

USE OF SECLUSION AND RESTRAINT WITH STUDENTS

It is the policy of the Board to limit or prohibit the use of seclusion, physical, mechanical or chemical restraint in the education and discipline of students to circumstances in which the strategy can be used safely in a manner that is in the best interests of the student and as defined in this policy.

Use of Seclusion

The use of seclusion on a student shall not be permitted except when the conditions described in this policy exist. The use of seclusion on a student with disabilities shall also be subject to any conditions in the student's IEP and any BIP established for the student in addition to the conditions established in this policy.

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 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 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 to injure themselves or others. It must be designed so that a student 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 is placed in the room under circumstances that would otherwise qualify as seclusion, and if more than one student is placed in the room or enclosure, the staff member shall insure that the students do not have the potential to injure one another. Rooms used for in-school suspension shall not be considered rooms of seclusion.

A student 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 Restraints

A student 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 has or has immediate access to the means of acting on the threat.

A restraint shall not be implemented with the intention of using physical pain to achieve control of a student's behavior or punish misconduct, and a restraint of any kind shall never be applied in a manner that restricts a student's blood flow or respiration. Failure of a student to complain or object to a restraint or the successful use of a restraint with another student shall not justify the use of a restraint.

Physical or mechanical restraint shall not be used if there is a medical contraindication to its use identified for the student, 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 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 is necessary in response to a physical risk of harm to the student or others.

Physical or mechanical restraint may be used to conduct a medical exam or treatment on a student that is necessary to diagnose or treat a suspected condition that if not diagnosed and treated could interfere with the student's ability to receive the benefit of the student's program of instruction or IEP.

A mechanical restraint may be used on a student if the student's treating physician has authorized the use of the mechanical restraint before the restraint is applied or not later than thirty (30) minutes after the mechanical restraint is first 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. 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 as soon as practicable following application of the restraint. A student 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 student's health. A mechanical restraint shall be stopped immediately if a staff member determines that the student 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.

While a student is subject to a mechanical restraint, a staff member shall continuously monitor the student and the impact of the mechanical restraint on the student. A mechanical restraint shall only be used as necessary to contain the behavior of the student until the student is no longer an immediate threat of causing physical injury to himself/herself or others or causing severe property damage.

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 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, the educational and emotional well-being of the restrained student and other students 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 whose primary mode of communication is sign language, the student 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.

A physical or mechanical restraint shall be used no longer than necessary to contain the behavior of the student so that the student 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 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.

If physical or mechanical restraint is used on a student, the use of the restraint shall be noted in writing in the student's cumulative record and a confidential file maintained for the student not later than one (1) working day after the restraint is used. The confidential file on the student shall include a notation that confirms the facts necessary to determine if this policy was fully implemented. A copy of the report shall be provided to the Superintendent, the student's individualized education program team, and the parent/guardian of the student.

Use of Chemical or Drug Restraint

The administration of drugs prescribed by a physician for the student shall be in accordance with the terms of the prescription established by the physician, the written consent of the parent/guardian, Board Policy 5330, and the rules of the Indiana State Board of Education. (511 IAC 7-36-9) However, a parent/guardian shall not be required to obtain a prescription for medication for a student as a condition for attending school, receiving an educational evaluation under 511 IAC 7-40, or receiving special education or related services.

The administration of drugs prescribed by a physician for the purpose of responding to acute or episodic aggressive or destructive behavior by a student shall be limited to those circumstances when alternative intervention techniques have failed to effectively limit or control the acute or episodic aggressive or destructive behavior. This limitation does not apply to the administration of drugs prescribed by a physician to treat the symptoms of mental, physical, emotional or behavioral disorders that assist a student with a disability in gaining self-control over impulses.

Mandatory Training for Staff

No employee of the Board, or person in a Corporation facility shall be permitted to use seclusion, physical, mechanical, or chemical 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 and in compliance with any IEP or BIP established for a student with a disability.

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 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 while reinforcing positive behavior of students, and;
- 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.

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

Report of Violations and Corrective Plan Requirement

The principal of a school where a violation of this policy occurs shall report the violation in writing to the Superintendent not later than twenty-four (24) hours after the violation occurs, or as soon thereafter as the violation is discovered. The Superintendent shall take corrective action as necessary to address the circumstance that led to the violation.

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 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 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 in violation of this policy or providing information regarding a violation of this policy.

Definition of Terms

The following definitions apply in this policy regardless of the term(s) used to describe the conduct when it occurs.

- A. **"Behavioral Intervention Plan" or "BIP"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-10)
- B. **"Case Conference Committee"** has the meaning given it in the rules of the Indiana State Board of Education. (511 IAC 7-32-12)
- C. **"Chemical Restraint"** means the administration of drugs for the specific purpose of controlling an acute or episodic aggressive behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional, or behavioral disorders, to assist a student in gaining self-control over his/her impulses.

- D. **"Electric Shock"** means the intentional application of electric current to a student's skin or body. The term does not include electroconvulsive therapy administered by or pursuant to the order of a physician.
- E. **"Emergency"** means a situation in which immediate intervention is necessary to protect the physical safety of a student or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.
- F. **"Individualized Education Program" or "IEP"** has the meaning given to it in the rules of the Indiana State Board of Education. (511 IAC 7-32-18)
- G. **"Seclusion"** means isolated time-out or the confinement of a student outside the presence of other students or staff in a time-out room or other enclosure.
- H. **"Mechanical Restraint"** means the use of devices including, without limitation, mittens, straps, belts, or restraint chairs to limit a student's movement or hold a student immobile.
- I. **"Physical Restraint"** means the use of physical contact by a person to limit a student's movement or hold a student immobile.
- J. **"Physician"** means a person holding an unlimited license to practice medicine in Indiana, and includes an M.D. (medical doctor) and a D.O. (osteopathic physician).
- K. **"Serious Bodily Injury"** means injury to a person that creates a substantial risk of death or that causes permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.
- L. **"Verbal or Mental Abuse"** means actions or utterances that are intended to cause and actually cause severe emotional distress to a student.

Administrative Guidelines and Forms

The Superintendent is authorized to issue administrative guidelines, directives, and forms as needed to fully implement this policy and document compliance.

Adopted 4/18/11