

Procedures for Implementing Board Policy and Alabama Rule

Seclusion and Restraint of ALL Students

To be included in the School's Code of Conduct and/or Student Handbook

INTRODUCTION

The Homewood City School District 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. Unfortunately, students sometime display behaviors which place them or other students in immediate danger. School programs must implement proactive strategies and interventions to reduce the likelihood of these incidents and must have clearly identified responses to address them when they occur.

In December 2011, the Alabama State Board of Education adopted Rule 290-3-1.02(1)(f) regarding the use of seclusion and restraint for all students and the Homewood City School Board has adopted a policy consistent with this Rule. The Rule prohibits the use of seclusion as defined herein and limits the use of physical restraint to those situations in which students are in immediate danger to themselves or others.

DEFINITIONS

The following definitions are included in the Alabama Rule and will be applicable to the procedures of the Homewood City School District in the implementation of the Rule and Board policy.

Chemical Restraint is prohibited in Homewood City Schools' schools and educational programs. It is defined as: 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 is prohibited in Homewood City Schools' schools and educational programs. It is defined as: 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 does not include seatbelts and other safety equipment when used to secure students during transportation.

Physical Restraint is defined as direct physical contact from an adult that prevents or significantly restricts a student's movement. The term does not include mechanical restraint or chemical restraint and 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 lung is prohibited in the Homewood City Schools' schools and educational programs, including any method (face-down, face-up, or on your side) 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 is prohibited in Homewood City Schools' schools and educational programs. Seclusion refers to a procedure that isolates and confines a student in a separate, locked area until he or she is no longer an immediate danger to self 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 who is 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 below, 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 student but should not exceed 45 minutes per time-out;
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; and
4. The time-out space is free of objects that unreasonably expose the student or others to harm.

THE USE OF SECLUSION

As set out above, seclusion that isolates and confines a student in a separate, locked area/room specifically constructed as a seclusion room until he or she is no longer an immediate danger to self or others is prohibited in Alabama and in Homewood City Schools' schools and educational programs.

Questions and Answers

Because there may be some confusion as to what is/is not seclusion, below are some common questions and answers related to seclusion:

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

No. Students can be removed from an 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, and classroom staff must be able to see the student while 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 resulted in the student's 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 self or others requests a break to a different location, is that considered seclusion if an adult is in the room with the student?

No. Students may make this request as a form of self-imposed de-escalation.

Does the prohibition on the use of seclusion prevent a student from being removed from the classroom or other instruction 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 the student can be safely accompanied to the location.

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

No. In-school suspension is not considered to be seclusion and is not prohibited in Alabama.

THE USE OF PHYSICAL RESTRAINT

While the chemical and mechanical restraint is prohibited, physical restraint is not completely prohibited. However, **any method of physical restraint is prohibited if it restricts the flow of air to a student's lungs.** 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 due to blockage of the student's airways and chest compression. In addition, pressure applied to the back and chest areas can result in the student experiencing respiratory distress. Another danger associated with the use of this kind of restraint is the limited ability of staff to monitor the student's physical status.

The use of **physical restraint is also prohibited except in those situations where a student is an immediate danger to self or others and when the student is not responsive to less intensive de-escalation techniques.** Only physical restraint that is included in the School District's adopted program is to be used, and appropriate staff at each school will be trained and/or re-certified in the adopted program. In all instances, the use of restraint will be monitored and documented.

Physical restraint will not 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 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. For instance, running after and holding a student who is about to run in front of an oncoming vehicle is not in any way prohibited. Providing physical guidance (e.g., lightly holding a student at the elbow to guide him from one location to another) is also permitted.

Questions and Answers

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 immediate danger to self or others?

No. This would be considered chemical restraint and is prohibited. Medication can only be given with the same dosage and frequency as prescribed by the physician. In no instances should the dosage and/or frequency be altered by school staff to control the student's behavior or limit his/her movement or behavior.

Is the use of pepper spray permissible?

