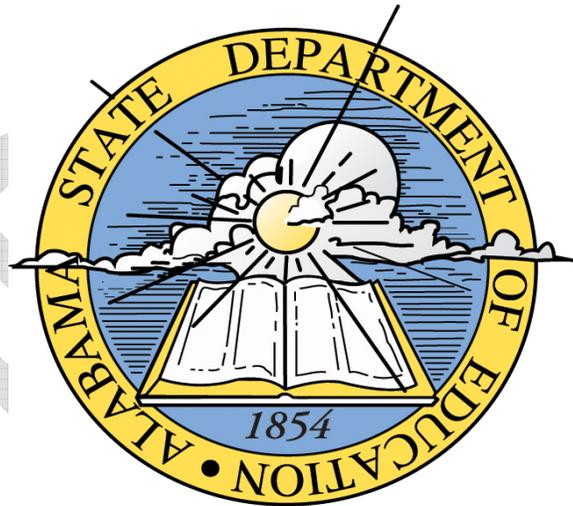


# **Alabama State Board of Education Guidance**

**Rule 290-3-1-.02(1)(f)**

## **Seclusion and Restraint for ALL Students**



**November 10, 2011**

## Table of Contents

Table of Contents .....	i
Introduction .....	1
Part 1: Definitions.....	2
Part 2: Prohibition on the Use of Seclusion.....	4
Part 3: Limitations on the Use of Restraint .....	5
Part 4: Student and Staff Safety.....	10
Part 5: Written Policies and Procedures .....	12
Part 6: Staff Training .....	14
Part 7: Documentation of the Use of Restraint.....	16
Part 8: Parental Notification .....	18
Part 9: Role of Law Enforcement and Emergency Medical Personnel .....	19

The Alabama Department of Education (ALDOE) would like to acknowledge and thank the Georgia Department of Education for providing documents related to seclusion and restraint and permitting the ALDOE to use and modify their documents (Guidance for State Board of Education Rule 160-5-1-.35: SECLUSION AND RESTRAINT FOR ALL STUDENTS, Georgia Department of Education). In order to protect the safety of students and staff, the Alabama State Board of Education has adopted Rule 290-3-1-.02(1)(f) Seclusion and Restraint for ALL Students, which prohibits the use of seclusion and limits the use of restraint to those situations in which students are a danger to themselves or others. This non-regulatory guidance document, **Guidance for Alabama State Board of Education Rule 290-3-1-.02(1)(f), Seclusion and Restraint for ALL Students**, will assist school staff, families and other stakeholders in implementing the rule. It is intended to provide broad, overarching support to school districts, schools, school employees, and the general public.

**Guidance for State Board of Education  
Rule 290-3-1-.02(1)(f)  
Seclusion and Restraint for ALL Students**

## **Introduction**

The Alabama Department of Education (ALDOE) supports a positive approach to behavior that uses proactive strategies to create a safe school climate that promotes dignity, creates authentic student engagement, increases instructional time, and improves student achievement for all students. When teachers and administrators implement evidence-based positive behavior supports with fidelity, a school environment is created that is conducive to learning and students are able to achieve without the constant interruptions that occur when teachers are required to address discipline problems in the classroom.

Unfortunately, students sometimes exhibit behaviors which place themselves or others in imminent danger. Schools and programs must implement proactive strategies and interventions to reduce the likelihood of these situations, and they must have clearly identified responses to address such situations when they occur. Responses to these dangerous situations can be addressed in the Code of Conduct developed under *Code of Alabama*, 1975, §16-28A-3 and should include a continuum of increasingly more intensive interventions.

In some schools and educational programs, seclusion and restraint have been used as a response to situations in which students' behavior poses an imminent danger to themselves or others. Throughout the country, some students have been also placed in seclusion rooms or restrained as a means of discipline or as a punitive measure to obtain compliance. Both students and staff have been injured in secluding and restraining students and, in some cases in other states, students have died in seclusion rooms or during the process of being restrained. Fortunately, this has not happened in Alabama to date.

In order to protect the safety of students and staff, the Alabama State Board of Education has adopted Rule 290-3-1-.02(1)(f), Seclusion and Restraint for ALL Students, which prohibits the use of seclusion and limits the use of restraint to those situations in which students are a danger to themselves or others. This guidance document will assist school staff, families and other stakeholders in implementing the rule. It is intended to provide broad, overarching support to school districts, schools, school employees, and the general public.

