TITLE 513 COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS

Final Rule
LSA Document #13-408(F)

DIGEST

Adds 513 IAC to establish and implement the Commission on Seclusion and Restraint in Schools as provided in IC 20-20-40, to provide for rules regarding definitions and the general provisions regarding the use of restraint and seclusion in school corporations, charter schools, and accredited nonpublic schools, with an emphasis on eliminating or minimizing the use of restraint and seclusion, to set definitions for the article, to establish requirements for restraint and seclusion plans, to establish guidelines regarding the use of restraint and seclusion, to establish guidelines for the prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school, to establish notice requirements, to establish training requirements regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained, to establish guidelines for the distribution of a school's seclusion and restraint policy or plan to parents and the public, and to establish requirements for the reporting of incidents of restraint and seclusion in the annual school performance report. Effective 30 days after filing with the Publisher.

513 IAC

SECTION 1. 513 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 513 COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS

ARTICLE 1. SECLUSION AND RESTRAINT IN SCHOOLS

Rule 1. Definitions

513 IAC 1-1-1 Applicability

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 1. The definitions in this rule apply throughout this article.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-1; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-2 "Behavioral intervention plan" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-18-2-9; IC 20-35-7-2

Sec. 2. (a) "Behavioral intervention plan" means a plan that is agreed upon by the case conference committee (as defined in IC 20-35-7-2) and incorporated into a student's IEP (as defined in IC 20-18-2-9) and that 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.

(b) The behavioral intervention plan seeks to maximize consistency of implementation across people

and settings in which the student is involved.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-2; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-3 "Chemical restraint" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 3. "Chemical restraint" means 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 or dosage, or both, for the student's medical or psychiatric condition.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-3; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-4 "Commission" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40-11

Sec. 4. "Commission" refers to the commission on seclusion and restraint in schools established by IC 20-20-40-11.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-4; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-5 "Crisis intervention training" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 5. "Crisis intervention training" refers to training provided to selected staff members that addresses how to deal with aggressive, violent, or out of control behaviors. The term includes specific techniques for seclusion and restraint.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-5; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-6 "Deescalation" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 6. "Deescalation" means causing a situation to become more controlled, calm, and less dangerous, thus lessening the risk for injury to someone.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-6; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-7 "Functional behavior assessment" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40; IC 20-35

Sec. 7. "Functional behavior assessment" has the meaning set forth in 511 IAC 7-32-41.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-7; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-8 "Imminent" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 8. "Imminent" means likely to happen right away, within a matter of minutes.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-8; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-9 "Individualized education program" or "IEP" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40; IC 20-35

Sec. 9. "Individualized education program" or "IEP" has the meaning set forth in 511 IAC 7-32-48.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-9; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-10 "Mechanical restraint" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 10. (a) "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.

(b) The term does not include:
(1) a mechanical device;
(2) a material; or
(3) equipment;
that is used as prescribed by a licensed physician or other qualified health care professional.

(c) The term does not include a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-10; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-11 "Parent or guardian" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-18-2-13

Sec. 11. "Parent or guardian" has the same meaning set forth in IC 20-18-2-13.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-11; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-12 "Physical restraint" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 12. (a) "Physical restraint" means physical contact between a school employee and a student:
(1) in which the student unwillingly participates; and
(2) 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.

(b) 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 (1) area to another.

(c) The term does not include the use of a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-12; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-13 "Positive behavior intervention and support" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 13. "Positive behavior intervention and support" means a systematic approach that:
(1) uses evidence based practices and data driven decision making to improve school climate and culture; and
(2) 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.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-13; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-14 "Prevention and conflict deescalation training" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 14. "Prevention and conflict deescalation training" means training that is provided broadly to school staff on how to prevent, defuse, and deescalate potential behavioral crisis situations without physical contact between a school employee and a student.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-14; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-15 "Prone physical restraint" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 15. "Prone physical restraint" refers to when a person is being held face down on a horizontal surface such as the floor.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-15; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-16 "Restraint" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 16. "Restraint" encompasses chemical restraint, physical restraint, and mechanical restraint.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-16; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-17 "School" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40-7

Sec. 17. "School" includes public, charter, and accredited nonpublic schools.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-17; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-18 "School employee" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40-8

Sec. 18. "School employee" means any paid staff, contract employee, consultant, or any other agent of a school corporation, charter school, or an accredited nonpublic school.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-18; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-19 "Seclusion" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 19. "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 IEP and during which an adult is continuously present in the room with the student.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-19; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-20 "Staff" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 20. (a) "Staff" means any person with regular direct contact with a student, including:
(1) paid staff;
(2) volunteer;
(3) contract employee;
(4) consultant; or
(5) any other agent;
of a school corporation, charter school, or an accredited nonpublic school.