No. Chemical aversives of any kind, such as mace or pepper spray, are not to be used by school personnel.

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

No. Weighted vests and other such devices must only be used for the purpose and in the manner prescribed or recommended by a physician or 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?

No. Students must not be placed in adaptive equipment such as Rifton chairs for the purpose of controlling behavior, which is clearly not the purpose for which it was designed.

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

Mechanical restraints do not include adaptive or protective devices that are recommended by a physician or therapist to prevent self-injurious behavior. Use of the device must be carefully monitored, however, and used only as necessary.

Is a teacher prohibited from grabbing a student to prevent her from entering traffic?

No. Physical restraint does not include limited physical contact necessary to promote student safety.

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.

Does the new restraint rule prohibit school staff from breaking up a fight in the school or educational program?

No. Nothing in the rule modifies the rights of school personnel to use reasonable force as permitted under the Alabama Code (§ 16-1-14) or modifies the rules and procedures governing discipline under the Alabama Code (§ 16-28-12) and school staff must take reasonable action needed to protect students from harm. Staff may use physical restraints to break up a fight when the students are in immediate danger to self or others and do not respond to less intensive interventions. Nothing would prevent a staff member or program employee from diffusing a fight or physical altercation or from taking reasonable action to obtain possession of a weapon or other dangerous object on a student or within the control of a student.

When should restraints be terminated?

The process of terminating a restraint should begin immediately when the student is no longer an immediate danger to self or others.

Should restraint ever be used as a form of punishment?

No. Restraint must only be used in situations where the student is in immediate danger to self or others. It is not a form of punishment or discipline.

Should the use of physical restraint be documented in an Individualized Education Plan (IEP) or Behavior Intervention Plan (BIP) for a student with disability?

If the student has a history of engaging in behaviors that present an immediate danger to self or others and the team believes that restraint may very likely be needed, it may be wise for the IEP or behavioral intervention team to discuss its use with the parents so that the parents are on notice that such may be necessary. However, schools do not need parental consent to use physical restraint if it is necessary to prevent harm to a student or other and the inclusion of restraint in a student’s IEP or BIP would imply that it is a planned intervention and, therefore, may be inappropriate. Clearly, the use of physical restraint is reserved for emergency situations and, in most instances, it may not be possible to determine if restraint would be required when the IEP and BIP are being developed.

Does the adoption of this rule limit school staff’s ability to use their discretion in restraining students or otherwise make them liable if they decide that restraint was necessary?

No. The Alabama rule specifically clarifies that school staff may use their discretion in the appropriate use of physical restraint to create a safe environment without fear of personal liability or criminal action.

Does the Alabama rule protect the school district or an employee that intentionally uses restraint or seclusion in order 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 does not comply with the Alabama Seclusion and Restraint Rule?

The State Board of Education could, at its discretion, withhold all or part of the state-contributed Foundation Program funds allotted to the school district in accordance with the Alabama Administrative Code until full compliance is met by the district.

PROCEDURES REGARDING RESTRAINT

The following procedures will apply to the use of Restraint in Homewood City Schools’ schools and education programs:

Staff Training Procedures

Selecting Staff for Training

All school staff that reasonably would be expected to be involved in an incident of physical restraint of a student will participate in training provided by the District in the “Managing Crisis Safely” program. The District’s Director of Student Services/designee will be responsible for designating the staff to be trained in the “Managing Crisis Safely” program annually on prevention and positive behavioral management techniques, including the proper use of de-escalation techniques. In addition, training will be provided on the proper use of physical restraint, should it be necessary, to prevent harm to a student or others. Those who have been trained will be recertified every two years and, at each school, those who have been trained must meet during the first semester of every school year to review the information learned in the “Managing Crisis Safely” training. A sign-in sheet must be created for these meeting to document those in attendance.

