

LINCOLN PREPARATORY SCHOOLS

Seclusion/Restraint Procedures for Exceptional Students

An Interpretive Guide for Implementation of Act 328 of the Louisiana
Legislature, 2011

Louisiana Act 522 (2016)

August, 2016

INTRODUCTION

A primary responsibility of our educational agency is to provide a safe environment for all students. Facilities are designed to meet codes developed specifically to ensure that all students may learn in physical safety and comfort, while teachers and other staff are trained to react efficiently to emergencies such as fires, weather disasters, and other critical response situations. We are also responsible for protecting students as well as employees from acts of physical aggression initiated by other students while they are in our care. A small percentage of students may account for the majority of incidents of physical violence and this percentage includes both students identified eligible for special education services in compliance with the Individuals with Disabilities Education Act (IDEA) and students with no identified educational disability. While there are definite consequences to implement following an act of physical aggression for both exceptional and non-exceptional students, policies and procedures described here provide interventions to be implemented by persons present when the aggressive act is occurring. **The primary reason for any use of physical intervention and/or seclusion with any student is to prevent or stop injury and to maintain a safe environment for all students and faculty.**

This document provides procedures/guidance for the use, reporting, documentation and oversight of seclusion and physical restraint in the Lincoln Preparatory Schools.

These procedures specifically address the statutory requirements of Louisiana Act 328 of 2011 and Louisiana Act 522 of 2016 regarding the use of seclusion and restraint as emergency safety measures to control the actions of students with exceptionalities in Louisiana's public schools.

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Overview of Use of Seclusion and Physical Restraint

1. Seclusion or physical restraint will be used **only** when all other classroom interventions have been attempted and proven unsuccessful in remediating self-injurious or physically aggressive behaviors and then **only** to prevent the immediate escalation of aggressive behavior and imminent physical injury to other students or faculty.
2. Physical control techniques that result in minimal discomfort and no physical injury to the student will be implemented. Interventions used will not interfere with a student's ability to breathe freely or communicate with others. Students will not be restrained in a manner that places excessive pressure on the back or chest that may present a risk of asphyxia.
3. Physical intervention will not be used as a form of discipline or punishment, as a way to obtain compliance, for convenience of school personnel, or when unsafe, unreasonable, or unwarranted. Seclusion is prohibited for addressing behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors will be addressed with less stringent and less restrictive techniques. Seclusion will not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, for the convenience of school personnel, or when unreasonable, unsafe, or unwarranted. Seclusion and physical restraint will not be used after imminent substantial risk of injury no longer exists.
4. If a student has a medical or psychological condition that precludes seclusion and/or physical intervention, as certified in a written statement by a licensed health care provider, physical restraint will not be used with that student. That student's Individualized Education Plan (IEP) team will develop and implement interventions to address that student's individual needs.
5. No mechanical devices such as stockingettes, web straps, or tie downs will be used for physical restraint. Adaptive devices such as braces, postural aids, and other equipment prescribed through the Individualized Education Plan (IEP) to assist a student to benefit from his/her educational programming are not considered to be restraints.
6. **Only** school personnel that have specific experiential training in the safe and proper application of prescribed techniques will employ physical restraint. **Only** approved procedures will be used. **All** trained personnel are required to assist, if needed, when physical restraint is implemented. Psychological and Intervention Services and/or Special Education staff familiar with the approved physical intervention techniques will provide training.
7. Physical restraint or seclusion will not serve as the sole means of behavioral intervention and support for any student with a disability. Special education students who have a documented history of physical aggression will have a behavior management plan as a component of their Individualized Education Plan, which will be reviewed and approved by parents. This behavior plan will designate when seclusion or physical restraint is used and the behavioral consequences that will follow use of seclusion or restraint. Seclusion and physical restraint used for reasons other than imminent risk of harm and use of procedures contrary to those approved listed shall be

considered unreasonable and strictly prohibited. Seclusion will not be used as a disciplinary consequence for minor infractions or to otherwise isolate the student from needed educational instruction.