(b) The classifications in subsection (a) that meet the definitions shall be determined by the school/local plan.

(c) For purposes of this subsection (a)(5) of this rule, an agency relationship exists when there is:

(1) a manifestation of consent by the school to the agent;
(2) an acceptance of the authority by the agent; and
(3) control exerted by the school over the agent.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-20; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-21 "Substantial risk" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 21. "Substantial risk" means a situation where there is:
(1) serious, imminent threat of bodily harm; and
(2) the immediate ability to enact such harm.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-21; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-22 "Supine physical restraint" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 22. "Supine physical restraint" refers to a person being held face up on a horizontal surface such as the floor.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-22; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-23 "Time-out" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 23. "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.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-23; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-1-24 "Volunteer" defined

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 24. "Volunteer" means a person who is eighteen (18) years of age or older, has regular and direct contact with students, and donates time, energy, or talent to various phases of school programs under the direction and permission of school district personnel for which the person does not receive monetary compensation.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-24; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

Rule 2. General Provisions

513 IAC 1-2-1 Scope

Authority: IC 20-20-40-13; IC 20-20-40-16

Affected: IC 20-20-40

Sec. 1. (a) This article applies to the following:
(1) All public school corporations, charter schools, or accredited nonpublic schools.
(2) All public school corporations, charter schools, or accredited nonpublic schools students regardless of whether student has been identified as eligible for special education services.
(3) All programs and services subject to the supervision of the state educational agency, including before and after school extracurricular activities programs conducted by or through the following:
(A) Public school corporations.
(B) Charter schools.
(C) Special education planning districts.
(D) State agencies.
(E) Other public agencies.

(b) This article does not apply to any law enforcement officer, employed by a school, who is lawfully engaged in the execution of the officer's duties.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-1; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-2 Commission's principles

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 2. (a) Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.

(b) Any behavioral intervention must be consistent with the student's rights to be treated with dignity and to be free from abuse.

(c) Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.

(d) Physical restraint or seclusion should not be used except in situations where the student's behavior poses imminent risk of injury to self or others and other interventions are ineffective and should be discontinued as soon as imminent risk of injury to self or others has dissipated.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-2; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-3 Use of behavior intervention and support

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 3. A school shall use prevention, positive behavior intervention and support, and conflict deescalation strategies to eliminate or minimize the need for the use of any of the following:
(1) Seclusion.
(2) Chemical restraint.
(3) Mechanical restraint.
(4) Physical restraint.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-3; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-4 Prevention

Authority: IC 20-20-40-13; IC 20-20-40-16

Affected: IC 20-20-40

Sec. 4. (a) Every effort shall be made to prevent the need for the use of restraint or for the use of seclusion on a student.

(b) Seclusion or physical restraint shall not be used except when used as a last resort in situations where:
(1) the student's behavior poses imminent risk of injury to self or others; and
(2) other less restrictive interventions are ineffective.

(c) Any use of seclusion or restraint:
(1) may only be used for a short period of time; and
(2) shall be discontinued as soon as the imminent risk of injury to self or others has dissipated.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-4; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-5 Mechanical and chemical restraints prohibited

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 5. (a) Except as provided in subsection (d), the use of mechanical restraints to restrict a student's freedom of movement is prohibited.

(b) The use of any drug, medication, or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited.

(c) Schools shall never give a student any drug or medication that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition unless otherwise prescribed by a physician.

(d) While transporting a student on a moving vehicle, a bus harness or other safety equipment may be required and is permissible for safety purposes. The use of any bus harness or safety equipment that is used to restrain a student during transportation must be documented.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-5; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-6 Training

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 6. (a) Staff shall be trained according to the school's adopted plan 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 risk of injury, on the safe use of physical seclusion and restraint.

