

Members

Rep. Robert Heaton, Chairperson
Rep. Kathleen Heuer
Rep. Vanessa Summers
Rep. Michael White
Sen. Randall Head
Sen. Brent Waltz
Sen. Jean Breaux
Sen. Timothy Skinner
John Taylor
Dr. Robin Murphy
Mary Rosswurm
Hugh Beebe
Michael Carmin
Kylee Bassett Hope



INDIANA COMMISSION ON AUTISM

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Authority: IC 12-11-7-2

MEETING MINUTES¹

Meeting Date: September 12, 2012
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St.,
House Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Robert Heaton, Chairman; Rep. Kathleen Heuer; Rep. Vanessa Summers; Rep. Michael White; Sen. Randall Head; Sen. Brent Waltz; Sen. Jean Breaux; John Taylor; Mary Rosswurm; Michael Carmin; Kylee Bassett Hope.

Members Absent: Sen. Timothy Skinner; Dr. Robin Murphy; Hugh Beebe.

Chairman Heaton called the meeting to order at 1:15 P.M. He asked the Commission members to introduce themselves.

Following introductions, the meeting turned to testimony on the seclusion and restraint of students with autism.

Senator Randall Head- Senator Head discussed several components from HB 1318-2012 (Exhibit A) on the subject of seclusion and restraint of a student. He said that the original draft does have some flaws. He asked the persons in attendance and those with deep interest listening on the internet to help the Commission make the draft of HB 1318 into a better bill. He asked for those with concerns to stand and let those concerns be known. He said the Commission would not be offended by testimony from persons with concerns and problems with the draft of HB 1318. He said he had discussed seclusion and restraint with several persons of interest and organizations, some of whom were in attendance at today's meeting.

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

Senator Head stated the issue of policy on seclusion and restraint in schools is an important issue. He listed several discipline incidents in both Indiana and other states to illustrate his concern on a lack of policies in schools regarding seclusion and restraint.

Senator Head said that Indiana is one of 19 states without policy guidelines in law regarding the use of seclusion and restraint with students. He said that common problems that occur without policies in place include improper response by teachers often making split-second decisions under duress and parents not being notified of their child's seclusion or restraint. He suggested some ways to train staff members, including the watching of videos during regular school business hours.

Representative Heuer asked if there have been any statewide assessments taken on the policies in place.

Senator Head answered there were none that he was aware. He continued that it would be useful information to have.

Senator Breaux asked what training methods currently exist.

Senator Head replied there are several available. He continued that it would be the goal to put together more comprehensive training programs that fit the specific need.

Mary Rosswurm, Commission member, stated that there is a need to look at the duration of time that a student is placed under seclusion and/or restraint.

Senator Head expressed agreement with Ms. Rosswurm's comment.

Ms. Kim Dobson, The Arc of Indiana- Ms. Dobson briefly discussed her longevity with the Arc of Indiana and recalled receiving phone calls from parents with complaints relating to the seclusion and restraint of their child. Ms. Dobson continued with her testimony as included in Exhibit B. (Please refer to Exhibit B for Ms. Dobson's complete testimony.)

Ms. Carrie Fletcher, Chairwoman the Arc of Indiana Government Affairs and Education Committees- Ms. Fletcher stated her residence as Zionsville, Indiana. She said two of her children are children with special needs. She expressed her disappointment that HB 1318 did not move through the legislative process last session. She said seclusion and restraint was an important issue to address and is a basic human rights issue.

She said in her tenure with the Arc of Indiana, a study indicated that the number one reason a student leaves school early was due to safety, specifically not feeling safe in the school. She said one component of the study included the fear of the use of seclusion and restraint. Increased training, accountability, and use of education plans, as discussed with the parent, she said are tools for schools to use in the future.

Ms. Dana Renay, Executive Director, Autism Society of Indiana- Ms. Renay said she was the mother of a fourth grade child with autism. She talked about incidents of seclusion and restraint that had occurred in schools, and she reported the results of a survey of schools that the Autism Society had conducted. The survey questioned school policies on seclusion and restraint. She said the results indicated that more understanding of behaviors by students with autism is needed by school staff. She said that in her personal opinion the overwhelming benefit of having a policy in place goes to the students with needs and the teachers. She said that often parents feel they must pull their students with special needs out of school and home school them due to the lack of a policy on how to approach discipline.

Representative Heuer asked how many persons participated in the survey.

Ms. Renay replied about 198 persons participated in the survey.

Senator Breaux asked Ms. Renay what she thought a school policy on seclusion and restraint should include.

Ms. Renay responded that there is a need to have very specific policies in place on when a student can and cannot be secluded or restrained. She said it is important to have parent options in the individual education plans. She said it is primarily important to receive parental consent, as stated in an IEP, prior to use of seclusion and restraint. She continued there is a need to have other tools in place prior to the use of seclusion and restraint. She also stated the need to report an incident of seclusion and/or restraint to the parents and the Department of Education (DOE) within 24 hours.