## Part 1: Definitions

The following definitions are included in Rule 290-3-1-.02(1)(f) and are provided here to assist readers in utilizing the information contained in this document. The definitions contained here are provided strictly for reference and are exactly the same as the definitions in the rule:

**Chemical restraint** refers to any medication that is used to control violent physical behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition.

**Mechanical restraint** refers to the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.

**Physical restraint** refers to direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety or prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.

**Physical restraint that restricts the flow of air to the student's lungs** refers to any method (face-down, face-up, or choke hold) of physical restraint in which physical pressure is applied to the student's body that restricts the flow of air into the student's lungs.

**Seclusion** refers to a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined in paragraph (1.)(vi) of this rule, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room.

**Time-out** refers to a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used when:

1. The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
2. The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.
3. The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
4. The time-out space is free of objects that unreasonably expose the student or others to harm.

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## Part 2: Prohibition on the Use of Seclusion

State Board Rule 290-3-1-.02(1)(f) Seclusion and Restraint for ALL Students prohibits the use of seclusion in all public Alabama schools and educational programs.

Schools and programs that have utilized seclusion in the past must identify other responses to those situations in which students are an imminent danger to themselves or others. These responses should be clearly specified in the Code of Conduct and should be based on a continuum of safe interventions.

### **Frequently Asked Questions:**

*Does the prohibition of seclusion prevent a student from being placed in time-out?*

No, students can be removed from the instructional activity and placed in another location in the classroom or other instructional setting. A student may be placed in time-out for a short, pre-determined period of time. The classroom staff should be able to see the child placed in time-out to promote his/her safety.

If a student is frequently placed in time-out, the school staff should analyze the behaviors that result in the student being placed in time-out and other interventions should be considered and implemented.

*If a student, who is demonstrating behavior that presents an immediate danger to himself/herself or others, requests a break in a different location, is this considered seclusion if another adult is in the room with the student?*

No, students may use this technique as a form of self-imposed de-escalation.

*Does the prohibition of seclusion prevent a student from being removed from the classroom or other instructional setting to another location where the student works with a staff member trained in de-escalation techniques?*

No, students may be removed to another setting such as a staff member's office or another location in the school if he/she can be safely transported to the location.

*Does the prohibition of seclusion prevent the use of in-school suspension?*

No, in-school suspension is not considered to be seclusion and is not prohibited in Alabama schools and educational programs.

*Doesn't the prohibition of seclusion interfere with my rights as a teacher to remove disruptive students from my classroom?*

No. Under paragraph (2.)(ix) of the rule, teachers may utilize classroom management techniques including removing a disruptive student from the classroom. However, the student must not be placed in seclusion as defined under paragraph (1.)(v) of the rule.

## Part 3: Limitations on the Use of Restraint

State Board Rule 290-3-1-.02(1)(f) Seclusion and Restraint for ALL Students significantly limits the use of restraints in all public Alabama schools and educational programs.

The use of **chemical restraints** is expressly prohibited in public Alabama schools and educational programs. School or educational program staff cannot administer any medication that is used to control behavior or restrict the student's freedom of movement when it is not a prescribed treatment for the student's medical or psychiatric condition. In all instances, staff should provide medication exactly as prescribed including the appropriate dosage and with the same frequency as prescribed.

The use of **mechanical restraints** is expressly prohibited in public Alabama schools and educational programs. Mechanical restraints include devices or materials attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. Examples of mechanical restraints include straightjackets, straps, and handcuffs except when used by law enforcement personnel.

Adaptive or protective devices recommended by a physician or therapist are not considered to be mechanical restraints and are allowed when used as recommended by a physician or therapist to promote normative body positioning and physical functioning. For example, a prone stander or adaptive chair with an attached lap tray would not be a mechanical restraint if used to promote normative body functioning or physical functioning in a student with a physical disability if the equipment was recommended by a physician or therapist and used as prescribed. However, if the same equipment was used to restrict the student's movement for the purpose of controlling behavior, it would be considered mechanical restraint and would not be permitted in schools and educational programs.

In rare instances, it may be necessary to use adaptive or protective devices to prevent self injurious behavior. The use of these devices must be recommended by a physician or therapist and used as described. They should not be used to control behavior or limit movement except in those situations in which the student is demonstrating self-injurious behaviors. Students who experience these types of self-injurious behaviors should receive a functional behavior assessment, and a behavior intervention plan should be developed to address the behaviors.

