Positive Behavior Interventions and Support
Restraint & Seclusion
Policy

I. Purpose:

The purpose of this policy is to guide the school's use of positive behavior intervention and supports and the limited use of restraint and seclusion.

Every effort should be made to prevent the need for the use of restraint and for the use of seclusion. The use of a non-aversive effective behavioral system such as Positive Behavioral Intervention and Supports (PBIS) shall be used to create a learning environment that promotes the use of evidence- based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students.

Restraint or seclusion shall not occur, except when there is an immediate risk of physical harm to the student or others, and shall occur only in a manner that protects the safety of all children and adults at school. Every use of restraint or seclusion shall be documented and reported in accordance with the requirements set forth herein.

II. Access to this Policy:

This policy shall be kept at the school and be available to parents at all reasonable times. The policy shall be reviewed and updated regularly as appropriate.

III. Adherence:

Practices that do not adhere to the standards and requirements set forth in this policy are prohibited, and physical restraint and seclusion shall not occur, except when there is an immediate risk of physical harm to the student or others. The school shall utilize physical restraint and seclusion only in a manner that protects the safety of all children and adults at school.

IV. Definitions:

Aversive behavioral interventions - means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including interventions such as: application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or tastes or other sensory stimuli such as climate control, lighting and sound.

Behavior Intervention Plan - means a comprehensive plan, based on an appropriately developed functional behavior plan, for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills and by providing positive behavior intervention and supports and services to address behavior.

Chemical Restraint - means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

A. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

B. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio Law.

De-escalation techniques – means interventions that are used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent and disruptive incidents.

Functional Behavior Assessment – is a school-based process that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment.

Mechanical Restraint – means:

A. any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose; and

B. Does not mean devices used by trained student personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including:

    1. Restraints for medical immobilization;

    2. Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

    3. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent – means:

A. A biological or adoptive parent;

B. A guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the state if the child is a ward of the state);

C. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

D. A surrogate parent who has been appointed in accordance with rule 3301-51-05(E) of the Administrative Code; or

E. Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.

Physical Escort – means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

Physical Restraint – means the use of physical contact that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:

- to break up a fight;
- to knock a weapon away from a student's possession;
- to calm or comfort;
- to assist a student in completing a task/response if the student does not resist the contact; or
- to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

Positive Behavior Interventions and Support – has the same meaning as in section 3319.46 of the Ohio Revised Code.

Positive Behavior Interventions and Supports Leadership Team – means the assigned team at the school that plan, coach and monitor positive behavior intervention and supports implementation in the school. Positive behavior intervention and supports leadership teams may include, but are not limited to, school administrators, teacher representatives across grade levels and programs, staff able to provide behavioral expertise, and other representatives identified by the school or school such as bus drivers, food service staff, custodial staff and paraprofessionals.

Prone Restraint – means physical or mechanical restraint while the student is in the face down position.

Seclusion – means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

Student – means an individual enrolled in a school.

Student personnel – means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, bus driver, related services providers, nursing staff, school administrators, or other school staff who interact directly with students.

Timeout – means a behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

V. Positive Behavior Intervention and Supports Framework: The school shall implement positive behavior intervention and supports on a system-wide basis in accordance with section 3319.46 of the Ohio Revised Code and section 3301-35-15 of the Ohio Administrative Code.

A. The requirements for the schools' implementation of a positive behavior intervention and supports framework are as follows:

1. Includes a decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students.

2. Includes the following integrated elements:

a. Data-based decision making (to select, monitor, and evaluate outcomes, practices and systems);

b. Evidence-based practices along a multi-tiered continuum of supports;

c. Systems that enable accurate and sustainable implementation of practices; and

d. Progress monitoring for fidelity and target outcomes.