Ms. Pamela McConey, Executive Director, National Alliance of Mental Illness Indiana-

Ms. McConey briefly testified that she was appalled to learn that Indiana does not require schools to have a set policy in place with respect to the use of seclusion and restraint of students. She said if state hospitals are required to report all uses of seclusion and restraint, then schools should have to do the same. She reiterated prior testimony that more training is needed and documentation of incidents of use should be required.

Dr. Cathy Pratt, Ph.D., Director, Indiana Resource Center for Autism- Dr. Pratt spoke about the safety of not only students with autism, but all students and teachers. She said teaching people on how to deal with crisis is important. She said the use of crisis prevention programs would help teachers assess situations better. She said that often there are no plans in place in schools for behavioral situations with students, or if there are plans, they are not followed closely.

Dr. Pratt recommended teaching de-escalation skills such as 'how to not respond' in a behavioral situation for all education professionals. She said that many teachers are afraid when a situation escalates and often react out of fear. She continued that the disciplinary reaction made by the teacher in the heat of the moment is often inappropriate and beyond what is necessary. She said this occurs more often because students have become increasingly more challenging to deal with.

Dr. Pratt concluded that policies with some 'bite behind it' are needed to ensure the safety of all in schools.

Chairman Heaton agreed with Dr. Pratt and thanked her for saying safety is important for all students, not just students with disabilities.

Ms. Kylee Bassett Hope, Commission member, said that the issue before the Commission is complex. She stated that video training does not do enough and asked Dr. Pratt what is appropriate training.

Dr. Pratt replied there are in-service training opportunities, such as videos and webinars. However, she continued that the best way is to coach all teachers and paraprofessionals on what to do in behavioral situations. She said video could not replace the need for coaching by professional trainers.

Ms. Joan McCormick, Director of the Indiana Council of Administrators of Special Education- Ms. McCormick presented the Council's recommendations on the development of

school policies on seclusion and restraint. (See Exhibit C for complete testimony of Ms. McCormick and Exhibit D for further information.)

Mr. Mark Booth, Director of Student Services with the Noblesville Community School

Corporation- Mr. Booth shared with the Commission the Noblesville Schools policy on the use of seclusion and restraint. (A copy of the policy is found as Exhibit E to these minutes.)

Commission members asked various questions of both Ms. McCormick and Mr. Booth. Questions included whether the state should mandate a specific policy for all schools or only legislate guidelines.

Ms. McCormick stated that schools should be allowed to adopt their own policies that would best fit the individual school corporation. She said that a policy that suited a smaller school corporation may not be suitable for a larger corporation such as Indianapolis Public Schools.

Questions directed to Mr. Booth mostly focused on the success of training in Noblesville Schools to handle behavioral problems with students.

Mr. Booth said that there has been a noticeable difference that is hard to quantify with hard numbers. He also said that persons trained must complete a test in order to pass the training. He was asked if their crisis prevention and intervention course was certified. Mr. Booth answered that the particular crisis prevention and intervention course in use at Noblesville Schools is a nationally recognized certification.

Mr. Gary Richter, Interim Executive Director, Indiana Protection and Advocate Services

Agency (IPASA)- Mr. Richter said the IPASA's mission is to investigate allegations of abuse and IEP issues in schools. He listed some examples of abuse that the IPASA would investigate. He felt that HB 1318-2012 generally was a good bill. He said that he would like to see more elements that would allow for intervention before seclusion and restraint is used.

Senator Breaux asked if the IPASA works with the DOE to investigate abuse.

Mr. Richter answered that the IPASA works with individual families that will call on the IPASA with complaints.

With no further testimony, Chairman Heaton selected the next meeting date for the Commission to be on Wednesday, October 10, 2012, at 1:00 P.M. in the House Chambers. He said that he was encouraged by the testimony of the meeting and stressed the need for improved safety for all students.

Chairman Heaton adjourned the meeting at 2:32 P.M.

HOUSE BILL No. 1318

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-34-8.

Synopsis: Use of restraints and seclusion in school. Establishes standards for the use of restraint and seclusion in schools. Requires parental notification when restraint or seclusion is imposed on a student. Imposes reporting requirements for school corporations. Requires training for certain school staff members in the use of positive behavior intervention and support.

Effective: July 1, 2012.

Porter, Brown T

January 11, 2012. read first time and referred to Committee on Education.

Exhibit A
Indiana Commission on Autism
Meeting #2, Sept. 12, 2012



Introduced

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

HOUSE BILL No. 1318

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-34-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO BE READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]:

4 **Chapter 8. Restraint and Seclusion**

5 **Sec. 1. As used in this chapter, "chemical restraint" means the**
6 **administration of a drug or medication to manage a student's**
7 **behavior or restrict a student's freedom of movement that is not a**
8 **standard treatment and dosage for the student's medical or**
9 **psychiatric condition.**

10 **Sec. 2. As used in this chapter, "emergency situation" means a**
11 **situation where a student's behavior poses a threat to the physical**
12 **safety of the student or others in close proximity to the student.**

13 **Sec. 3. (a) As used in this chapter, "mechanical restraint" means**
14 **the use of:**

- 15 **(1) a mechanical device;**
16 **(2) a material; or**
17 **(3) equipment;**



1 attached or adjacent to a student's body that the student cannot
 2 easily remove that restricts the freedom of movement of all or part
 3 of the student's body or restricts normal access to the student's
 4 body.