Seatbelts and other safety equipment such as safety harnesses are not considered to be mechanical restraints and are permitted when used as recommended to secure students during transportation. If these types of protective devices are utilized, staff should receive training in the proper use of the equipment including rapid removal in an emergency situation.

**Any method (face-down, face-up or choke hold) of physical restraint that restricts the flow of air to the student's lungs** are expressly prohibited in public Alabama schools and educational programs. When a student is placed face-down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the prone position, there is an increased risk of injury to the student through blockage of the student's airways and chest compression. Pressure applied on the back and chest areas can result in the student experiencing respiratory distress. Another danger associated

with the use of these prohibited restraints is the limited ability of the staff to monitor the student's physical status.

The use of **physical restraints** is prohibited except in those situations in which a student is an imminent danger to himself/herself or others and when the student is not responsive to less intensive de-escalation techniques. Only physical restraints that are included in the school or educational program's adopted approach should be utilized. Appropriate staff must be trained in the use of the adopted restraint techniques and all instances of restraint should be monitored. The process of terminating the restraint should be begun immediately when the student is no longer a danger to himself/herself or others or when the student is observed to exhibit signs of severe distress or injury, including but not limited to respiratory distress.

Restraint should never be used:

- When the student is responsive to less intensive interventions and de-escalation techniques such as verbal commands and directives.
- As a form of discipline or punishment or as a means to obtain compliance.

Physical restraints, as defined in this rule, do not include providing limited physical contact and/or redirection to promote student safety or prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property. For example, running after and holding a student who is about to run in front of an oncoming automobile is not in any way prohibited based on the adoption of the rule. Providing physical guidance (e.g. lightly holding a student at the elbow to guide him/her from one location to another) is also permitted.

### **Frequently Asked Questions:**

*If a student is taking medication at school as prescribed by a physician to address attention and/or behavioral issues, could additional medication be given to the student to control the student's behavior or limit his movement when the student is an imminent danger to himself or others?*

No. The medication should only be given with the same dosage and frequency as prescribed. In no instances should the dosage and frequency be altered by school staff to control the student's behavior or limit his or her movement or behavior.

*Is the use of pepper spray by school officials permissible under this rule?*

No. Chemical adversives, such as mace and pepper spray, are not to be used by school personnel.

*Could a weighted vest that is used to address sensory issues in children with sensory integration disorders be used to control behavior or restrict the student's freedom of movement?*

No. Weighted vests should only be used for the purpose and manner described by a physician, physical therapist or occupational therapist.

*If a student is placed in a piece of adaptive equipment such as a Rifton chair for the purpose of controlling behavior and not to promote normative body positioning and physical functioning, would this be permitted under the rule?*

No. Students should not be placed in adaptive equipment such as Rifton chairs for the purpose of controlling behavior.

*If a student exhibits self-injurious behaviors that can result in severe injury, could mechanical restraints be used?*

Mechanical restraints do not include an adaptive or protective device recommended by a physician, physical therapist or occupational therapist when used as recommended by the physician, physical therapist or occupational therapist to prevent self injurious behavior. Use of the device should be carefully monitored and only used as needed.

*Does this rule prevent a teacher from grabbing a student to prevent the student from entering traffic?*

No. The rule's definition of physical restraint specifically excludes limited physical contact necessary to promote student safety. This includes the limited physical contact necessary to prevent the student from entering traffic.

*Would a law enforcement officer be allowed to place a student in handcuffs on school property?*

Yes. Nothing in the restraint and seclusion rule interferes in any way with the duties of law enforcement personnel.

*Is there any part of the rule that would prohibit staff from breaking up a fight in the school or educational program?*

No. While nothing in this rule modifies the rights of school personnel to use reasonable force as permitted under the Code of Alabama, 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Alabama, 1975, §16-28-12, school staff must take reasonable actions needed to protect students from harm. Staff may use physical restraints to break up a fight when the students are an imminent danger to themselves or others and the students do not respond to less intensive interventions. Nothing in the rule prohibits a staff member or program employee from defusing a fight or physical altercation or from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.

*Should restraints be terminated when the student is no longer an imminent danger to himself or others?*

Yes. The process for terminating the restraint should be begun immediately when the student is no longer an imminent danger to himself or others.

*Should restraint ever be used as a form of punishment?*

No. Restraint should only be used in situations in which the student is a danger to himself or others.

