assistance.

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 a mechanical device or object including, but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, or other hospital-type restraints used to limit a person's freedom of 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/her 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 Force – Any use of bodily force or physical restriction that substantially immobilizes or reduces the free movement of a student through physical contact.

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 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 of 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.

School Resource Officer – A commissioned law enforcement officer who provides law enforcement services and may perform other duties for the School Board; and is assigned by the employing police department or agency to work in collaboration with the district.

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 exceptionality.

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 developed by the Superintendent and staff to implement School Board policy regarding appropriate responses to school behavior that may require immediate intervention.

SECLUSION/RESTRAINT GUIDELINES AND PROCEDURES PURSUANT TO SCHOOL BOARD POLICY

Tangipahoa Parish School Board has approved the following guidelines and procedures relative to the use of seclusion and restraint by its employees for students with and without exceptionalities:

Reporting requirements

- ❖ Notification requirements for school officials and parents/legal guardians

When a student is restrained or placed in seclusion, parents shall receive a phone call from a school administrator within twenty-four (24) hours of the incident. All employees who witnessed/assisted with the incident shall complete the *Physical Restraint Incident Report* (PRI) within twenty-four (24) hours and submit the form to their school administrator. The *Physical Restraint Incident Report* shall be made available to the parent(s) no later than two (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 Director of Student Services, or their designee shall receive a copy of the form within two (2) school days.

The *Seclusion Incident Log* (SIL) shall be completed by the person(s) designated to observe/monitor the student every fifteen (15) minutes. This form shall 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 shall be the 'first responders' in situations that may escalate to the point of physical restraint. These employees are trained in 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 (designated by the Superintendent) shall select the employees to be trained to use HWC. The training shall be conducted by a certified trainer with refreshers/updates provided annually. The Central Office Personnel shall maintain documentation of training, and guidelines and procedures shall be disseminated to all school employees

All school employees shall be provided a copy of the School Board's *Seclusion and Restraint Policy and Procedures* during the first 3 weeks of school. In addition, all employees shall be required to complete training through the School Board's online module (Safe Schools). All employees will be afforded the opportunity to receive additional information upon their request. School administrators shall provide a copy to all employees and obtain their signatures indicating receipt of the information.

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

The *Seclusion and Restraint Policy and Procedures* shall be posted on the School Board's website. It shall also appear in the Student Handbook. Parents of all students with a disability shall receive a copy during the initial IEP meeting.

❖ Notification to the Louisiana Department of Education

The Director of Special Education shall be responsible for notifying the LDOE for students with exceptionalities. The Director of Student Services shall maintain copies of seclusion and restraint for all 504 and regular education students.

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 shall be 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 shall be 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).
- After the substantial risk of injury no longer exists

*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.

Seclusion Room

Seclusion Room shall be 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 shall be 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 shall be 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.
- 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 shall be 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 and Documentation

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

- Continuous monitoring.
- Documentation every fifteen (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 shall be notified within twenty-four (24) hours of EACH incident of seclusion/restraint.
- Written documentation shall be made available for parent or guardian within twenty-four (24) hours of each incident.
 - Reason for seclusion/restraint,
 - Description of procedures used,
 - Length of time of seclusion/restraint,
 - Names and titles of school employees involved.

The Director of Special Education shall be notified any time a student with exceptionalities is placed in seclusion.

- Director of Student Services shall be notified if the student without exceptionalities is placed in seclusion/restraint.
- School employee who used restraint shall complete the *Physical Restraint Incident Report* for each incident of restraint. A 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 no 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 with exceptionalities is involved in five (5) incidents of restraint/seclusion in a single school year*, the IEP Team shall be convened 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 three (3) weeks for students secluded and restrained and who's 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

1. Dissemination of Policy, Procedures, and LDOE Guidance

At the beginning of each school year, each school principal shall make available to school personnel and the parents/guardians/students of majority age, copies of La. Rev. Stat. Ann. §17:416.21, LDOE 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 schools. It shall be considered permissible to publish such regulations, guidance, policies and procedures on the website of the Tangipahoa Parish School Board. 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.

.2 Use of Restraint and/or Seclusion by School Personnel

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 re-convene to discuss and document the specific plan of action.

If using a separate room for time-out, the following parameters shall be 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.

Monitoring:

A student placed in seclusion shall 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.

Documentation:

- All incidents of seclusion and use of a seclusion room shall 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 SHALL 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 shall be analyzed at least annually. These procedures shall be reviewed and revised as necessary during the interim period to ensure appropriateness and effectiveness.
- It is recommended that data shall 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.

New Procedure: March 2009

Revised: December 2011

Revised: June 19, 2012

Revised: December 4, 2013

Revised: November 2016

Revised: July 2019

Ref: La. Rev. Stat. Ann. §17:416.21; Regulations for the Implementation of the Exceptional Children's Act, Bulletin 1706, Louisiana Department of Education; Board minutes.