

## RESTRAINT AND SECLUSION

### I. Policy Rationale and Philosophy:

Reasonable efforts should be made to prevent the use of restraint and the use of seclusion of learners. A non-aversive effective behavioral system such as Positive Behavioral Intervention and Supports (PBIS) should be used to create a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all learners.

The Brookings School District believes that the school environment should be one in which the care, safety, and welfare of all learners and staff members are priorities. Efforts to promote positive interactions and solutions to potential conflict should be extensive. In the event that an individual's behavior presents a threat of imminent harm to self or others the use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort.

### II. Definitions:

#### a. Positive Behavior Interventions and Support:

- i. A school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all learners, and
- ii. Encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish recurrences of challenging behaviors and teach appropriate behavior to learners.

#### b. Physical Restraint:

- i. The use of physical contact that immobilizes or reduces the ability of a learner to move their arms, legs, body, or head freely. Such a term does not include a physical escort, mechanical restraint, or chemical restraint.
- ii. Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:
  1. To break up a fight;
  2. To knock a weapon away from a learner's possession;
  3. To calm or comfort;
  4. To assist a learner in completing a task/response if the learner does not resist the contact;
  5. To prevent an impulsive behavior that threatens the learner's immediate safety (i.e. running in front of a car).

#### c. Seclusion:

The involuntary isolation of a learner in a room, enclosure or space from which the learner is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.

#### d. Time Out:

A behavioral intervention in which a learner, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the learner is not physically restrained or prevented from leaving the area by physical barriers.

### III. Requirements for the use of Physical Restraint:

Physical restraint may be used only when there is an immediate risk of physical harm to the learner or others and no other safe and effective intervention is possible. If physical restraint is applied the staff member must:

- a. implement in a manner that is age and developmentally appropriate;
- b. ensure safety of other learners and protect the dignity and respect of the learner involved. Combine use with other approaches (non-physical interventions are always preferred) that will diminish the need for physical intervention in the future;

- e. use the least amount of force necessary, for the least amount of time necessary;
- d. be appropriately trained;
- e. continually observe the learner in restraint for indications of physical or mental distress;
- f. contact appropriate emergency entities according to district crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved;
- g. remove the learner from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; following the use of physical restraint, the individual should be assessed for injury or psychological distress and monitored as needed following the incident.

#### **IV. Prohibited Practices for Use of Restraints:**

Staff members are not to use any physical restraints for which they have not been trained by the district. Staff members are not to use any unauthorized physical restraints. This includes but is not limited to:

- a. Prone restraint, which is physical pressure applied to any part of the learner's body to keep the learner in a face down position on the floor or other surface, except when the use is necessary and reasonable in manner and moderate in degree;
- b. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that involves the use of pinning down a learner by placing knees to the torso, head, and/or neck of the learner;
- c. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
- d. Uses pressure point, pain compliance, or joint manipulation techniques;
- e. Corporal punishment;
- f. Dragging or lifting of the learner by the hair or ear or by any type of mechanical restraint;
- g. Deprivation of basic needs;
- h. Chemical restraint;
- i. Mechanical restraint (that does not include devices used by trained school personnel, or by a learner, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
- j. Using other learner or untrained staff to assist with the hold or restraint;
- k. Securing a learner to another learner or fixed object;
- l. Aversive behavioral interventions; or
- m. Seclusion in a locked room or area.

#### **VI. Prohibited for Use of Seclusion:**

- a. Use of seclusion in any environment that does not meet the above criteria.
- b. Deprivation of basic needs;
- c. Seclusion shall not be used;
  - i. As a form of discipline/punishment
  - ii. As a means to coerce, retaliate or in a manner that endangers a learner;
  - iii. For the convenience of staff;
  - iv. As a substitute for an educational program;
  - v. As a substitute for less restrictive alternatives;
  - vi. As a substitute for inadequate staff; and/or
  - vii. As a substitute for positive behavior supports or other crisis prevention.

#### **VII. Reporting and De-Briefing Requirements after the use of Physical Restraint or Seclusion:**

- a. The staff member(s) using physical restraint or seclusion shall complete all district required reports and document staff's observations of the learner.
  - i. As soon as possible under the circumstances the staff member(s) using physical restraint or seclusion shall inform the appropriate school administrator of the use of physical restraint or seclusion.
  - ii. The incident report shall be completed upon occurrences of physical restraint or seclusion.