8. In an emergency situation, physical restraint or seclusion may be used with **any** student to prevent injury to that student or others. However, every behavioral incident that involves physical intervention is subject to review by principals, administrative staff, community advocates, and parents. Staff is advised to be extremely cautious when using physical interventions with students without inclusion of these interventions in an Individualized Education Plan. Staff members may be held personally accountable for injuries that may result from physical interventions that may be generally considered more intrusive than necessary to stop aggressive behavior.
9. All attempts should be made to remove others (except a witness) from the area when restraint is being implemented to both prevent injury and to protect the privacy of the student that requires physical restraint. If there is more than one staff member in the area when physical restraint is initiated, one person will assume control. This primary intervention person will initiate verbal and, if required, physical interventions. Other staff members will follow the directions of the primary intervention person. Other staff members will provide physical assistance if needed. If they are not needed to establish and maintain safe physical restraint, other staff will remove and relocate other students and will alert the school principal that physical restraint has been initiated.
10. Personnel will not discuss any aspect of seclusion or physical restraint with any student at any time. Once an incident of seclusion or physical restraint is ended, teachers and others will complete the appropriate forms and return to teaching to provide opportunities for students to earn positive reinforcers. **Staff will not threaten use of restraint to gain compliance and will not remind the student of behaviors that have resulted in physical restraint in the past.**

Methods and Procedures for Physical Intervention, Control, and Restraint

Operational Definition of Physical Restraint: Physical restraint is defined as the restriction of a student's body movement, using only one's hands and body as restricting agents, to prevent escalation of aggressive behavior and imminent injury to that student or other persons. Physical restraint does not include consensual, solicited, or unintentional contact, momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person, holding of a student by a school employee for the purpose of calming or comforting the student—provided the student's freedom of movement or normal access to his/her body is not restricted, minimal physical contact for the purpose of safely escorting a student from one area to another, minimal physical contact for the purpose of assisting the student in completing a task or response, seclusion.

Specific Procedures for Use of Physical Restraint: These procedures are adapted from evidence-based crisis intervention and prevention plans. Interventions are arranged in order from less to more intrusive. Staff should use only as much physical control as is necessary to stop physically aggressive behavior. Physical intervention will be applied only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

When Physical Restraint is used:

1. Adults will maintain the proper restraint until the student no longer attempts to self-injure or display aggressive behavior.
2. Adults will release the student as soon as is practical. If property has been disturbed, the student's first assignment will be to restore the area. Student and staff will then return to regular instructional materials.
3. A staff member not involved in the physical restraint will remain in the area to witness the entire episode of physical control and assist if needed. If a teacher or aide regularly assigned to that class is not available to serve as a witness, the principal may serve as the witness or the principal may assign a witness. This person will stay where they cannot be seen by the student in restraint and will remain silent throughout the implementation of restraint.

Methods and Procedures for Seclusion

Operational Definition of 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 involves the monitored separation of the student in a non-locked setting and is implemented for the purpose of calming. The term does not include in-school suspension or student requested breaks. Time Out, defined as when a student remains in the general education setting but does not interact with others or have opportunity to earn positive reinforcers, is not considered seclusion. However, Time Out periods must be documented to ensure that repetitive incidents of Time Out do not occur and to ensure that repetitive behaviors are addressed appropriately.

Seclusion is permitted **only** for behaviors that involve an imminent risk of harm, as a “last resort” when less restrictive measures such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student’s environment, have failed to stop a student’s actions that pose an imminent risk of harm. Seclusion may be used only as long as necessary to minimize the imminent risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

School personnel may use seclusion only when the student poses an immediate risk of danger to self or others. Situations that warrant seclusion may include but are not limited to:

- When a student is in control of a weapon
- Isolation is needed to break up a fight or maintain order at the school
- A student poses a viable threat of 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.

Specific Procedures for Use of Seclusion: When all non-intrusive attempts to stop a student’s behavior that presents an imminent risk of harm have failed, trained staff will verbally instruct that student to move to an approved seclusion room. A student may be physically placed in a seclusion room, using approved assisted transport methods if circumstances warrant such action. A student in a seclusion room will be monitored continuously. Seclusion will end when crisis intervention, emergency medical, or law enforcement personnel intervene or when supervising staff determine that the student no longer presents an imminent risk of harm to themselves or others.