B. Standards for a school's implementation of positive behavior intervention and supports framework include:

1. Student personnel to receive professional development in accordance with division (C) of section 3301-35-15 of the Ohio Administrative Code;

2. Explicit instruction of adult and student school-wide behavior expectations;

3. Consistent systems of acknowledging appropriate behaviors;

4. Consistent systems of reteaching appropriate behaviors to replace inappropriate behaviors;

5. Teaching environments designed to reduce behavior triggers; and

6. Family and community involvement.

VI. Professional Development for the Implementation of Positive Behavior Intervention and supports

The following are requirements for professional development to be received by student personnel to implement positive behavior intervention and supports on a system-wide basis:

1. Occurs at least every three years;

2. Provided by the school's positive behavior intervention and supports leadership team or an appropriate state, regional, or national source in collaboration with the positive behavior intervention and supports leadership team;

3. The trained positive behavior intervention and supports leadership team will provide professional development to the school in accordance with the developed positive behavior intervention and supports training plan. It is the school's responsibility to retain records of completion of the professional development; and

4. The professional development under this policy will include the following topics:

   a. An overview of positive behavior intervention and supports;

   b. The process for teaching behavioral expectations;

   c. Data collection;

   d. Implementation of positive behavior intervention and supports with fidelity;

   e. Consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors; and

   f. Consistency in discipline and discipline referrals.

5. For the purpose of satisfying the professional development requirements of this rule, the school may accept any professional development or continuing education provided in accordance with 3319.237(B) of the Revised Code, as long as the professional development or continuing education meets the professional development requirements of divisions (C)(4) of this rule.

6. The school will ensure that it has continuous training structures in place to provide ongoing coaching and implementation with fidelity.

7. The above requirements may be appropriately modified for the intended audience based on the age and development level of the student.

VII. General rules for restraint and seclusion

A. The following practices are prohibited by student personnel under any circumstances:

1. Prone restraint;

2. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:

a. Involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;

b. Uses pressure point, pain compliance, or joint manipulation techniques; or

c. Otherwise involves techniques that are used to unnecessarily cause pain.

3. Corporal punishment as defined in section 3319.41 of the Revised Code;

4. Child endangerment as defined in R.C. 2919.22 of the Revised Code;

5. Seclusion or restraint of preschool students in violation of the provisions of Ohio Adm. Code Rule 3301-37-10(D);

6. The deprivation of basic needs;

7. Seclusion or restraint of preschool children in violation of rule 3301-37-10 of the Administrative Code and this rule;

8. Chemical restraints;

9. Mechanical restraint;

10. Aversive behavioral interventions; and

11. Seclusion of students in a locked room or area.

B. The school may only use physical restraint or seclusion if staff:

1. Are appropriately trained to protect the care, welfare, dignity, and safety of the student;

2. Continually observe the student in restraint and seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

3. Use communications strategies and research-based de-escalation techniques in an effort to help the student regain control;

4. Remove the student from physical restraint or seclusion immediately when the immediate risk of physical harm to self or others has dissipated;

5. Conduct a de-briefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and

6. Complete all mandatory reports and documents staff's observations of the student.

VIII. Restraint

A. The use of prone restraint, including any physical restraint that obstructs the airway of a student, or any physical restraint that impacts a student's primary mode of communication is prohibited. Student personnel may use physical restraint only as a last resort an in accordance with this policy and requirements of OAC 3301-35-15.

B. Physical restraint may be used only:

1. If a student's behavior poses an immediate risk of physical harm to the student or others and no other safe and effective method of intervention is available;

2. If the physical restraint does not obstruct the student's ability to breath;

3. If the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and

4. By student personnel who are trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

C. Physical Restraint may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control.

IX. Seclusion

A. Seclusion may be used only:

1. If a student's behavior poses an immediate risk of physical harm to the student or others and no other safe and effective method of intervention is available;

2. As a last resort to provide an opportunity for the student to regain control of his or her actions;

3. For the minimum amount of time necessary for the purpose of protecting the student and others from physical harm;

4. In a room or area that:

   a. Is not locked;

   b. Does not prevent the student from exiting the area should staff become incapacitated or leave the area; and

   c. Provides adequate space, lighting, ventilation, and the ability to observe the student; and

5. If under constant supervision by staff who are training to be able to detect indications of physical or mental distress that require removal and/or immediate medical assistance and who document their observations of the student.