5 (b) The term does not include:

- 6 (1) mechanical devices;
- 7 (2) a material; or
- 8 (3) equipment;

9 used for postural support, used during transportation, or used to
 10 improve the mobility and independent functioning of a student
 11 rather than to restrict movement.

12 Sec. 4. As used in this chapter, "physical restraint" means
 13 physical contact between an educational provider and a student:

- 14 (1) in which the student unwillingly participates; and
- 15 (2) that involves the use of a manual hold to restrict freedom
 16 of movement of all or part of a student's body or to restrict
 17 normal access to the student's body.

18 The term does not include briefly holding a student without undue
 19 force in order to calm, comfort, or prevent unsafe behavior, such
 20 as running into traffic or engaging in a physical altercation, or
 21 physical contact intended to gently assist or prompt a student in
 22 performing a task or to guide or assist a student from one (1) area
 23 to another.

24 Sec. 5. As used in this chapter, "positive behavior intervention
 25 and support" means a systematic approach that:

- 26 (1) uses evidence based practices and data driven decision
 27 making to improve school climate and culture; and
- 28 (2) includes a range of systematic and individualized
 29 strategies to reinforce desired behavior and diminish
 30 reoccurrence of problem behavior;

31 to achieve improved academic and social outcomes and increase
 32 learning for all students.

33 Sec. 6. As used in this chapter, "qualified staff member" refers
 34 to a school staff member who is trained in using positive behavior
 35 intervention and support.

36 Sec. 7. As used in this chapter, "seclusion" means the
 37 involuntary confinement of a student alone in a room or area from
 38 which the student physically is prevented from leaving. The term
 39 does not include a supervised timeout in which an adult is
 40 continuously present in the room with the student.

41 Sec. 8. A school staff member may not use:

- 42 (1) seclusion;



- 1 (2) chemical restraint;
 2 (3) mechanical restraint; or
 3 (4) physical restraint;

4 upon a student for the purpose of coercion, discipline, convenience,
 5 or retaliation. Any behavioral intervention must be consistent with
 6 the student's right to be treated with dignity and to be free from
 7 abuse, regardless of the student's educational needs or behavioral
 8 challenges.

9 **Sec. 9. A school staff member may not use any of the following:**

- 10 (1) A physical restraint technique that obstructs a student's
 11 respiratory airway or impairs the student's breathing or
 12 respiratory capacity, including a technique in which a school
 13 staff member places pressure on a student's back or places the
 14 staff member's body weight against the student's torso or
 15 back.
 16 (2) A pillow, blanket, or other item covering the student's face
 17 as part of a physical restraint.
 18 (3) An improvised restraint device, such as a sheet or belt.
 19 (4) A physical restraint on a student who has a known
 20 medical, psychological, or physical condition if there is reason
 21 to believe that the use of the physical restraint would
 22 endanger the student's life or seriously exacerbate the
 23 medical, psychological, or physical condition of the student. A
 24 medical, psychological, or physical condition under this
 25 subdivision includes a history of trauma or abuse, obesity, an
 26 agitated or excited syndrome, a preexisting heart disease, and
 27 a respiratory condition, including bronchitis or asthma.
 28 (5) Placement of a student in a face-down position with the
 29 student's hands held or restrained behind the student's back.
 30 (6) Physical restraint as an extended procedure beyond the
 31 immediate emergency.

32 **Sec. 10. (a) If seclusion is used, the room or area used for**
 33 **seclusion may not have locked doors. Appropriate fire and safety**
 34 **procedures must be developed and maintained. A school must have**
 35 **a room used for seclusion inspected by local fire and safety**
 36 **authorities, and a school must receive written approval of the room**
 37 **from local fire and safety authorities before a room can be used for**
 38 **seclusion. A school must notify the department that the school**
 39 **intends to use a room for seclusion and that the local fire and safety**
 40 **authorities have provided written notice that the room has been**
 41 **inspected and is suitable for use for seclusion.**

42 **(b) Any space used for seclusion must be:**



- 1 (1) free of any conditions that could be a danger to the
 2 student;
 3 (2) well ventilated and temperature controlled;
 4 (3) sufficiently lighted for the comfort and well-being of the
 5 student;
 6 (4) in a position where school personnel are in continuous,
 7 direct visual contact with the student;
 8 (5) at least forty (40) square feet; and
 9 (6) in compliance with all applicable state and local fire,
 10 health, and safety codes.