*Should the use of physical restraint be documented in an Individualized Education Program (IEP) or Behavior Intervention Plan (BIP) for students with disabilities?*

In almost all instances, the use of physical restraints would not be documented in an IEP or BIP. These interventions are used in emergency situations in which the student is a danger to himself or others, and

it would not be possible to determine if restraint would be required when the IEP or BIP were developed. Inclusion of the use of restraint in a student's IEP or BIP implies that it is a planned intervention, and restraint is an intervention which is used in an emergency situation and cannot be anticipated.

*Are brief holds (generally less than a minute) used to address severe aggressive or self-injurious behaviors permitted under this rule?*

Yes, if the hold is used to reduce severe aggressive or self-injurious behavior and its use is documented in the student's Behavioral Intervention Plan or Individualized Education Program. Reductive procedures that do not cause pain or discomfort, and for which there is a precedent in the clinical literature may be used when recommended by a physician or licensed psychologist. A reductive procedure is used as a consequence for severe problem behavior that is intended to reduce the future probability of the problem behavior. Examples of acceptable reductive procedures include the use of a facial screen, positive practice/overcorrection, and "quiet-hands"/"hands-down".

These procedures should only be used in combination with reinforcement-based strategies and when data can be produced demonstrating that reinforcement based strategies alone have been unsuccessful. Such procedures should only be applied as a reductive procedure when the behavior targeted for reduction is severe (i.e., serious self-injury, aggression, or other behavior that has the potential to result in serious physical injury). Anyone who administers one of these procedures must be trained in its safe implementation by a qualified professional prior to using it with a student. In addition, regular and ongoing data collection on the use of the procedure must be used to demonstrate that the targeted problem behavior is improving as a result of its use. If, after a reasonable period of time, no reductions in problem behavior can be demonstrated through the use of data, the procedure must be revised or discontinued. Finally consent must be obtained from the legal guardian of any student prior to use of any of these procedures.

*Does the adoption of this rule limit staff's ability to use discretion in restraining students?*

Behavior management, student supervision, and student welfare are crucial elements in the creation of a safe learning environment and the efficient administration of schools and educational programs. Rule 290-3-1-.0-2(1)(f) Seclusion and Restraint for ALL Students refines how schools and educational programs create a safe learning environment by restricting the use of seclusion and restraint. Implementing a safe learning environment is not an easy task as the dynamics of a school setting are constantly evolving. ALDOE recognizes that the creation of a safe learning environment is inherently reliant on the discretion of school or educational program staff. Since this rule restricts actions that may be utilized to control the school environment, ALDOE feared that the restrictions and possible recourse for violating the rule would deter school staff from utilizing their discretion and permissible methods and techniques to create a safe school environment. Provision (2.)(xiii) of the rule aims to clarify that school staff may utilize their discretion and the appropriate use of physical restraint to create a safe environment without fear of personal liability. Nothing in this section modifies the rights of school personnel to use reasonable force as permitted under the *Code of Alabama, 1975, §16-1-14* or modifies the rules and procedures governing discipline under the *Code of Alabama, 1975, §16-28-12*.

*Does this rule protect school districts or an employee that intentionally use restraint or seclusion to harm a student?*

No. Alabama law generally does not protect government employees from liability for actions taken to deliberately cause harm to another.

*What happens if a school district fails to comply with the provisions of this rule?*

If a school or school district fails to comply with provisions of State Board Rule 290-3-1-.02(1)(f) Seclusion and Restraint for ALL Students, the state board may at its discretion withhold all or part of the state-contributed Foundation Program funds allotted to that local unit in accordance with the *Alabama Administrative Code* 290-2-1-.01(4), Withholding of Funds from Local Units of Administration, until full compliance is met by the local unit.

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## Part 4: Student and Staff Safety

When using physical restraint for students who are an imminent danger to themselves or others, school staff should take precautions necessary to ensure the safety of the student and the staff engaged in restraining the student. Restraint should be implemented in a safe and humane manner without any intent to harm or create undue discomfort for the student. Physical restraints that restrict the flow of air to the student's lungs are prohibited in all situations.

Ensuring safety requires that staff be trained in the use of restraint techniques and that the techniques are used in an appropriate manner. Training for staff and compliance with the adopted restraint technique training program is essential to promoting staff and student safety. Training is addressed in Part 6 of this manual.