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, if possible. 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.

If physical intervention becomes necessary to prevent a student in seclusion from harming him/herself or causing substantial destruction of school property, seclusion ends, trained personnel enter the seclusion room, and de-escalation procedures will be implemented. Physical restraint will be implemented as prescribed if needed.

Use of a Seclusion Room is permitted only when:

- Administered 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.
- 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.

Reporting Requirements/Follow up Procedures/Documentation/Notification

1. All interventions attempted before use of seclusion or physical restraint will be formally or informally documented by the school personnel providing the physical restraint.
2. While it is desirable that all restraint is observed, should physical restraint remain in effect for 15 minutes or more, the school principal or a staff member directly designated by the principal must directly observe the student in physical restraint. The principal or designated person will determine if the student is in physical distress, and control should stop, if restraint should be continued, or if other action should be taken. If restraint is continued, the principal will examine the student in restraint at 15-minute intervals and decide the next course of action for each 15-minute interval until restraint is terminated. These observations will be documented using the Seclusion/ Restraint Observation Log Form.
3. Staff will continuously visually monitor a student in seclusion until seclusion ends. Monitors will document the student's progress at fifteen minute intervals using the Seclusion/Restraint Observation Log Form.
4. When Physical Restraint and/or Seclusion are used, a Documentation of Seclusion/Physical Restraint form must be completed and given to the school principal or a designee on the day that the physical intervention or seclusion was used. The staff implementing restraint, special education teacher, any additional witnesses, and principal will review the Documentation of

Seclusion/Physical Restraint form, add any relevant information, and sign the completed form before the form is forwarded.

5. The principal must notify the student's parent or guardian before the end of that school day. The principal must also notify the Special Education Supervisor or a designee before the end of that day and review, sign, and **fax** a copy of the intervention report to that supervisor **within 24 hours**. A copy of the documents will be sent to parents and Special Education/Psychological and Intervention Services as soon as possible.
6. After a seclusion/restraint incident, the Special Education teacher will convene the IEP Team within 10 days to review and revise accommodations, modifications, and/or behavior intervention plans in an effort to prevent future occurrences. A copy of the IEP team meeting with amendments and changes will be forwarded to the Supervisor of Special Education within 5 days of the meeting.
7. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Plan team shall review and revise the student's Behavior Intervention Plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the Supervisor of Special Education or designee shall review the student's plans at least once every three weeks until physical restraint and seclusion procedures have not been used for six consecutive school weeks.
8. No statute, law, or procedural safeguard prohibits school administrators from reporting a crime to appropriate authorities or from involving law enforcement at school when **any** student commits a criminal act. If school administrators determine that continued placement of an IDEA (special education) student will likely result in injury to the student or others, contact the Supervisor of Special Education. This will initiate the process of removal, ensuring that procedural safeguards are followed. Exceptions to procedure may be made if emergency circumstances warrant.

The Principal or designee will notify the Supervisor of Special Education immediately when an emergency removal of an IDEA eligible student occurs.

School Employee Training

Each district school site will have a Crisis Team. Team members will participate in training in Non-Violent Crisis Intervention and in prescribed methods of implementing seclusion with exceptional students. Certificates of competence will be issued to successful trainees.

Only school personnel that have specific experiential training in the safe and proper application of prescribed techniques will employ physical restraint. **Only** approved procedures will be used. **All** trained personnel are required to assist, if needed, when physical restraint is implemented. Psychological and Intervention Services and/or Special Education staff familiar with the approved physical intervention techniques and certified as trainers will provide training.

Crisis team members will participate in continuing education for Crisis Intervention as required.

Dissemination of Guidelines and Procedures to All School Employees

A copy of School Board Policy and Seclusion/Restraint Procedures for Exceptional Students will be available in each district school's policy and procedure manual and in each Special Education teacher's handbook.