Documentation of Training

All school staff who are trained in the “Managing Crisis Safely” program will be required to sign in by using the sign-in sheet provided at the training by the District’s Director of Student Services/designee. A list of all participants in each training session will be maintained by the Director of Student Services and all records related to the training will be made available to the Alabama Department of Education or any member of the public upon request.

Reporting and Documenting Incidents of Physical Restraint

In the rare instance that the use of physical restraint is deemed necessary, the District will follow the following reporting and documentation requirements related to each incident of physical restraint:

Written parental notification

No later than one (1) school day after the incident of physical restraint occurs, the parent(s)/guardian(s) of the student must be notified, **in writing**, of the incident. The form to be used for parental notification can be found as Appendix A hereto. Sending of the written notice will be documented on form “School’s Documentation of Required Action Taken After Incident of Physical Restraint,” Appendix B, and a copy of the written notice will be sent to the District’s Director of Student Services. If the student involved is not a special education student, the Director of Student Services will advise the appropriate district-level administrator of the incident.

No later than one (1) school day after the incident of physical restraint occurs, the staff person(s) involved in the incident will complete an Incident Report, Appendix C hereto. The Incident Report will be provided to and reviewed by the School Principal/designee and a copy will be sent to the District’s Director of Student Services. Completion of these tasks must also be documented on the appropriate form, Appendix B.

No later than five (5) school days after the incident of physical restraint occurred, the Principal/designee will convene all staff who participated in or supervised the restraint. This session will be for the purpose of debriefing and for developing preventative strategies to reduce reoccurrence of the behaviors that led to the need to use restraint.

The Director of Student Services will create monthly summary reports of the incidents of physical restraint and ensure that those are used for the preparation and submission of required annual reports to the School Board and to the Alabama Department of Education. These reports will also be reviewed periodically to assess the need for additional training, consultation with behavioral experts, revision of services for students, etc.

Appendix A

Written Notification of Incident of Physical Restraint
(to be provided to parent/guardian no later than one school day after the incident)

Today's Date: _____

Date of Incident: _____

Dear Parent(s) or Guardian(s) of _____,

As required by Alabama rules, this is to notify you that physical restraint was used with your child at school on _____. Additional attempts to contact you by phone or email have also been made so that we can arrange a meeting to discuss the incident.

If you have any questions, please do not hesitate to contact your child's school.

Sincerely,

Principal/Designee

cc: Director of Student Services, Homewood City Schools

Appendix B

School's Documentation of Required Action Taken After Incident of Physical Restraint

All items to be completed for each incident of physical restraint

Name of Student: _____

Date of Restraint: _____

(Check items as they are completed and fill in additional information as required):

Written Notification of Incident to Parent/Guardian Within One School Day of Incident:

_____ Initial Written Notification of Incident sent to parent/guardian no later than one school day after the incident with copy to the Director of Student Services. Date sent: _____

Incident Report Completed Within One School Day of Incident:

_____ Date Incident Report Completed: _____

_____ Incident Report reviewed by School Principal/Designee

_____ Incident Report placed in school file

_____ Copy of Incident Report provided to the Director of Student Services

Debriefing Session Convened by School Principal/Designee with all Staff Involved in Incident Within Five School Days of Incident:

_____ Date debriefing session held: _____

When completed, send copy of this Document to the District's Director of Student Services

Appendix C

INCIDENT REPORT OF USE OF PHYSICAL RESTRAINT

Name of Student: _____

Date of Restraint: _____

Date of Report: _____

Student's: Ethnicity: _____ Gender: _____ Disability: _____

(Check items as they are completed and fill in additional information as required):

Location where Restraint Occurred: _____

Precipitating behavior or antecedent:

De-escalation efforts made prior to need for restraint:

Type of restraint used: _____

Description of student's behavior and physical status during the restraint:

Any injuries to the student or staff related to the restraint:

Total time student was restrained: _____

Name/position of staff involved/observing the restraint and signatures:

Name Position

Name Position

Name Position

Provide completed Report to School Principal/designee for review and maintenance in school file.
Principal will provide copy to the District's Director of Student Services.