11 **Sec. 11. A school staff member may use physical restraint only**
 12 **if all the following conditions are met:**

- 13 (1) It is an emergency situation, and physical restraint is
 14 required to prevent imminent serious physical harm to the
 15 student, staff, or others.
 16 (2) The school staff member has determined that less
 17 restrictive alternatives and other positive behavior
 18 intervention supports are ineffective.
 19 (3) A school staff member is continuously present and keeps
 20 the student under constant face-to-face observation for signs
 21 of distress or difficulty breathing.
 22 (4) The school staff member applying the restraint is a
 23 qualified staff member trained in positive behavior
 24 intervention and support, including the following:
 25 (A) Evidence based techniques shown to be effective in the
 26 prevention and safe use of physical restraint and seclusion.
 27 (B) Evidence based skill training that is related to positive
 28 behavior intervention support.
 29 (C) Conflict prevention.
 30 (D) De-escalation and conflict management.
 31 (E) First aid.
 32 (F) Cardiopulmonary resuscitation.

33 **Sec. 12. A school staff member may not use chemical restraint,**
 34 **unless the staff member is licensed to prescribe and administer**
 35 **medication.**

36 **Sec. 13. A school staff member may not use mechanical**
 37 **restraint.**

38 **Sec. 14. A school staff member may not use seclusion unless all**
 39 **the following conditions are met:**

- 40 (1) The school staff member uses seclusion as an emergency
 41 behavior intervention.
 42 (2) The student placed in seclusion has a current



1 individualized education program that includes the use of
 2 seclusion, and the student has the ability to understand the
 3 purpose of seclusion and the directives given by the school
 4 personnel regarding the seclusion. The individualized
 5 education program shall be reviewed by the case conference
 6 committee team after every incident of seclusion.

7 (3) The student placed in seclusion:

8 (A) exhibits behavior that poses an imminent risk of
 9 serious physical harm to school personnel; or

10 (B) is in a facility otherwise licensed or permitted by the
 11 state to use seclusion when the student poses an imminent
 12 risk of serious physical harm to school personnel or others;
 13 and the behavior cannot be addressed by a less restrictive
 14 intervention.

15 (4) During the use of seclusion a qualified staff member who
 16 is free from other responsibilities at the time is continually
 17 present and keeps the student under constant direct visual
 18 observation. A student may not be deprived of sleep, food,
 19 water, shelter, physical comfort, or access to bathroom
 20 facilities.

21 **Sec. 15.** A student's parents must be informed of the policies on
 22 restraint and seclusion in addition to applicable state or local laws
 23 at the student's school or other educational setting. A student's
 24 parent must be notified when physical restraint or seclusion is
 25 used. The school staff members involved in the incident when
 26 physical restraint or seclusion is used shall participate in a
 27 debriefing session as soon as possible after the incident with the
 28 parent to discuss the behavior and future prevention planning.

29 **Sec. 16.** A school staff member authorized to impose physical
 30 restraint or seclusion under this chapter must successfully
 31 complete a basic or inservice course of education and training in
 32 positive behavior intervention and support that is certified by the
 33 state board in conjunction with any other appropriate entity
 34 determined by the state board.

35 **Sec. 17.** The state board shall adopt rules under IC 4-22-2 for
 36 the following:

37 (1) Standards for continuing education and training for
 38 qualified staff members.

39 (2) Mandatory training and continuing education
 40 requirements for qualified staff members.

41 **Sec. 18.** By July 1 of each year, each school corporation shall
 42 submit a report to the department detailing the following



- 1 **information for the current school year:**
2 **(1) The total number of incidents in which physical restraint**
3 **was imposed on a student.**
4 **(2) The total number of incidents in which seclusion was**
5 **imposed on a student.**
6 **(3) The race, gender, and grade level of each student upon**
7 **whom physical restraint or seclusion was imposed and**
8 **whether the student was a student with a disability (as defined**
9 **in IC 20-35-1-2).**



Seclusion and Restraint Testimony

Thank you Mr. Chairman and Members of the Commission.

My name is Kim Dodson. I am the Associate Executive Director for The Arc of Indiana.

First, I would like to thank you, Mr. Chairman, for putting this important issue on the agenda today for discussion. I would also like to thank Senator Head for his interest and commitment to this issue.

I have been with The Arc of Indiana for 14 years. Early on in those 14 years, we would receive the occasional phone call or letter from a family regarding their child being secluded or restrained in schools.

In the past few years, those occasional phone calls and letters have turned into monthly. We recognize the demands placed on teachers and schools, however, we also feel strongly that students have rights and deserve protections and this issue needs attention.

The Arc of Indiana's Education Committee is comprised of families, self advocates and representatives from numerous other advocacy groups. Our Education Committee has been watching this issue at the federal level the last several years, as bills have been introduced but never passed. We feel this is a critical issue that we can no longer wait for the federal government to take action and we must take action here in the state of Indiana.

Currently Indiana is one of only 19 states that does not have legislation related to the use of seclusion and restraint in schools. We have statutes that protect people living in long term care facilities and people in our state prisons and even kids in juvenile justice centers, but nothing in statute for our students in schools.

What we do have in Indiana is a recommendation from the Department of Education that each school corporation should have a policy. There are no requirements as to what is in those recommended policies which leads to some

schools corporations have great policies, some having not so great policies and then there are still too many corporations with no policies at all.