When using physical restraint to protect students who are a danger to themselves or others, the following procedures are recommended:

- Less restrictive interventions should first be used to de-escalate the behavior and the student should only be restrained when these less intensive interventions prove unsuccessful.
- Restraints should be conducted by staff who are trained in the restraint procedures that have been adopted by the school or program. Staff should know and utilize the prescribed procedures for requesting assistance.
- Adults should carefully observe the student throughout the restraint to observe the student's physical and emotional status to determine when the child is no longer a danger to himself/herself or others. The process of letting go of the restraint should be immediately begun if the child is observed to be in severe distress. The student's breathing should be carefully monitored, and the process of letting go of the restraint should be immediately begun if the student is exhibiting any respiratory distress. The need for adults to remain alert for any change in the student's physical state, emotional state, or state of consciousness is critical to the process. There may be students in any school with undiagnosed cardiac or other illnesses and a student could, for instance, suffer a cardiac arrest from the physical hyper exertion associated with the crisis and not from the physical restraint or method, itself, even when it is absent chest compression or airway obstruction.
- When possible, all potentially dangerous materials such as pencils, pens, or other sharp objects should be removed to ensure the student's safety.
- The restraint should be removed as soon as the student is no longer a danger to himself/herself or others. Generally, students should be restrained for very short periods of time. Additional staff support should be provided and the documentation log should record restraints that last for longer periods of time (greater than 5 minutes).
- As soon as appropriate after the restraint is removed, the staff should discuss the incident leading up to the restraint with the student and discuss alternative behaviors that could have been utilized.
- When the student is no longer a danger to himself/herself or others, he/she should be returned to the instructional activity, if appropriate, or to a less restrictive environment.

- The restraint should be documented in an incident report that is turned in to the school or program administrator. Documentation of physical restraints is addressed in Part 7 of this guidance document.

Parents should be informed that restraint was used within a reasonable time not to exceed one school day from the use of restraint.

### **Frequently Asked Questions:**

*Must observers be present when students are restrained?*

Having observers present during a physical restraint is highly desirable to monitor the student's physical status to determine if the student is experiencing severe distress. However, there may be some situations in which no additional staff is available to serve as an observer or monitor. In this situation, it is strongly recommended that if other students are present, that the staff member ask one of the students to seek assistance from another staff member.

*Can a staff member physically restrain a student if he or she has not been trained in the school or educational program's adopted restraint technique?*

Schools and educational programs should provide training to those staff who are in positions in which they may be called upon to physically restrain students. For example, assistant principals in charge of discipline and members of the crisis intervention team as well as staff who work with students with severe behavioral disorders should most likely be trained. Staff in state operated/state supported schools should also be trained.

However, it would be unreasonable to expect that all staff could be trained in a typical school setting. If a staff member must physically restrain a student to prevent injury to a student or others, the staff member should ask another student, if present, to request assistance immediately from other staff. Staff, who have had to restrain students on an on-going basis, should receive training as soon as possible.

*How long should physical restraints last?*

Restraints should be terminated as soon as the student is no longer a danger to himself or others. If a student must be restrained for a prolonged period of time, it will be necessary to seek assistance from other staff.

*If a student is injured in the process of being physically restrained, what sequence of events should be initiated?*

The school or program staff should follow the procedures established by its local education agency (LEA) or requesting assistance from other school staff and, if needed, from emergency medical personnel. Parents should immediately be informed of injuries especially in those situations in which the student is transported to a medical facility.

*Should the local Department of Human Resources or local law enforcement personnel be notified when a student is injured during a restraint?*

The school or program staff should follow the procedures established by its local education agency. This may include notification to the local Department of Human Resources and/or local law enforcement.

## Part 5: Written Policies and Procedures

Schools and educational programs that utilize physical restraint as defined in Rule 290-3-1-.02(1)(f) Seclusion and Restraint for ALL Students must develop written procedures that govern its use. The procedures should be reviewed with all school or program staff. Parents must be provided information regarding the school or program's policies governing the use of physical restraint. This information should be provided to parents at the beginning of each school year or upon the student's enrollment in school if the student enrolls after school has started.

The written policies must include the following provisions:

- Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,
- Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,
- Documentation of the use of physical restraint by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained.
- Procedures for the periodic review of the use of restraint and the documentation as required in the rule.
- Procedures for reporting the use of restraint and the documentation described in paragraph (2.)(vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually.
- The documentation described in paragraph (2.)(vii)(III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be reported to the ALDOE (Prevention and Support Services Section) annually.
- The written policies described in paragraph (2.)(vii)(I and II) are to be included in each local education agencies' code of conduct and/or the student handbook.