Dissemination of Guidelines and Procedures to Every Parent of a Child with Exceptionality

A copy of guidelines will be provided to parents/guardians of students with disabilities and exceptional students at age of majority at the student's annual Individualized Education Plan review meeting, either as a freestanding document or as a component of a more comprehensive Students Rights and Responsibilities Handbook.

Notification to the Louisiana Department of Education

Data for each incident of seclusion and physical restraint will be entered into the SER Data Program by the district Supervisor of Special Education or a designee within 24 hours of receipt of LPS Seclusion/Restraint Documentation from the school. This documentation of Seclusion/Physical Restraint will be available for appropriate personnel within the Louisiana Department of Education through the SER data program.

Analysis of Physical Restraint/Seclusion Reporting

Data will be used to track the number of incidents of physical restraint/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. Such data will analyzed at least annually and a district report will be prepared. Related data will be available to parents/guardians of children and other interested parties upon request.

Appendix A – Documentation Forms

LINCOLN PREPARATORY SCHOOL
Documentation of Seclusion/Physical Restraint

Date:

Complete and fax copy to Special Education Supervisor within 24 hours

STUDENT _____ **DOB** _____ **RACE** _____ **SCHOOL** _____
EXCEPTIONALITY _____ **PARENT** _____ **SPED TEACHER** _____

What was the student doing prior to this incident? (Attach explanation if additional space is needed)

What behavior required the seclusion/physical restraint? (Attach explanation if additional space is needed)

What de-escalation techniques were used prior to the application of seclusion/ physical restraint?
(Attach explanation if additional space is needed)

What specific seclusion/restraint techniques were used?

How long was seclusion/restraint necessary?

What happened when the student was released? (Attach explanation if more space is needed):

Were there any observable injuries to the student or school personnel? (If yes, provide specific details.)

Who witnessed the seclusion/restraint _____

Who was notified (parent/ guardian) _____

How was notification completed? _____

Document parent/guardian response

Staff Implementing Seclusion/Restraint

Special Ed. Teacher

Executive Director

Witness

**Send copy to:
Parent/Guardian
Special Education Department and/or Psychological and Intervention Services**

Lincoln Preparatory School

Seclusion/Restraint Observation Log

Student: _____ **Date:** _____

Names of Person(s) Supervising Student During Seclusion/Restraint Incident:

Description of Student's Dangerous Behavior Warranting Action of Last Resort:

Observation Log											
Code: ✓ = Student OK; still poses imminent danger C = Calming Begins R = Released from Seclusion/Restraint											
Check Student Every 15 Mins.	Start Time: End Time:										Total
1	2	3	4	5	6	7	8	9	10	11	12

Observer(s) Signature(s): _____

Appendix B – Guidelines and Procedures for Parents/Guardians

Guidelines for Use of Seclusion and Physical Restraint with Exceptional Students

Louisiana Revised Statute 17:416.21 (Act 522 of 2016) and Louisiana Bulletin 1706 (Regulations for Students with Disabilities, rev. 2012) mandate that each Local Educational Agency develop and disseminate guidelines for use of seclusion and physical restraint to parents/guardians of exceptional students.

Comprehensive policies and procedures that include descriptions of methods and procedures for seclusion, physical transport, intervention, and control as well as procedures for parent notification, staff training, direct monitoring, data analysis, and documentation are available for review on the Lincoln Preparatory school website. Copies of these documents will be provided upon request.

General guidelines for use of seclusion and physical restraint for students with exceptionalities at Lincoln Preparatory Schools are as follow:

