

5630.01 - USE OF SECLUSION AND RESTRAINT ON STUDENTS WITH DISABILITIES

It is the policy of the School Board to limit the use of seclusion and restraint in the education and discipline of students with disabilities to circumstances in which the strategy can be used safely in a manner that is in the best interests of the student with a disability and as defined in this policy.

Use of Seclusion

"Seclusion" is defined as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a time-out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

The use of seclusion for a student with a disability shall not be permitted except when the conditions described in this policy exist. Seclusion may only be used at District exceptional student education centers.

School personnel may not close, lock, or physically block a student with a disability in a room that is unlit and does not meet rules of the State Fire Marshal for seclusion time-out rooms. An enclosure used for seclusion of a student shall have the same ceiling height, lighting, ventilation, and temperature as the surrounding room or rooms. The room or enclosure shall be large enough to accommodate the student with a disability being isolated. The room or enclosure shall not be locked or use any device that requires a key or other device or special knowledge such as a combination lock to exit from the enclosure or room, except that such room or enclosure may use an electro-magnetic blocking device that can only be engaged by constant human contact. The enclosure or room shall comply with all applicable health, fire and emergency safety requirements, and the student placed in seclusion shall be included in any evacuation or safety plan or drill for the facility. The enclosure or room shall not be named, labeled, or referred to by a staff member so as to label or stigmatize a student with a disability who is placed in the enclosure or room.

An enclosure or room used for seclusion must be constructed of materials or objects that cannot injure or be used by a student with a disability to injure himself or others. It must be designed so that a student with a disability cannot climb up the walls and shall allow continuous visual monitoring and communication with the student by a staff member. The staff member's duties shall be assigned so that the staff member can supervise the isolated student and see and hear the student at all times.

A student with a disability shall not be isolated ~~for more than thirty (30) minutes after~~ the student stops the specific behavior for which seclusion was imposed or any other behavior for which seclusion would be an appropriate response according to this policy. ~~If a student with a disability is placed in seclusion pursuant to a Positive Behavior Intervention Plan (PBIP), the time limitations identified in the PBIP shall be determined and applied by the staff member immediately following placement of the student with a disability in seclusion.~~

Use of Physical or Mechanical Restraints

"Physical restraint" is defined as a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

"Mechanical restraint" is defined as the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

A student with a disability shall not be subjected to physical or mechanical restraint except as specifically authorized in this policy. Physical or mechanical restraints should only be used as a last resort, which is defined as an imminent risk of serious injury or death to the student or others. Restraint of any kind shall not be used in any instance in which the sole justification is to punish the student for a violation of a directive from a staff member, violation of student conduct rule, the student's use of vulgar or profane language, a verbal threat, or a display of disrespect for another person. A verbal threat shall not be considered as sufficient justification for the use of physical or mechanical restraint unless a student with a disability has immediate access to the means of acting on the threat.

School personnel may not use a mechanical restraint or a manual physical restraint that restricts the breathing of a student with a disability. A restraint shall not be implemented with the intention of using physical pain to achieve control of the behavior or punish misconduct of a student with a disability, and a restraint of any kind shall never be applied in a manner that restricts a the blood flow or respiration of a student with a disability.

Physical or mechanical restraint shall not be used if there is a medical contraindication to its use identified for the student with a disability, and shall only be applied and supervised by a staff member who has been trained in the safe application and supervision of the specific means of restraint applied. ~~If a student with a disability is restrained pursuant to a PBIP, such restraint shall be in accordance with the PBIP.~~

A physical or mechanical restraint shall only be used as necessary to contain the behavior of the student with a disability until the student with a disability is no longer an immediate threat of causing physical injury to himself/herself or others.

A student with a disability shall be released from physical or mechanical restraint immediately upon a determination by the supervising staff member administering or overseeing the use of restraint that the circumstances permitting the use of restraint in this policy no longer exist.

In determining whether a student with a disability who is being physically or mechanically restrained should be moved from the area where the need was first noted or the restraint was first applied, the supervising staff member shall consider the potential for injury to the student with a disability, the educational and emotional well-being of the restrained student and other students with disabilities who would observe the application of the restraint, ~~and any requirements of a PBIP established for a student with a disability.~~

If physical or mechanical restraint is utilized in compliance with this policy on a student with a disability whose primary mode of communication is sign language, the student with a disability shall be permitted to have his/her hands free of restraint for brief periods unless the supervising staff member determines that such freedom is likely to result in harm to the student or others.

~~Additional Rules for Mechanical Restraints~~Contracted Residential Facility:

A mechanical restraint may only be used on a student with a disability residing at a contracted residential facility and only if the student's treating physician has authorized the use of the mechanical restraint before the restraint is applied. Use of handcuffs or other mechanical restraints by law enforcement officers for law enforcement purposes does not require authorization from a student's treating physician.