School and program administrators should monitor the staff's adherence to these procedures and should immediately address any situations in which the procedures are not being followed. Procedures should be reviewed at least annually and changes should be made as needed.

### **Frequently Asked Questions**

*Could the policies and procedures for the use of physical restraint be incorporated into the school or educational program's Code of Conduct?*

Yes, as long as the above required components are included and individual students are not specified.

*Are local education agencies required to send their procedures to ALDOE?*

No. Procedures should be available to schools and the public upon request.

*How will parents be informed of the policies and procedures regarding the use of physical restraint?*

Schools and educational programs should use multiple means to disseminate their policies and procedures. The policies may be posted at the school or school district's website. The policies must be outlined in the Code of Conduct.

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## Part 6: Staff Training

Schools and programs that use physical restraint in accordance with Rule 290-3-1-.02 Seclusion and Restraint for ALL Students must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses crisis intervention, de-escalation techniques, and positive behavioral intervention strategies.

Staff should be trained in the physical restraint approach that is adopted or developed by the school district, school, and/or educational program. ALDOE does not endorse a particular training program. When adopting or developing training programs, school and program administrators should select programs that are founded on evidence-based techniques and strategies that focus on:

- Preventing the need for restraint;
- Keeping staff and students safe during required restraints;
- Identification of antecedent behaviors;
- Use of positive behavior supports, crisis prevention, de-escalation, and conflict management;
- Information regarding state regulations pertaining to the use of physical restraint; and
- Certification for school personnel trainers and re-certification as required by the training program.

Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to ALDOE or any member of the public upon request.

Administrators should monitor the use of physical restraint to ensure fidelity of implementation. Coaching and follow-up training should be provided on an on-going basis and any situations in which the procedures are not being followed should be immediately addressed.

### **Frequently Asked Questions:**

*Can a staff member physically restrain a student if he or she has not been trained in the school or educational program's adopted restraint technique?*

Schools and educational programs should provide training to those staff who are in positions in which they may be called upon to physically restrain students. For example, assistant principals in charge of discipline and members of the crisis intervention team as well as staff who work with students with severe behavioral disorders should be trained. Staff in state operated/state supported programs must also be trained.

However, it would be unreasonable to expect that all staff could be trained in a typical school setting. If a staff member has to physically restrain a student to prevent injury to a student or others in an emergency situation when staff members trained in physical restraint are not available, the staff member

should ask another student, if present, to request assistance immediately from other staff. Staff members who have had to restrain students on an on-going basis should receive training as soon as possible.

*Should staff employ physical restraint techniques which are not included in the adopted or developed training program or in the written policies?*

In order to promote student and staff safety, staff should only use those techniques in the adopted training program.

*Do staff members who are trainers have to be certified in the adopted training program?*

Yes, if the local school system adopts a program, the training staff should complete the required training components in order to receive certification in the adopted training program from a certified trainer. Most training programs have a clearly defined schedule for re-certifying staff following initial certification. This schedule should be strictly adhered to.

*If the local school system develops a training program rather than adopt one, do staff members have to be certified?*

Staff members who will employ the physical restraint techniques must be trained in the program. The local school system policies should dictate how often retraining occurs and keep careful records of the content of the training and the documentation of staff who have completed the training requirements.

*Does the school or educational program staff training need to be conducted by a certain group?*

No. The rule does not require training regarding the use of restraint be performed by any particular group or method. Training regarding the use of restraint may be performed by any party the school or educational program deems appropriate and may be conducted by the school or program itself. The training must address prevention and de-escalation techniques and positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training.

*Can the staff training be conducted by the school or program's employees?*

Yes. The rule does not require training regarding the use of restraint be performed by any particular group or method. Training regarding the use of restraint may be performed by any party the local education agency deems appropriate. The training must address prevention and de-escalation techniques and positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training.

*Can the ALDOE conduct the local education agency's staff training on restraint?*

No. ALDOE currently does not have the resources necessary to conduct training regarding the use of restraint. Upon request, ALDOE will provide technical assistance regarding the use of restraint or otherwise providing a safe school environment.

*How long does the local education agency need to keep its records regarding staff training?*

The local education agency should follow its established record retention schedule.