1. Seclusion or physical restraint will be used only when all other classroom interventions have been attempted and proven unsuccessful in remediating self-injurious or physically aggressive behaviors and then only to prevent the immediate escalation of aggressive behavior and imminent physical injury to other students or faculty.
2. Physical control techniques that result in minimal discomfort and no physical injury to the student will be implemented exclusively. Interventions used will not interfere with a student's ability to breathe freely or communicate with others. Students will not be restrained in a manner that places excessive pressure on the back or chest that may present a risk of asphyxia.
3. Neither seclusion nor physical intervention will be used as a form of discipline or punishment, as a threat to control, bully or to obtain compliance, for convenience of school personnel, or when unsafe, unreasonable, or unwarranted. Seclusion is prohibited for addressing behaviors such as general noncompliance, self-stimulation, and academic refusal. Seclusion and physical restraint will not be used after imminent substantial risk of injury no longer exists. Seclusion will not be used to isolate a student from needed educational instruction. Staff will not attempt to gain compliance by reminding a student of behaviors that have resulted in physical restraint or seclusion the past.
4. If a student has a medical or psychological condition that precludes seclusion and/or physical intervention, as certified in a written statement by a licensed health care provider, physical restraint will not be used with that student. That student's Individualized Education Plan (IEP) team will develop and implement interventions to address that student's individual needs.
5. No mechanical devices such as stockinettes, web straps, or tie downs will be used for physical restraint. Adaptive devices such as braces, postural aids, and other equipment prescribed through the Individualized Education Plan (IEP) to assist a student to benefit from his/her educational programming are not considered to be restraints.
6. Psychological and Intervention Services and/or Special Education staff familiar with the approved physical intervention and seclusion techniques will provide staff training. Only school personnel that have specific experiential training in the safe and proper application of prescribed techniques will employ seclusion and

physical restraint. Only approved procedures will be used. All trained personnel are required to assist, if needed, when physical transport or restraint is implemented.

7. Physical restraint or seclusion will not serve as the sole means of behavioral intervention and support for any student with a disability. Special education students who have a documented history of physical aggression will have a behavior management plan included as a component of their Individualized Education Plan. This behavior plan will designate when seclusion or physical restraint is used and the behavioral consequences that will follow use of seclusion or restraint. Seclusion and physical restraint used for reasons other than imminent risk of harm and use of procedures contrary to those approved listed shall be considered unreasonable and are strictly prohibited.
8. In an emergency situation, physical restraint or seclusion may be used with any student to prevent injury to that student or others. However, every behavioral incident that involves physical intervention is subject to review by principals, administrative staff, community advocates, and parents. Staff is advised to be extremely cautious when using physical interventions when students do not have such interventions included in their Individualized Education Plans.
9. Personnel will not discuss any aspect of seclusion or physical restraint with any student at any time. Once an incident of seclusion or physical restraint is ended, teachers and others will return to teaching and providing opportunities for students to earn positive reinforcers.
10. When seclusion or physical restraint is implemented, the student's principal or a designee must notify the student's parent or guardian before the end of that school day. The principal must also notify the Special Education Supervisor or a designee before the end of that day and review, sign, and fax a copy of the intervention report to that supervisor within 24 hours. A copy of the documents will be forwarded to parents and Special Education/Psychological and Intervention personnel as soon as possible.
9. After a seclusion/restraint incident, the Special Education teacher will convene the IEP Team within 10 days to review and revise accommodations, modifications, and/or behavior intervention plans in an effort to prevent future occurrences. A copy of the IEP team meeting with amendments and changes will be forwarded to the Supervisor of Special Education within 5 days of the meeting.
11. Physical Restraint/Seclusion Incident Reporting data will be analyzed at least annually. Procedures will be reviewed and revised as necessary in the interim to ensure appropriateness and effectiveness.
12. Data will be used to track the number of incidents of physical restraint/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. Related data will be available to parents/guardians of children and other interested parties upon request.

A copy of these guidelines will be provided to parents/guardians of students with disabilities and exceptional students at age of majority at least annually either as a freestanding document or as a component of a more comprehensive Students Rights and Responsibilities Handbook.

Appendix C – Definitions

DEFINITIONS

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

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

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

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

NOTIFICATION – Notification may be accomplished by direct verbal contact or electronic communication, including electronic voice messaging and/or e-mail.

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 including the unforced holding of a student’s hand or other physical prompts for the purpose of safely guiding the student from one task to another or directing the student in an educational activity.

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

- Consensual, solicited, or unintentional contact.
- Momentary blocking of a student’s action if the student’s action is likely to result in harm to the student or other person
- 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.

SUBSTANTIAL RISK OF INJURY – Behavior which has both the intent and available means to cause serious physical harm to self or others.

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

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