B. Seclusion shall not be used:

1. For punishment or discipline;

2. for the convenience of staff;

3. as a substitute for an educational program;

4. as a substitute for inadequate staffing;

5. as a substitute for staff training in positive behavior supports and crisis prevention and intervention; or

6. as a means to coerce, retaliate, or in a manner that endangers a student; or

7. As a substitute for other less restrictive means of assisting a student in regaining control, such that it is reflective of the cognitive, social and emotional level of the student

X. Multiple Incidents of restraint and seclusion

A. After the third incident of physical restraint or seclusion in a school year of a student who has been found eligible for special education services or has a 504 plan the requirements are as follows:

1. The student's individualized education program of 504 team will meet within ten (10) school days of the third incident;

2. The individualized education program or 504 team will consider the need to conduct or develop a functional behavior assessment of behavior intervention plan.

B. For students not described in the above section, a team consisting of the parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if the teacher or administrator already invited), and other appropriate staff members will meet within ten (10) school days of the third incident to discuss the need to conduct or review a functional behavior assessment and/or develop a behavior intervention plan.

C. Nothing in this section is meant to prevent the completion of a functional behavior assessment or behavior intervention plan for any student who might benefit from these measures, but has fewer than three incidents of restraint or seclusion.

D. Nothing in this policy is meant to prevent the school from conducting any evaluations or other obligations appropriate under the Individuals with Disabilities Education Act.

XI. Training and Professional Development for the use of crisis management and de-escalation techniques which includes the use of restraint and seclusion.

A. The school shall ensure that an appropriate number of personnel in each building are trained annually in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. The minimum training requirements are as follows:

1. Proactive measures to prevent the use of seclusion or restraint;

2. Crisis management;

3. Documentation and communication about the restraint or seclusion with appropriate parties;

4. The safe use of restraint and seclusion;

5. Instruction and accommodation for age and body size diversity;

6. Directions for monitoring signs of distress during and following physical control;

7. Debriefing practices and procedures;

8. Face-to-face training;

9. Allow for a simulated experience of administering and receiving physical restraint; and

10. Ensure that participants will demonstrate proficiency in items described in all items listed above.

B. The school shall maintain written or electronic documentation that includes the following:

1. The name, position, and building assignment of each person who has completed training;

2. The name, position, and credentials of each person who has provided the training;

3. When the training was completed; and

4. What protocols, techniques, and materials were included in training.

C. As part of the training under this rule, student personnel are to be trained to perform the following functions:

1. Identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and

2. Use preventative assessments that include at least the following:

a. A review of existing data;

b. Input from parents, family members, and students; and

c. Examination of previous and existing behavior intervention plans.

XII. Required Data and Reporting

A. Each use of seclusion or restraint shall be documented in writing and reported to the building administration and documented in a written report that is issued to the parent immediately or within twenty-four hours . A copy of the written report shall be made available to the parent or guardian within 24 hours, and the school shall maintain a copy

of the report in the student's file. These reports are educational records subject to the Family Educational Right to Privacy Act, and a school is prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with the requirements of that Act.

B. Every school shall report information concerning its use of restraint and seclusion annually to the Ohio Department of Education as requested by the Ohio Department of Education.

XIII. Monitoring and Complaint Processes

The school shall establish a procedure to monitor this policy and shall make its records concerning restraint and seclusion available to staff from the Ohio Department of Education upon request.

