

The seal of the State of Indiana is a large, circular emblem in the background. It features a central figure of a Native American man in traditional dress, holding a bow and arrow. The figure is surrounded by a wreath. The outer ring of the seal contains the text "SEAL OF THE STATE OF INDIANA" at the top and "1816" at the bottom. The seal is rendered in a light, faded blue color.

# **COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS**

## **MODEL SECLUSION AND RESTRAINT PLAN**

<http://www.doe.in.gov/idoec/commission-seclusion-restraint-schools-1>

Effective: August 1, 2013

## **INDIANA'S COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOL'S POLICY STATEMENT**

Indiana Code 20-20-40 et. al. provides for the creation of the Commission on Restraint and Seclusion in Schools, a commission to provide guidance to schools regarding the limited use of either seclusion or restraint. The Commission believes that schools should provide a safe and healthy environment in which Indiana's children can learn, develop, and participate in instructional programs that promote high levels of academic achievement. The purpose of this policy is to insure that all students and staff are safe in school, and that students who may have behavior crises are free from inappropriate use of seclusion or restraint.

Behavioral interventions for children must ensure the right of all children to be treated with dignity and respect. All children have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any physical seclusion or restraint imposed solely for purposes of discipline or convenience.

Seclusion or restraint shall not be used as routine school safety measures; that is, they shall not be implemented except in situations where a child's behavior or action poses imminent danger of physical harm to self or others and not as a routine strategy implemented to address instructional problems or inappropriate behavior (e.g., disrespect, noncompliance, insubordination, out of seat), as a means of coercion or retaliation, or as a convenience. Any use of either seclusion or restraint shall be supervised, short in duration and used only for the purposes of deescalating the behavior.

## Seclusion and Restraint plan elements

The Commission on Seclusion and Restraint in schools was created by the 2013 Indiana General Assembly. It is a nine member commission made up of parents, representatives of public and nonpublic schools, student advocacy organizations and staff from the Indiana Department of Education. The Commission was assembled to draft rules regarding the limited use of either seclusion or restraint by schools. In addition, the Commission is charged with creating a model plan to aid schools in the creation of school specific plans.

No later than July 1, 2014, each Indiana school corporation, charter school and accredited nonpublic school in Indiana must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following elements:

1. Any behavioral intervention must be consistent with a child's rights to be treated with dignity and respect, and to be free from abuse;
2. Any behavior intervention used must be consistent with the student's most current individualized education program and with the student's behavioral intervention plan, if applicable;
3. Every effort shall be made to prevent the need for the use of restraint or for the use of seclusion on a child;
4. Prevention, positive behavior intervention and support, and conflict de-escalation shall be used regularly to eliminate or minimize the need for use of seclusion, chemical restraint, mechanical restraint or physical restraint. Schools shall employ the use of prevention, positive behavior intervention and support, and conflict de-escalation before the use of any seclusion or restraint;
5. Physical seclusion or restraint shall not be used except when used as a last resort in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other less restrictive interventions are ineffective;
6. Use of seclusion or restraint may only be used for a short period of time and shall be discontinued as soon as the imminent danger of serious physical harm to self or others has dissipated;
7. Teachers and other personnel shall be trained regularly on the appropriate use of effective alternatives to physical seclusion and restraint, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical seclusion and restraint. Whenever possible, schools shall designate certain staff to complete a crises intervention program;
8. Every instance in which seclusion or restraint is used shall be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel;

9. Schools shall never use mechanical restraints to restrict a child's freedom of movement, and schools shall never use a drug, medication or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional. Schools shall never give a student any drug or medication that is not a standard treatment and dosage for the student's medical or psychiatric condition;
10. Plans restricting the use of seclusion and restraint shall apply to all students, not only students with disabilities;
11. Seclusion or restraint shall never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience;
12. Seclusion or restraint shall never be used in a manner that restricts a child's breathing or harms the child;
13. The use of seclusion or restraint, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior,<sup>1</sup> including engaging in a functional behavior assessment and reviewing and/or modifying the student's individualized education program or behavior intervention plan. If positive behavioral strategies are not in place, staff shall consider developing them;
14. Behavioral strategies to address dangerous behavior that results in the use of seclusion or restraint shall address the underlying cause or purpose of the dangerous behavior;
15. Parents or guardians shall be informed of and have access to the plan on seclusion and restraint at their child's school or other educational setting, as well as applicable Federal, State, or local laws;
16. Parents or guardians shall be notified as soon as possible following each instance in which seclusion or restraint is used with their child. Schools must designate the staff who will be responsible for documenting every instance in which seclusion or restraint was used on a student. The documentation shall include a detailed account of the incident, including the circumstances that lead to the use of restraint and/or seclusion;

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<sup>1</sup> As used in this document, the phrase "dangerous behavior" refers to behavior that poses imminent danger of serious physical harm to self or others.