- iii. Completion of the form and submission of the incident report to the appropriate administrator or lead teacher must be done the same day the staff member(s) used physical restraint or seclusion.
  - iv. An administrator or lead teacher shall attempt to contact the parent/guardian during the same day of incident.
  - v. A copy of the incident report must be made available to parent/guardian by the administrator or lead teacher within 24 hours after receipt of the incident report.
- b. A debriefing with all involved staff, if appropriate, the parents and/or learner, will be conducted;
- i. If this is the first time restraint or seclusion was used with the learner, administration will contact parents and debrief with staff.
  - ii. If restraint or seclusion is part of the learner's formal behavior support plan, staff will debrief, when needed with a behavior specialist.
  - iii. To evaluate the trigger for the incident, staff response, and methods to address the learner's behavioral needs;
  - iv. During the debrief, if the behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment, and/or a Behavior Intervention Plan must be completed or reviewed; changes made to the plan if necessary.

### **VIII. Training and Professional Development:**

- a. The district will ensure that all personnel in each building will be informed of crisis management and de-escalation techniques.
- b. The school district will maintain written or electronic documentation on training provided and lists of participants in each training.
- c. All learner personnel shall be trained annually on this policy.

### **IX. District Monitoring:**

- a. The superintendent shall monitor the implementation of this policy.
- b. This policy shall be accessible on the district's website.

### **X. Complaint:**

- a. A parent/guardian who feels that a school employee violated this policy may file a complaint pursuant to Policy KL- Complaints from the Public.
- b. If the learner is a learner with a disability, the parent/guardian of the learner with a disability may file a complaint with the South Dakota Department of Education, Office of Special Education.

Restraint and seclusion, as defined below, are behavioral interventions. The use of such behavioral interventions must be in accordance with this policy. The following interventions do not constitute seclusion and restraint, and are not governed by this policy: voice control, limited to loud, firm commands; time-limited ignoring of specific behaviors; brief physical prompts to interrupt or prevent a specific behavior; physical interventions which a learner's health care provider has indicated are medically necessary for the treatment or protection of the individual; or other similar interventions.

### **Definitions**

*Physical restraint* refers to a personal restriction that immobilizes or reduces the ability of a learner to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a learner who is acting out to walk to a safe location. Physical restraint does not include incidental touching that comes along with movement inside a classroom, lunch line, or other areas of the school building where maintaining order is required.

*Mechanical restraint* refers to the use of any device or equipment to restrict a learner's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a learner that have

been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

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

*Chemical restraint* refers to the administration of medication for the purpose of restraint, but does not include the administration of medication in accordance with the directions and prescription of a physician with the consent of the learner's parent or guardian.

*Seclusion* refers to the involuntary confinement of a learner alone in a room or area from which the learner is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the learner in a non-locked setting, and is implemented for the purpose of calming.

### **Use of Restraint and Seclusion**

The use of chemical restraint is strictly prohibited. The use of any seclusion or restraint intervention for punitive or disciplinary purposes is strictly prohibited. Similarly, the use of any technique that constitutes corporal punishment, which is the infliction of bodily pain as a penalty for disapproved behavior, is strictly prohibited. Seclusion and/or restraint shall not be used for the convenience of staff or as a substitute for an educational program. When restraint or seclusion is used to respond to the danger of harm posed by a learner's behavior, the intervention shall be discontinued as soon as the danger of harm has dissipated. .

The use of physical restraint, mechanical restraint, and seclusion is permitted in a manner consistent with this policy as reasonably necessary to aid the learner, further school purposes, or prevent interference with the educational process.

Seclusion will not be used absent a clear and present danger.

Prone restraint, defined as physical pressure applied to any part of the learner's body to keep the learner in a face down position on the floor or other surface, will not be used except when the use is necessary and reasonable in manner and moderate in degree.

### **Procedures**

No technique shall restrict a learner's breathing, deprive a learner of basic needs, or unnecessarily expose a learner to physical pain or discomfort.

Seclusion shall not be used for learners who are severely self-injurious or suicidal. When seclusion is utilized as permitted by this policy, the following procedures shall be followed:

- The learner shall be monitored by an adult in close proximity who is able to regularly observe the learner;
- The confining space shall be approved for such use, unless the use of such a space is impossible or impracticable under the circumstances;
- The confining space shall be appropriately lighted, ventilated, and heated or cooled; and
- The confining space shall be free from objects that unreasonably expose the learner or others to harm.

If a pattern of behavior emerges that requires or is anticipated to require the use of restraint and/or seclusion for the learner, the appropriate educators and/or team members shall review what assessments, evaluations, supports, services, programs, or placements are appropriate in light of the learner's needs and circumstances.

### **Recording and Reporting**

Each incident of restraint or seclusion must be recorded and reported to a learner's parent/guardian as required by the building administrators.

### **Training**

All staff members shall be provided notice of this policy and will be trained on its contents. The Superintendent or his or her designee will identify school staff members likely to implement the restraint or seclusion interventions authorized by this policy and arrange for those individuals to receive appropriate training on the appropriate implementation of such interventions and the use of other behavioral supports and interventions.

### **Legal References:**

[SDCL 13-32-20 Employee use of restraint and seclusion](#)

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