A. School Monitoring and Complaint Procedures

To ensure that practices are implemented as set forth in this policy, the school shall:

1. Provide a procedure for a parent to present written complaints to the school leader to initiate a complaint investigation by the school regarding an incident of restraint or seclusion. The procedures will include informing the parent of additional options for complaints to include other public agencies such as law enforcement, the county department of job and family services, or the Ohio Department of Education as described below.

    a. A parent may choose to file a complaint with the Ohio Department of Education Office of integrated student supports, in accordance with the complaint procedures available and as outlined below.

    b. The parent forwards a copy of the complaint to the school and the Ohio Department of Education at the same time;

    c. A sufficient complaint includes the following:

        i. A statement that the school has violated a requirement of this policy;
        ii. The facts on which the statement is based;
        iii. The signature and contact information of the parent.

    d. Timeline:

    e. The compliant must allege a violation that occurred not more than one year prior to the date the complaint is received.

B. Annually, the school will review the policy;

C. Annually, the school will provide notice to parents of the school's policies or procedures related to the requirements of positive behavior intervention and supports, physical restraint and seclusion including the local complaint process; and

D. Thirty days after receiving a compliant from a parent regarding an incident of restraint or seclusion, the school shall make reasonable efforts to have in-person follow up meeting with the parent.

Physical Restraint Documentation Form

Student Name_____ Date of Incident_____

Time incident began_____ Time incident ended_____

Location of incident:

School personnel involved in incident:

Describe the student's activity and behavior immediately preceding the behavior that prompted the use of physical restraint:

Describe efforts of school personnel to de-escalate the situation, and alternatives to physical restraint that were utilized prior to physical restraint:

Provide a description of the physical restraint utilized:

Describe the actions of the student and school personnel that occurred during the physical restraint:

Describe observed student and school employee behaviors that followed the physical restraint:

Describe de-escalation techniques and interventions utilized following the physical restraint:

Describe any injuries to the student or school employees:

Describe future alternatives to physical restraint that will be utilized:

Signature of person completing form_____ Date_____

Signature of witness: _____Date_____ __ agree __ *Disagree

Signature of witness: _____Date_____ __ agree __ *Disagree

Signature of witness: _____Date_____ __ agree __ *Disagree

*Team members who disagree may submit separate statements presenting their conclusions (complete comment form as necessary).

Time and type of Notification to Parent or Guardian _____ By whom_____

Time and type of Notification to Building Administrator _____ By whom _____

Date this information was provided to parent_____ By whom_____

Findings of debriefing meeting:

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

*Team members who disagree may submit separate statements presenting their conclusions (complete comment form as necessary).

(If parents/guardians did not attend the de-briefing meeting, explain other methods to ensure parent/ guardian participation and/or child as appropriate - conference call, videoconference, home visit, etc.)

Seclusion Documentation Form

Student Name_____ Date of Incident_____

Time incident began_____ Time incident ended_____

Location of incident:

School personnel involved in incident:

Describe the student's activity and behavior immediately preceding the behavior that prompted the use of seclusion:

Describe efforts of school personnel to de-escalate the situation, and alternatives that were utilized prior to seclusion:

Provide a description of the seclusion:

Describe the actions of the student and school personnel that occurred during the use of seclusion:

Describe observed student and school employee behaviors that followed the use of seclusion:

Describe de-escalation techniques and interventions utilized following the use of seclusion:

Describe any injuries to the student or school employees:

Describe future alternatives to seclusion that will be utilized:

Signature of person completing form_____ Date_____

Signature of witness: _____Date_____ __ agree __ *Disagree

Signature of witness: _____Date_____ __ agree __ *Disagree

Signature of witness: _____Date_____ __ agree __ *Disagree

*Team members who disagree may submit separate statements presenting their conclusions (complete comment form as necessary).

Time and type of Notification to Parent or Guardian _____ By whom_____

Time and type of Notification to Building Administrator _____ By whom _____

Date this information was provided to parent_____ By whom_____

Findings of debriefing meeting:

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

Signature: _____Date_____ __ agree __ *Disagree

*Team members who disagree may submit separate statements presenting their conclusions (complete comment form as necessary).

(If parents/guardians did not attend the de-briefing meeting, explain other methods to ensure parent/ guardian participation and/or child as appropriate - conference call, videoconference, home visit, etc.)