17. Any plan regarding the use of seclusion and restraint shall provide that each incident involving the use of seclusion or restraint be documented, in writing, with sufficient detail to provide for the collection of specific data that would enable teachers, staff, and other personnel to review seclusion and restraint policies in order implement modifications to the school's plan. Data collected from the use of either seclusion or restraint shall be reviewed at least annually in order to improve prevention, positive behavior intervention and support, and conflict de-escalation techniques in order to avoid the use of seclusion or restraint;
18. Nonpublic schools may establish different reporting and accountability requirements as well as requirements with respect to implementing behavior intervention strategies. However, this flexibility shall not be interpreted to lessen or minimize the nonpublic school's responsibility for student safety and the over intent of this model plan.

**The following is a detailed model plan created by the Commission on Seclusion and Restraint in Schools. It is intended as a model only.**

**Schools are free to adopt a model plan as they see fit. However, any plan adopted by a school must contain, at a minimum, the elements listed in Indiana Code 20-20-40-13, which are all provided in the guidelines above.**

**This model plan also contains an appendix of definitions and resources for schools to access for support and training.**

## Model Seclusion and Restraint Plan

[This is only a Model]

### I. USE OF RESTRAINT

- A. Restraint shall only be used when a student is displaying physical behavior that presents substantial imminent risk of injury to the student or others.
- B. Restraint shall only be employed as a last resort after other methods of de-escalating a dangerous situation have been attempted without success.
- C. Restraint shall only be employed by staff members who have received crisis intervention training by the school in the use of restraint procedures with the following exceptions:
  1. Other school personnel may employ restraint procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.
  2. Restraint of a student shall be conducted in a manner consistent with the techniques prescribed in crisis intervention training program.
- D. Restraint shall last only as long as is necessary for the student to regain behavioral stability, and the risk of injury has ended, usually a matter of minutes.
- E. The degree of restriction employed must be in proportion to the circumstances of the incident, the size and condition of the student, and the potential risks for injury to the student.
- F. Mechanical or chemical restraints are not authorized in school.
- G. Prone or Supine forms of restraint are not authorized and shall be avoided.
- H. Seclusion or restraint shall never be used in a manner that restricts a child's breathing or harms the child
- I. Every instance in which seclusion or restraint is used shall be carefully, continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel

### II. WHEN RESTRAINT PROCEDURES SHALL NOT BE EMPLOYED

- A. Restraint shall not be used unless there is imminent risk of injury to someone by the

student.

- B. A verbal threat or verbally aggressive behavior does not itself indicate a imminent risk of injury, and shall not result in restraint.
- C. Destruction or damage to property does not constitute a risk of imminent injury unless in so doing a risk of injury to the student or others is created.
- D. When known medical or physical condition of the student would make the restraint procedures dangerous for that student (e.g. students with heart or circulatory conditions, asthma, etc.) they shall not be employed.
- E. Restraint shall never be used as a punishment, or to force compliance with staff commands.

### III. USE OF SECLUSION

- A. Seclusion shall only be used when a student is displaying physical behavior that presents substantial imminent risk to the student or others, and the threat could be diminished if the student was in a safe environment away from other students and staff.
- B. Seclusion shall only be employed as a last resort after other methods of de-escalating a dangerous situation have been attempted.
- C. Seclusion shall only be used as long as necessary and shall be discontinued when the student is no longer an imminent threat to others.
- D. Seclusion shall only be employed by staff members who have received specific        [School or Corp name here]        approved crisis intervention training in the use of seclusion procedures.
- E. Seclusion must be used only when the student can safely be transported to the seclusion environment by trained staff members using appropriate techniques based on crisis intervention training.
- F. Time out procedures that do not constitute seclusion are permitted in school.
- G. All seclusion environments shall be inspected and shall:
  - 1. Be of reasonable size to accommodate the student and at least one adult.
  - 2. Be of reasonable size to permit students to lie or sit down.
  - 3. Have adequate ventilation including heat and air conditioning as appropriate.
  - 4. Have adequate lighting.



5. Be free of any potential or predictable safety hazards such as electrical outlets, equipment, and breakable glass.
6. Permit direct continuous visual and auditory monitoring of the student.
7. Permit automatic release of any locking device if fire or other emergency in the school exists.
8. If locked, shall be automatically released after five minutes or with any building wide alarm (such as fire, tornado or code red alarm).
9. Shall meet current fire and safety codes.

#### **IV. WHEN SECLUSION PROCEDURES SHALL NOT BE EMPLOYED**

- A. When the substantial imminent risk of injury no longer exists.
- B. When known medical or physical condition of the student would make the seclusion procedures dangerous for that student (e.g. students expressing suicidal thoughts, students with heart or circulatory conditions, asthma, or other conditions).
- C. Seclusion shall never be used unless a staff member can continuously monitor the student for visual or auditory signs of physiological distress, and can communicate with the student.
  1. Students shall be permitted to use the restroom upon request, and be escorted to and from the restroom.
  2. Students shall be provided water on request.
- D. Seclusion shall never be used as a punishment, or to force compliance with staff commands.