We did work last legislative session on a bill with Representative Porter on this issue. I admit that the bill was put together quickly and the introduced version of that bill was intended to be a starting point but those of us working on this issue knew the bill needed many improvements before it could move forward. And unfortunately, with the nature of last year's session, the bill did move forward at all.

Again, we appreciate Senator's Head commitment to this issue and will be working with him to improve upon the language included in last year's bill.

The most important points for those of us in the advocacy world working on this issue is: every school corporation should be required to have a policy on the use of seclusion and restraints; those policies should include clear definitions that are used state wide; the policy should require parental notification when seclusion or restraint is used upon a student; and there needs to be a training component.

As I have spoken to teachers and other school personnel on this issue, we all agree that school personnel do not want to be put in situations where they do not know what to do. And they certainly don't want to be put in a situation where what they do could lead to mentally or physically harming a student.

Again, I want to thank you Representative Heaton for putting this issue on the agenda today for public discussion.

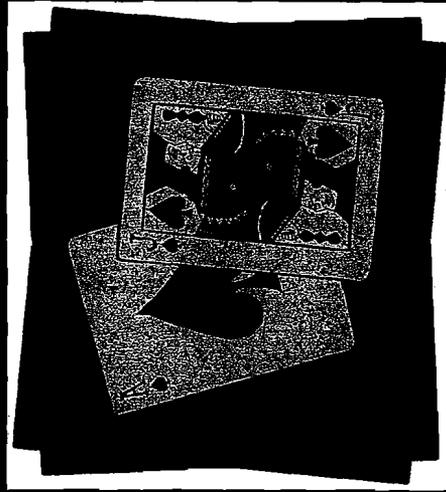
The Arc of Indiana recognizes the demands being placed on school and specifically teachers. Our intent in recommending legislation is not to be a burden to schools but to protect students and honestly protect schools from an unnecessary tragedy taking place.

I appreciate the opportunity to speak today and know there are numerous other people here who care about this issue that wish to speak.

I would be happy to try to answer any questions you may have.

**Restraint and Seclusion
in Schools:
21 Questions and Answers**

Lucky 21



**Exhibit C
Indiana Commission on Autism
Meeting #2, Sept. 12, 2012**

case
COUNCIL OF ADMINISTRATORS
OF SPECIAL EDUCATION

#3

Editor's Note: This booklet is the third in a series of monographs published by the Council of Administrators of Special Education, Inc, a division of the Council for Exceptional Children. The previous two monographs were actually reprints of a series of articles written for the CASE bimonthly newsletter, In CASE. However, in the spring of 2009 several incidents occurred which precipitated the publication of this monograph without it first being seen as articles in the CASE newsletter. The Council for Children with Behavior Disorders (CCBD), a sister division of CASE, published extensive positions on both Restraint and Seclusion. There was also a GAO report released: Seclusions and Restraint: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers, GAO-09-719T, May 19, 2009. The White House and Congress both weighed in on the topic and at the printing date of this monograph there are still discussions going on between providers, parents, legislators, and government entities on this subject. CASE believed there was an urgent need for a basic document to help all those involved in the discussion to have a common language and understanding of the terms within this discussion. While CASE leadership believes the CCBD document is outstanding in both depth and clarity, it was decided the length was a deterrent to getting the important messages to a broad audience so decisions at the local, national, and global levels could be made with appropriate content knowledge. This monograph is intended to provide a basic level of understanding of the issues revolving around the use of Restraint and Seclusion in the school setting.

M.C.A.S.
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Council of Administrators of Special Education

Restraint and Seclusion in Schools 21 Questions and Answers

Reece L. Peterson
University of Nebraska-Lincoln

Reece L. Peterson, Ph.D. is a Professor of Special Education at the University of Nebraska-Lincoln specializing in the education of students with emotional or behavioral disorders. He received his doctorate from the University of Minnesota, Masters degree from Brown University, and Bachelor's degree from the University of Chicago, and has taken courses in legal studies. He teaches undergraduate and graduate courses related to student behavior as well as special education policy. His interests include identification of and interventions for students with emotional and behavioral disorders, student discipline in school, and school violence prevention. He has recently conducted research and policy analysis on the use of restraint and seclusion procedures in schools. He has co-directed a national project on violence prevention and improving student behavior in school, the Safe and Responsive Schools Project. He is also interested in legal and policy issues related to special education and children and families. He has published articles in these areas, is co-author of a book on multicultural issues in behavioral disorders, and has served as an editor and reviewer for many journals. He has served as President, and as Governmental Relations Chair for the International Council for Children with Behavioral Disorders, and is an affiliated faculty member of the UNL Center for Research on Children, Youth, Families and Schools. He is also a founding director of the Consortium to Prevent School Violence.

1. What is physical restraint?

“Physical restraint” also sometimes called “manual restraint” entails one or more persons using their bodies to restrict the movement of another person. In the remainder of this document, this will be simply called “restraint”.