(b) Each school shall identify appropriate school staff to be trained on the safe use of effective alternatives to physical seclusion and restraint. Recurrent training of staff should be done in accordance with the school's plan.

(c) Each school shall choose a training protocol that includes the following:
(1) Positive supports and behavioral interventions techniques.
(2) Conflict deescalation techniques.

(3) The safe use of seclusion and restraint.
(4) Steps to avoid the use of seclusion or restraint.
(5) Debriefing practices and procedures.

(d) Training programs shall differentiate for levels of school personnel and training needs.

(e) Each school must maintain documentation that includes the following information:
(1) The name and position of each person who has completed training.
(2) Who provided the training.
(3) When the training was completed.
(4) What protocols and techniques were included in the training.

(f) Training may be provided by any person who is trained in the current best practices of the protocols listed in subsection (c).

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-6; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-7 Monitoring and reporting

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-8-3; IC 20-24-9-1

Sec. 7. (a) Every instance in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:
(1) The student.
(2) Other students.
(3) Teachers.
(4) Staff.

(b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, 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.

(c) The building administrator or designee shall attempt to report every instance in which seclusion or restraint is used on a student to the student's parent or guardian:
(1) no later than the end of the school day or as soon as practical;
(2) verbally; and
(3) in accordance with the seclusion and restraint plan adopted by a school.

(d) Written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every instance in which seclusion or restraint is used on a student and shall be provided as soon as practical.

(e) Public school corporations shall report the number of instances in which either seclusion or restraint is used in its annual performance report required by IC 20-20-8-3.

(f) Each charter school shall report the number of instances in which either seclusion or restraint is used in its school to its sponsor. A charter school's sponsor shall report the number of instances in which a charter school has reported the use of either seclusion or restraint in its annual report, described in IC 20-24-9-1.

(g) Each accredited nonpublic school shall report, in writing, the number of instances in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and

revision.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-7; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-8 Distribution of school seclusion and restraint policy or plan to parents and the public

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 8. (a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-8; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-9 Incident documentation

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 9. (a) Every instance in which seclusion or restraint is used on a student shall be documented in order to memorialize the events that led up the use of either seclusion or restraint.

(b) Documentation may include the following:
(1) The student's name.
(2) The date and time of the incident.
(3) The duration of any seclusion or restraint or the beginning and ending times of the restraint or seclusion, or both.
(4) A description of any relevant events leading up to the incident.
(5) A description of the incident 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.
(6) A description of relevent *[sic]* **interventions used immediately prior to the implementation of seclusion or restraint.**
(7) A summary of the student's behavior during seclusion or restraint, including a description of the restraint technique or techniques used and any other interaction between the student and staff.
(8) A description of any injuries to students, staff, or others or property damage.
(9) A list of the school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint.
(10) If applicable, a statement that the intervention used was consistent with the student's most current behavioral intervention plan or IEP.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-9; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-10 Debriefing session

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 10. (a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:
(1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.
(2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident

with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.
(3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

(b) When applicable, the procedures described in 511 IAC 7-44-5 should be followed.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-10; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

513 IAC 1-2-11 Seclusion and restraint plan

Authority: IC 20-20-40-13; IC 20-20-40-16
Affected: IC 20-20-40

Sec. 11. No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:
(1) A statement on how:
(A) students will be treated with dignity and respect; and
(B) appropriate student behavior will be promoted and taught.
(2) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict deescalation to eliminate or minimize the need for use of any of the following:
(A) Seclusion.
(B) Chemical restraint.
(C) Mechanical restraint.
(D) Physical restraint.
(3) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or IEP, if applicable.
(4) Definitions for restraint and seclusion, as defined in this article.
(5) A statement ensuring that if a procedure listed in subdivision (2) is used, the procedure will be used:
(A) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and
(B) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.
(6) An indication that restraint or seclusion may be used only for a short time period or until the imminent risk of injury has passed.
(7) A documentation and recording requirement governing instances in which procedures listed in subdivision (2) are used, including:
(A) how every incident will be documented and debriefed;
(B) how responsibilities will be assigned to designated employees for evaluation and oversight; and
(C) designation of a school employee to be the keeper of such documents.
(8) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in subdivision (2).
(9) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in subdivision (2).
(10) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-11; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA)

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