

## SECLUSION AND RESTRAINT OF STUDENTS WITH DISABILITIES

It is the policy of the The School Board (District) to ~~limits~~ 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

The District ~~prohibits the use of seclusion~~ at all schools.

~~For purposes of this policy, seclusion is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Seclusion is not an instructional tool for the development of pro social behavior. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists.~~

~~The use of seclusion on a student with a disability shall not be permitted except when the conditions described in this policy exist and, if applicable, in accordance the student's IEP and/or any BIP.~~

~~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 and any other person necessary to accompany that student. 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. 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/herself 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. An enclosure or room shall still be considered to be used for seclusion if more than one student with a disability is placed in the room under circumstances that would otherwise qualify as seclusion, and if more than one student with a disability is placed in the room or enclosure, the staff member shall insure that the students do not have the potential to injure one another.~~

~~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 BIP or IEP, the time limitations identified in the BIP or IEP 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 Restraint

~~For purposes of this policy, restraint is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Restraint is not an instructional tool for the development of pro-social behavior. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists.~~

~~Physical restraint immobilizes or reduces the ability of a student to move his/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 authorized by trained school personnel or devices used by a student that have been prescribed by medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:

- A. 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;
- B. basic vehicle safety restraints (i.e., seat belts) when used as

intended during the transport of a student in a moving vehicle;

- C. restraints for medical immobilization; and
- D. 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. 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. Failure of a student with a disability to complain or object to a restraint or the successful use of a restraint with another student with a disability shall not justify the use of a restraint.~~

#### Use of Physical Restraint

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. Physical restraint does NOT include a physical escort (temporarily touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student, that is acting out, to walk to a safe location).

School personnel will not use a mechanical, manual or physical restraint that restricts a student's breathing. School personnel will not close, lock or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in the State Fire Marshal Rule 69A-58.0084, F.A.C.

~~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. Application of physical or mechanical restraint to a student with a disability shall take into consideration the IEP and any BIP established for the student.~~

~~Physical or mechanical restraint may be used on a student with a disability if an emergency requires the use of the restraint. As used here, "emergency" means~~

~~circumstances in which a staff member reasonably believes that application of a restraint on the student with a disability is necessary in response to a physical risk of harm to the student with a disability or others.~~

~~A mechanical restraint may be used on a student with a disability if the student's treating physician has authorized the use of the mechanical restraint before the restraint is applied. 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, 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, 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.~~

~~A 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 or causing severe property damage. The use of force in the application of the restraint shall not exceed the force that is reasonably necessary in the circumstances justifying the use of the restraint.~~

~~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.~~

~~Mechanical restraint may only be used on a student with disabilities in circumstances other than the conditions described above if the mechanical restraint is used to address the medical needs of the student, protect a student who is known to be at risk of injury to himself/herself because of a lack of coordination or frequent loss of consciousness, provide proper body alignment to a student, or position a student who has physical disabilities in a manner prescribed in the student's IEP.~~

~~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 BIP or IEP 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.~~

#### Mandatory Training for Staff

No employee of the Board, or other person in a school facility, shall be permitted to use any form of seclusion, physical or mechanical restraint until the person has received sufficient training, as described below, in the use of the strategy or procedure to allow the person to utilize the measure safely and in compliance with any Individual Education Plan (IEP) or Behavior Intervention Plan (BIP) established for a student with a disability.

The Superintendent shall require that staff members, responsible for implementing this policy, receive sufficient 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 twenty four (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.~~

Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Parent notification is provided in a letter to the parent on the same day that the restraint or seclusion was used and within three school days of the incident by providing a copy of the incident report to the parent.

Notification to the parent by letter must be provided by the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. A written notification letter is provided to parents each time restraint is used. The school principal, or designee, is responsible for preparing the written notification letter to the parent. The principal, or designee, will contact the parent by phone, e-mail or in person on the day of the incident. The written notification will also be sent home with the student or handed to the parent on the date of the incident if parent comes to school.

The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion by letter. In accordance with standards developed by FDOE, the district must make a minimum of two additional attempts to obtain written parent acknowledgement of receipt of the notification letter when the parent fails to respond to the initial notice. The attempts to obtain the signed written notification will be documented by the school. The school principal is responsible for the management and maintenance of restraint and seclusion records.

The school will complete and submit an incident report on the FDOE website within twenty-four hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be submitted by the end of the school day on the day the school reopens. A copy of the incident report is printed and filed in the school file. A copy is also sent to the parent within three school days of the incident.

The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she received a copy of the incident report. In accordance with standards developed by FDOE, the district must make a minimum of two additional attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.

The following must be included in the incident report:

- A. tThe name of the student with a disability who was restrained or secluded;
- B. tThe age, grade, ethnicity, and disability of the student restrained or secluded;
- C. tThe date and time of the event and the duration of the restraint or seclusion
- D. tThe location at which the restraint or seclusion occurred;
- E. aA description of the type of restraint used in terms established by the Department of Education;
- F. tThe name of the person(s) using or assisting in the restraint or seclusion of the student with a disability;
- G. tThe name of any nonstudent who was present to witness the restraint or seclusion; and
- H. aA 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.

Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE. Charter schools, DJJ facilities, and contracted residential facilities are included in all reporting requirements and must follow district policy.

The district has procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the plan for reducing the use of restraint and seclusion.

~~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 s/he was notified of his/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 s/he received a copy of the incident report.~~

### Monitoring

~~The District shall monitor the use of manual physical restraint or seclusion on students with disabilities and shall collect data including:~~

- ~~A. when, where, and why students are restrained or secluded;~~
- ~~B. the frequency of occurrences of such restraint or seclusion; and~~
- ~~C. the prone or mechanical restraint that is most used.~~

~~Documentation prepared as required in this policy shall be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session.~~



~~The data collected shall be used when selecting staff for training, as well as in the preparation of a District plan with the goal of reducing the use of seclusion and restraint in settings in which it occurs frequently or with students who are restrained repeatedly.~~

~~{ } as well as reducing the use of prone restraint and mechanical restraint.~~

The district is required to have a plan for reducing the use of restraint and seclusion, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:

The plan shall identify activities, skills, and resources needed to achieve the ~~plan's~~ District's goal, including the following:

- A. additional training in positive behavioral support and crisis management;
- B. parental involvement;
- C. data review;
- D. updates on students' functional behavioral analysis and behavioral intervention plans;
- E. additional student evaluations;
- F. debriefing with staff;
- G. use of school-wide positive behavioral support; and
- H. changes to the school environment.

### **Revisions to Policies and Procedures**

Any revisions to policies and procedures, which must be prepared as part of the school district's special policies and procedures, must be filed with the bureau chief

of the Florida Bureau of Exceptional Education and Student Services no later than January 31st of each year.

Disciplinary Action for a Violation of This Policy

In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a Board employee who intentionally, knowingly or recklessly violates this policy is subject to correction or disciplinary action as necessary to prevent a reoccurrence of the violation. A Board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student with a disability and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

Discipline of a staff member for violation of this policy shall take into account the degree to which the violation risked serious bodily injury to a student with a disability and the staff member's history of compliance with this policy and other Board policies.

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions that are in violation of this policy or providing information regarding a violation of this policy.

F.S. 1003.32, 1003.573, 1006.11, 1012.75  
F.A.C. 69A-58.0084