2. Are there other types of restraint?

Other types of restraint include “mechanical restraint” when objects are used to restrict a person’s movement, and “chemical restraint” when medications are used to restrict a person’s behavior. Mechanical restraints should not be used in schools to control student behavior, but should be distinguished from the devices which might be used by students with physical disabilities for support, and also from restraints in transportation of students (seat belts) – both of those may be used where appropriate. The use of medications is a decision of parents and physicians, not the school. In accord with IDEA 2004, school personnel can not require students to be on medications in order to participate or receive special education services.

3. What is the difference between a physical restraint, physical intervention and physical interaction with a student?

Physical restraint and physical intervention or what is sometimes referred to as therapeutic holding refer to the same thing—there is not a difference. “Physical intervention” is most often used in training programs which teach these techniques and might include removing an object from a student, stopping a student from self-injury or the injury of another person, escorting a student from one location to another. etc., but all entail one or more persons using physical force with a student, and should be viewed the same as physical restraint. “Physical interaction” in this context is probably also a euphemism for physical restraint. No matter what terminology is used, the same standards apply.

4. Are there situations when restraint is appropriate and if so, under what circumstances? What are the criteria for when it is appropriate?

Physical restraint is viewed as an appropriate “last resort” option and should only be used when a student poses a danger of seriously hurting someone, including themselves. Assessing the risks of injury when a student is out of control is a judgment call based on knowledge of the student and the student’s history. Restraint is not appropriate for a student when only property is at risk for damage, or when a student is non-compliant, confrontational, or verbally aggressive without substantial risk of immediate injury to someone. It should not be used as a consequence for inappropriate behavior.

5. What is seclusion?

Seclusion occurs when someone is placed in a room or location where they are alone and prevented from leaving that location. Seclusion should be distinguished from variations of “time out” which continue to be acceptable as long as the student is not isolated and not prevented from leaving. As with restraint, seclusion may have a variety of names. No matter what the procedure is called, isolation where the student is prevented from leaving is seclusion and should comply with current standards for use.

6. Are there situations when exclusion is appropriate and if so, under what circumstances? What are the criteria?

As with physical restraint, seclusion is now viewed as a last resort intervention for students who are out of control and posing a danger to themselves or others. Historically seclusion has been used as a consequence or “punishment” for other types of misbehavior in school- particularly in special education programs. This use of seclusion is no longer appropriate and should not be

used in this way. Other types of time out from reinforcement, safety seats, or other procedures which do not entail seclusion may still be used as a consequence for behavior. Seclusion is not appropriate for a student when only property is at risk for damage, or when a student is non-compliant, confrontational, or verbally aggressive without substantial risk of immediate injury to someone.

7. What are the issues regarding the locations where seclusion of students occurs?

Many schools may have seclusion or "time out" rooms. If a school chooses to use these rooms for seclusion in accord with appropriate procedures, the location must be one which is safe and humane. This means the location has been examined carefully for any potential safety issues (electrical shock, breakage of glass, etc.), and precautions to fix or avoid all of these issues have been made. In addition, the location must have adequate ventilation, lighting, and temperature. If locks are used, they must release automatically in the case of fire alarm. Observation of a student in seclusion is required, and the adult must be able to both see and hear the student continuously, with safety of the student as top priority. Even if the room is used as a "cool-down" or problem solving location without students being prevented from leaving, these same safety concerns would apply.

8. What is the difference between "time-out," "cool down" and seclusion procedures?

Time out from positive reinforcement involves trying to remove the student's access to the reinforcement being provided in that environment, and to those things which may be supporting inappropriate behavior. Sometimes this involves moving a student's location within the classroom or to a location outside the classroom, "Cool down" and "safe seats" may remove the student from their normal location in the classroom to a location where they may regain composure, or simply be away from normal

classroom activities. Most of these procedures allow students themselves to decide when they need to regain composure, and when they are ready to return to normal activities. Any of these interventions are acceptable so long as they do not place a student in a location where they are alone, or where they are prevented from leaving.

9. Why are restraint and seclusion important now? Why are they addressed together?

While these are very different procedures, they are often addressed together for several reasons. One is they have both continued to result in injuries or deaths of students and injuries to staff members- these have created much concern in our communities. Another is that restraint has often been used in school settings in order to move a student to a seclusion environment. A third reason is they both involve restriction of a person's rights and thus require special precautions. Finally, both are viewed as safety procedures for emergencies rather than procedures used routinely to change student behavior. There is virtually no evidence that restraint or seclusion will result in improved student behavior.

10. Is this just an issue for special education programs and students?

No. Restraint or seclusion may be employed with any student and may be used by general education teachers and administrators more frequently than used by special education staff. Although these procedures are often used with students with disabilities, they may also be used with other students. This is not only an issue for special education programs. As a result, policies and training on these topics need to involve a wider array of educators than solely those in special education.

11. How should parents and students be informed about the use of seclusion and restraints?

Since restraints or seclusion might be used with any student, all parents should be informed in advance that these procedures could be used with their child in emergency situations. This could be done via the "Student Handbook" or other appropriate communication with parents. When a student has a history of dangerous behavior, a special "safety plan" might be created in cooperation with parents, which would explain procedures to be employed when potentially dangerous behaviors occur.