A mechanical restraint shall be applied and supervised by a staff member who is trained and competent to apply and supervise the specific mechanical restraint utilized. While a student with a disability is subject to a mechanical restraint, a staff member shall continuously monitor the student and the impact of the mechanical restraint on the student. If a mechanical restraint is used pursuant to this provision, designated trained staff must complete a wellness check immediately following the mechanical restraint and the physician who authorized or approved the restraint or an attending physician must examine the student with a disability as soon as practicable following application of the restraint. A student with a disability who has been mechanically restrained must be given the opportunity to move and exercise the body parts that are restrained at least ten (10) minutes every sixty (60) minutes of restraint unless ordered otherwise by the physician who authorized or approved the mechanical restraint. If a mechanical restraint is used pursuant to this provision, a staff member shall loosen or discontinue the restraint every fifteen (15) minutes to determine if the restraint is still necessary and its implementation is not endangering the health of the student with a disability. A mechanical restraint shall be stopped immediately if a staff member determines that the student with a disability will stop or control his/her inappropriate behavior without the use of the restraint, or the restraint restricts the student's respiration or blood flow, or the degree of the student's resistance to the mechanical restraint is likely to result in serious bodily injury to the student.

Mandatory Training for Staff

No employee of the Board or person in a school facility shall be permitted to use seclusion, physical or mechanical restraint until the person has received sufficient training in the use of the strategy or procedure to allow the person to utilize the measure safely.

The Superintendent shall require that staff members responsible for implementing this policy receive training that includes:

- A. positive methods to modify the environment of students with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
- B. methods to teach skills to students with disabilities so that the students can replace inappropriate behavior with adaptive behavior;
- C. methods to enhance the independence and quality of life for students with disabilities;
- D. the use of least intrusive methods to respond to and discourage inappropriate behavior of students with disabilities while reinforcing positive behavior of those students;
- E. a process for designing interventions based upon the student's needs that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the student; and
- F. the use of positive behavioral supports to deescalate problem behaviors.

The Superintendent shall also require that appropriate training is provided for the immediate supervisors of District employees who are authorized to supervise the use of seclusion or restraints to provide that those measures are only implemented as permitted in this policy.

Documentation and Reporting

A school shall prepare an incident report within 24 hours after a student with a disability is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the week-end, a holiday, or other reason, the incident report must be completed by the end of the school day on the day the school reopens.

The following must be included in the incident report:

- A. The name of the student with a disability who was restrained or secluded;
- B. The age, grade, ethnicity and disability of the student restrained or secluded;
- BC. The date and time of the event and the duration of the restraint or seclusion;
- CD. The location at which the restraint or seclusion occurred;
- DE. The type of restraint used;
- EE. The name of the person using or assisting in the restraint or seclusion of the student with a disability;
- FG. The name of any nonstudent who was present to witness the restraint or seclusion; and
- GH. A description of the incident, including:
 - 1. The context in which the restraint or seclusion occurred;
 - 2. The behavior of the student with disabilities leading up to and precipitating the decision to use manual physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others;
 - 3. The specific positive behavioral strategies used to prevent and de-escalate the behavior;
 - 4. What occurred with the student immediately after the termination of the restraint or seclusion;
 - 5. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies; and
 - 6. Evidence of steps taken to notify the parent or guardian of the student with a disability.
- 7. Documentation of all attempts to notify parent or guardian

A school shall notify the parent or guardian of a student with a disability each time manual physical restraint or seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.

A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student with a disability was manually physically restrained or secluded. The school shall obtain, and keep in its records, the parent's or guardian's acknowledgement that he or she received a copy of the incident report. Schools must make a minimum of two additional attempts to obtain written parent acknowledgment when parents fail to respond to initial notices or incident reports and maintain documentation of these attempts.

Monitoring

Monitoring of the use of manual physical restraint or seclusion on students with disabilities shall occur at the classroom, building, district, and state levels.

1 Documentation prepared as required in this policy shall be provided to the school principal, the senior
2 administrator in charge of Exceptional Student Education, and the bureau chief of the Bureau of
3 Exceptional Education and Student Services electronically each month that the school is in session.
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5 Any revisions to policies and procedures, which must be prepared as part of the school district's special
6 policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and
7 Student Services no later than January 31st of each year.
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9 **Disciplinary Action for a Violation of This Policy**

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11 In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a
12 Board employee who intentionally, knowingly or recklessly violates this policy is subject to correction or
13 disciplinary action as necessary to prevent a reoccurrence of the violation. A Board employee engages in
14 conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A
15 Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a
16 high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he
17 engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that
18 might result to a student with a disability and the disregard involves a substantial deviation from
19 acceptable standards of conduct established by this policy.
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21 Discipline of a staff member for violation of this policy shall take into account the degree to which the
22 violation risked serious bodily injury to a student with a disability and the staff member's history of
23 compliance with this policy and other Board policies.
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25 **Retaliation for Fully Implementing or Reporting Violations**

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27 No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in
28 violation of this policy or providing information regarding a violation of this policy.
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31 F.S. 1003.573

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33 | Adopted 1/11/11; Revised / /14

Approved as to form and legality



School Board Attorney