#### **V. TIME-OUT**

Time-out is a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Time-out shall be both developmentally and behaviorally appropriate and shall be short in duration.

#### **VI. INFORMING PARENTS AND GUARDIANS GENERALLY**

All student handbooks shall include a statement similar to this:

As a part of the emergency procedures in place in our schools, no student will be restrained and/or placed in seclusion by school staff unless the student's behavior poses an imminent risk of injury to him/herself or others. However, significant violations of the law including assaults on students and staff will be reported to the police. As soon as possible after any such use of restraint

and/or seclusion, the parents or guardian will be informed when any of these actions have occurred and will be provided with a detailed account of the incident including the circumstances that led to the use of restraint and or seclusion.

## VII. TRAINING

- A. The       [School or Corp name here]       will provide all staff members with basic training about conflict de-escalation procedures, the dangers of seclusion and restraint, and procedures for contacting fully trained and certified staff when behavioral crises occur.
- B. This training will be recurrent and will be provided to new staff.
- C. The       [School or Corp name here]       will determine a specific curriculum and method of providing training related to seclusion or restraint.
- D. A core group of appropriate personnel will be trained in each building in crisis intervention techniques which will include the use of seclusion and restraint procedures.
- E. Recurrent training will be provided on a regular basis at least annually.

## VIII. Reporting, Documentation and Debriefing Requirements

- A. Immediately after the student has restored emotional and behavioral control following the use of restraint and/or seclusion, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.
- B. The building administrator or designee will verbally notify the parent/guardians as soon as possible (no later than the end of the school day in which the seclusion or restraint occurs).
  1. The Principal or designee will update the parent/guardian on the student's current physical and emotional state and
  2. Will discuss strategies to assist the parent/guardian in dealing with any residual effects of the incident.
- C. **Incident Report**
  1. Staff involved in the use of seclusion or restraint will contribute in an "Incident Report" as soon as practical after the use of seclusion or restraint.
  2. The building administrator or designee will send a copy of the written report to the parent or guardian documenting the use of seclusion or restraint, and will place a copy of the report in the student's confidential file.
  3. A copy of the incident report shall also be sent to a designated       [School or Corp name here]       administrator.

- D. A minimum of the following will be included in the incident report created after each instance of restraint or the use of seclusion:
1. The student's name;
  2. The racial/ethnic status of the student;
  3. The date and time of the incident;
  4. The duration of any seclusion or restraint; or the beginning and ending times of the restraint and/or seclusion;
  5. A description of any relevant events leading up to the incident;
  6. A description of any interventions used prior to the implementation of seclusion or restraint;
  7. A description of the incident and/or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint
  8. A log of the student's behavior during seclusion or restraint, including a description of the restraint technique(s) used and any other interaction between the student and staff;
  9. A description of any injuries (to students, staff, or others) or property damage;
  10. A description of the planned approach to dealing with the student's behavior in the future;
  11. A list of the school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint and whether they had training related to seclusion or restraint;
  12. The date and time on which the parent or guardian was notified;
  13. If the student has a disability (IDEA or Section 504), the type of disability.
- E. Further, it is expected that each staff member involved in an incident will engage in a de-briefing or processing session(s) in order to determine what could have been done to prevent the future need for use of seclusion or restraint for this student specifically and for other students in similar situations.
1. Components to be included in this session are outlined in the Staff Processing of Seclusion or restraint Form.
  2. The supervisor will provide support to the staff member and determine when the staff member shall return to his or her duties.
  3. The student, with assistance from staff, will process the event at the earliest appropriate time.
  4. The staff member's supervisor or designee shall complete and file the form.

## **IX. Annual Review, Planning Process and Oversight**

- A. A           [School or Corp name here]           administrator (or designee) will be designated as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures in the           [School or Corp name here]

- B. The       [School or Corp name here]       shall establish a Committee or use a standing committee to conduct an annual review of all individual and program-wide data associated with this policy. The Committee shall review the following components related to the use of restraint:
1. incident reports;
  2. procedures used during restraint, including the proper administration of specific       [School or Corp name here]       approved restraint techniques;
  3. preventative measures or alternatives tried, techniques or accommodations used to avoid or eliminate the need of the future use of restraint;
  4. documentation and follow up of procedural adjustments made to eliminate the need for future use of restraint;
  5. injuries incurred during a restraint;
  6. notification procedures;
  7. staff training needs;
  8. specific patterns related to staff or student incidents;
  9. environmental considerations, including physical space, student seating arrangements, and noise levels.
- C. Upon review of the data, the Committee shall identify any issues and/or practices that require further attention and provide written recommendations to the Superintendent of Schools for changes in policies or practices.
- D. The Committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the       [School or Corp name here]       training curriculum.