12. What is a "safety" or "emergency plan"?

If a student has a history of aggression which might lead to concern for injury to that student or someone else, or whose behavior would cause other safety concerns (such as running into a busy street) a "safety plan" might be created which indicates specific procedures staff would use with that particular student. The plans could include a wide variety of actions which are tailored to the age, developmental level, history and circumstances of that particular student as well as the particular risks involved. Parents should be involved in the development of these plans, and informed whenever their child's plan needs to be activated. When these plans are created, all educators involved with the student should be informed, and must follow that plan.

13. What is the appropriate course of action if restraint or seclusion procedures are used with a student?

Before restraint or seclusion is employed, maximum effort should be made to avoid or circumvent potential conflicts, which could escalate to the point where a student's behavior becomes a danger to someone. Staff should be trained to recognize when conflict is escalating and should have specific strategies to de-escalate conflict. Only if de-escalation efforts fail and

all other options (such as having others leave the classroom) are exhausted should restraint or seclusion be considered. If possible, restraint should never be attempted with less than two staff members. A restraint or seclusion should usually be short-only long enough that the danger of injury has passed- then the student should be returned to the normal routine as soon as ready. As soon as possible after the incident the parent or guardian should be notified, a report should be created, and a debriefing should occur to determine why the procedures were required and how the program could be changed to avoid the need for these procedures with this student in the future.

14. How should records of restraint and seclusion be created and maintained?

For every incident in which restraint or seclusion are employed, an incident report should be created. This report should include complete information about the incident including the student behavior which precipitated the restraint or seclusion, the antecedent events and actions of adults, a description of the procedures used, the staff members involved, and the outcomes. Parents should be informed as soon as possible and should be sent a copy of the incident report after each incident. These incident reports should be used when a debriefing occurs, kept in the student's file, and copies sent to the person assigned oversight of these incidents.

15. How should the number, type and frequency of occurrences be monitored and further addressed?

One administrator should be designated as having oversight of restraint and seclusion procedures, and should receive copies of all incident reports. These reports might include all types of emergency situations, not just those involving restraint or seclusion. Multiple reports of restraint or seclusion for any one student should indicate that the student's educational

program may not be working and that changes in the student's program should be made. It might trigger a review of placement, educational goals, and behavior support interventions for students with disabilities. If many different students are restrained or secluded, that may also indicate a programmatic problem involving the overuse of these procedures.

16. Who can have access to these incident reports or other records related to restraint or seclusion?

Parents should have access to any records including incident reports for their child. Since a misuse of restraint or seclusion could constitute child abuse, if a complaint is filed with a state/provincial protection and advocacy agency, multiple courts have ruled that schools must provide these agencies with all pertinent records including all incident reports for restraint or seclusion for all students, not just for the student in the complaint. They also may contact any parent to seek further information. Should this happen, having accurate and complete documentation related to restraint and seclusion is essential.

17. What types of training, resources and supports are available for school-based staff to implement the appropriate safety procedures for physical restraint or seclusion in schools?

There are a variety of commercial vendors which provide training related to preventing problem behavior, conflict de-escalation, and which include a component on restraint procedures. Some of these may also include in their training programs, procedures for seclusion as well. Many of these provide training for many different types of human service agencies (medical, mental health, police, correctional, etc.) including schools. The training programs vary in length and intensity, and some have a trainer of trainers program permitting a school system or agency to develop a set of in-house trainers capable of delivering the training to a wider group and at a lower cost. Some of these programs offer

a type of "certification" for trainees with at least annual retraining to maintain certification.

18. Who should be trained to implement safe practices for restraint and seclusion in a school?

This is a difficult question, and may depend on many factors in a school setting such as the size of the building, the number of staff and the nature of the population of students served. If these procedures are used at all, at least several staff members in that environment should be trained in their use with regular recurrent continuing training. Schools with specialized programs for students with emotional or behavioral disorders may require a larger number of staff to be trained than other schools.

19. What should I look for in choosing an effective training program on de-escalation and restraint for staff members?

Since the content of these commercial training programs are proprietary, it is difficult to compare their content. Nevertheless, questions about the emphasis of the program's content, and the types of procedures the training addresses (e.g., de-escalation training), would be appropriate. The vendor should be able to describe how the training they provide for schools is different from that provided to other agencies, and in particular the program should distinguish between procedures appropriate for children from those for adults. Look for a vendor with a track record providing training in schools, and ask for references from schools where they have provided training. Be sure that specific training related to seclusion as well as restraint is provided. Ask if the training offers some form of certification, and how recurrent training would be provided.

20. What components should be included in the development of school policies or procedures regarding the safe and appropriate use of these procedures?