## Part 7: Documentation of the Use of Restraint

The use of restraint or seclusion must be documented and a debriefing session held by staff or faculty participating in or supervising the restraint or seclusion for each student in each instance in which the student is restrained or secluded. This documentation should be provided using an incident report that is completed for each student in each instance in which the student is restrained. Schools and programs are encouraged to develop a standard incident report form. This report must include the following:

- Date;
- Student's name;
- Ethnicity/race, sex, and non-disabled/disabled status;
- Location of restraint;
- Precipitating behavior/antecedent;
- De-escalation efforts tried;
- Description of the restraint used;
- Observations of student's behavior and physical status during the restraint;
- Injuries to the student or staff;
- Total time spent in restraint;
- Staff participating in the restraint,
- Staff signatures, and
- Name of school employee that parent can contact.

Completed incident reports should be reviewed by school or program administrators and other staff, as appropriate. Monthly summary reports should be maintained to document the use of physical restraint. This monthly summary report should be signed by the school or program administrator and maintained on file in the school.

After an incident of restraint or seclusion upon a student, all school personnel involved in the incident and appropriate administrative staff shall participate in a debriefing session for the purpose of planning to prevent or reduce reoccurrence of the use of restraint. The debriefing session shall occur no later than five school days following the imposition of physical restraint or seclusion, unless the debriefing session is delayed, at the request of a student's parent so that the parent may attend.

Information from the individual incident reports and debriefings as well as the summary reports should be used to regularly assess the effectiveness of the use of physical restraint techniques. When a student repeatedly must be restrained the staff should determine if the interventions are effectively meeting the student's needs.

There are several actions that the staff may undertake. They include:

- Conducting a review of the student's IEP, 504 Plan, or Behavior Intervention Plan to consider appropriateness of plan;

- Conducting a Functional Behavioral Assessment and developing a Behavior Intervention Plan;
- Consulting with other professionals such as social workers, psychologists, or psychiatrists to examine other interventions that may be more suitable in meeting the student's needs; and/or
- Considering other placement options which may be more effective in addressing the student's needs.

**Frequently Asked Questions:**

*Does the ALDOE require a particular format for documenting the use of physical restraint?*

No, the school or educational program should develop its own incident report based on the above required information.

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## Part 8: Parental Notification

Upon entry into a school or program that uses restraint, a student's parents should be notified in writing that restraint may be used but are only used in situations in which the student is in immediate danger to himself/herself or others. The notice should inform parents that they will be notified in writing each time their child has been restrained.

The student's parents or guardians must be notified each time the student is restrained. This notification should occur in writing and should include a copy of the incident report that is used to document the use of restraint or seclusion. Parents and school staff may mutually agree that notification may be provided via e-mail or handwritten communication. Parental notification must be provided within a reasonable amount of time not to exceed one school day from the use of restraint or seclusion. Parents must also receive advance notice of the debriefing session that will be held regarding the incident and be afforded an opportunity to attend the debriefing session or request that the debriefing session be rescheduled so that the parent may attend.

Staff should promptly notify parents when their child is injured (requiring medical attention) in a restrained situation and/or is removed from the school setting by law enforcement or medical personnel.

Regardless of the method used, documentation of the parent notification should be maintained.

### **Frequently Asked Questions:**

*What is the school or program's recourse if a parent refuses to allow his or her student to be restrained in situations in which the student is a danger to himself or others?*

In these situations, the local school system should consult its legal counsel to determine an appropriate solution.

## Part 9: Role of Law Enforcement and Emergency Medical Personnel

In situations in which the student is a danger to himself or others, it may become necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in the Seclusion and Restraint for ALL Students rule or in this guidance document should be construed to interfere with the duties of law enforcement or emergency medical personnel.

Parents must be informed as soon as possible when students are removed from the school or program setting by emergency medical or law enforcement personnel. If prohibited restraint is used by law enforcement or emergency medical personnel on school grounds, the school staff must document this as part of their reporting requirements in 290-3-1-.02(1)(f)2(vii)(V) and (VI).

### **Frequently Asked Questions:**

*Does the seclusion and restraint rule apply to school resource officers?*

No. School resource officers who are law enforcement officers are charged with ensuring a safe school environment. The rule expressly states that its provisions do not apply to law enforcement or medical emergency personnel.

*Does the seclusion and restraint rule apply to paramedics?*

No. The rule expressly states that its provisions do not apply to law enforcement or medical emergency personnel.