## APPENDIX & DEFINITIONS

**Behavioral intervention plan:** means a plan that is agreed upon by the case conference committee (CCC) and incorporated into a student's individualized education program (IEP) and that, a minimum, describes the following:

- (1) The pattern of behavior that impedes the student's learning or the learning of others.
- (2) The purpose or function of the behavior as identified in a functional behavioral assessment.
- (3) The positive interventions and supports, and other strategies, to:
  - (A) address the behavior; and
  - (B) maximize consistency of implementation across people and settings in which the student is involved.
- (4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.

The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

**Chemical Restraint:** the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition.

**Crisis Intervention Training:** training provided to selected staff members which addresses how to deal with aggressive, violent or out of control behaviors. It includes specific techniques for seclusion and restraint and could result in certification of the individuals who complete the training.

**De-Escalation:** causing a situation to become more controlled, calm and less dangerous, thus lessening the risk for injury to someone.

**Employee.** means all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

**Functional Behavioral Assessment:** ongoing process of gathering information that can be used to hypothesize about the function of student behavior. The analysis provides the information necessary to develop a intervention plan.

**Imminent.** Likely to happen right away; within a matter of minutes.

**Mechanical restraint:** means the use of (1) a mechanical device (2) a material or (3) equipment attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body. The term does not include (1) mechanical devices, (2) a material or (3) equipment used as prescribed by a doctor.

**Physical Restraint:** physical contact between a school employee and a student in which the student unwillingly participates and that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body. The term does not include (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation, (2) physical escort, or (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one area to another

**Prevention and Conflict De-escalation Training:** training which is provided broadly to school staff on how to prevent, defuse and de-escalate potential behavioral crisis situations.

**Positive Behavior Intervention and Support:** a systematic approach that uses evidence based practices and data driven decision making to improve school climate and culture, and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students

**Prone physical restraint:** the person is being held face down lying on their stomach on a horizontal surface such as the floor.

**Seclusion:** means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

**Staff:** means all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

**Supine physical restraint:** a person is being held face up on their back on a horizontal surface such as the floor.

**Time out:** means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Time-out shall be both developmentally and behaviorally appropriate and shall be short in duration.

**Substantial risk:** situation where there is serious, imminent threat of bodily harm and where there is the immediate ability to enact such harm.

**Staff Trained in Crisis Intervention:** individuals who successfully complete and maintain certification in a training program that results in acquisition of skills to prevent restraints, evaluate risk of harm in an individual situation, use approved restraint techniques and monitor the effect of the restraint.

**Parent or guardian:** the student's parent, legal guardian, surrogate parent or student over the age of 18.

## SAMPLE TIME-OUT PROCEDURES

Effective time out procedures include multiple levels, with each level becoming more restrictive and exclusionary. It is important to note that for disruptive behavior requiring more restrictive interventions, once the behavior begins to de-escalate, transition to less restrictive forms of time out may make the return to regular classroom activities easier for the student. The following is a potential time-out plan that schools may consider adopting.

### Level I.

- E. Planned Ignoring: Ignore the student as long as possible if he or she is out of place or seat, noncompliant but not otherwise disruptive.
- F. Be (or have aide/ associate) available to counsel, provide one-to-one tutoring, or negotiate if the student is involved in a dispute.
- G. Modify/change student's assignment to get him or her reinvolved with learning. Select a task that will provide immediate success.
- H. Separate student from others (i.e. creative seat assignment).
- I. Send student out of room - on an errand, for a walk, to "cool off"
- J. Offer a "time-in" situation with a support person outside the classroom.
- K. Quietly praise other students for ignoring inappropriate student behavior.
- L. When possible, talk to disruptive student out of classroom away from other students so that he or she can save face.

**Level II.** Level II time out is more restrictive than the first-level interventions. It is the exclusion of a child from positive reinforcing activities of the classroom without removing him or her from the room.

- A. Move student to different part of the classroom (i.e. closer to teacher, further away from audience)
- B. Avoid lengthy explanations to student. Simply say: "Because you \_\_\_\_\_, you go to time out for \_\_\_\_ minutes." Avoid other interaction.
- C. Allow student to take their own time-out.
- D. Keep time-out period brief. (Time out periods longer than 15 minutes rarely serve their intended purpose-temporary withholding of positive reinforcement. For time out periods longer than 30 minutes, a supervisory staff person shall be consulted about the appropriateness of continuing the time out procedure.) In-school suspension or other out of class but in school interventions shall be considered.
- E. The student shall be supervised at all times during the time-out period.
- F. The student shall still be able to access any lesson or instruction being offered to other students in the student's classroom.