A district or school policy on the use of restraint and seclusion should include:

- An emphasis on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught, thus minimizing the need for these or other emergency procedures.
- A statement that schools will use prevention, positive behavior supports and conflict de-escalation to preclude the need for use of these procedures.
- Definitions of restraint and seclusion.
- Acknowledgement that these are “last resort” safety procedures employed only after other procedures have been implemented without success, and that they are to be used only in situations where there is risk of injury to someone.
- Indication that restraint or seclusion should be very short in duration (a matter of minutes) or only until the danger of injury has passed.
- Indication of how incidents will be documented, debriefed, data recorded, and responsibilities assigned for evaluation and oversight.
- Appropriate notification of parents/guardians when incidents occur.
- Staff training requirements including recurrent training and certification.

21. What are the resources I might go to for more information?

Detailed recommendations regarding schools' use of restraint and seclusion procedures are available from the Council for Children with Behavior Disorders, a Division of the Council for Exceptional Children:

- *CCBD's Position Summary on the Use of Physical Restraint Procedures in School Settings.* (2009). www.ccbd.net then “advocacy” or the document is available at: <http://www.ccbd.net/documents/CCBD%20Position%20on%20Use%20of%20Restraint%207-8-09.pdf>
- *CCBD's Position Summary on the Use of Seclusion in School Settings.* (2009). www.ccbd.net then “advocacy” or the document is available at: <http://www.ccbd.net/advocacy/positionpapers.cfm?categoryID=D399524C-C09F-1D6F-F9ABEED1B7D76FDD>
- *CEC's Position on Physical Restraint and Seclusion.* www.cec.sped.org or the specific policy can be found at: <http://www.cec.sped.org/AM/Template.cfm?Section=Home&Template=/CM/ContentDisplay.cfm&ContentID=13030>

These are recent reports of advocacy organizations on this topic which include many instances where these procedures have resulted in deaths or injuries and these reports have provoked recent efforts to improve policy and practice in this area:

- *School is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools.* (2009). A report of the National Disability Rights Network. <http://www.napas.org/> or <http://www.napas.org/sr/SR-Report.pdf>
- *Seclusions and Restraints.* (2009). Report of the U.S. Government Accounting Office. <http://www.gao.gov/>
- *Unsafe in the Schoolhouse: Abuse of Children with Disabilities.* A report of the Council of Parents and Advocates. <http://www.copaa.net/> or <http://www.copaa.org/news/unsafe.html>

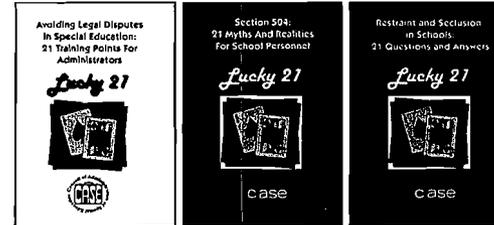
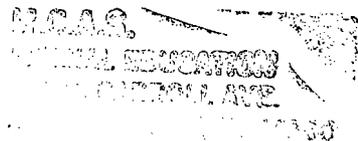
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[Note: The opinions expressed in the previous articles represent the opinions of the organizations that developed them and do not necessarily represent the position of CASE. They are included because readers need to know the opinions of these organizations and the information contained in these articles.]

Selected additional references on the research and background of this topic:

- Ryan, J. B. & Peterson, R. L. (2004). Physical restraints in school. *Behavioral Disorders*, 29(2), 155-169.
- Ryan, J. B., Peterson, R. L. Tetreault, G. & van der Hagen, E. (2007). Reducing the use of seclusion and restraint in a day school program. In M. A. Nunno, L. Bullard, & D. M. Day (Eds.), *For our own good: Examining the Safety of High-Risk Interventions for Children and Young People*. Washington, DC: Child Welfare League of America, 201-216.
- Ryan, J.B., Sanders, S., Katsiyannis, A. & Yell, M. L. (2007). Using timeout effectively in the classroom. *Teaching Exceptional Children*, 39(4), 60-67.
- Ryan, J.B., Robbins, K., Peterson, R.L. & Rozalski, M. (2009). Review of State Policies Concerning the Use of Physical Restraint Procedures in Schools. *Education and Treatment of Children*, 32(3), 487-504.
- Ryan, J.B., Peterson, R.L. & Rozalski, M. (2007). Review of state policies concerning the use of timeout in schools. *Education and Treatment of Children*, 30(3), 215-239.

Author's Note: Thanks to Joe Ryan and Michael Rozalski for their suggestions and comments on this document.



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Autism Commission September 12, 2012

On behalf of the Special Education Administrators of the State of Indiana, we would like to thank you for the opportunity to discuss the issue of seclusion and restraint in our local schools.

ICASE believes that every local school corporation should:

- 1) Develop a local policy;
- 2) the local policy should be approved by their governing body;
- 3) the local policy should be available to the public;
- 4) the local policy should include all students (not segregate students with special needs)

At a minimum, the policy should include:

- 1) An emphasis on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught, thus minimizing the need for these or other emergency procedures.
- 2) A statement that schools will use prevention, positive behavior supports and conflict de-escalation to preclude the need for use of these procedures.
- 3) Definitions of restraint and seclusion.
- 4) Acknowledgement that these are "last resort" safety procedures employed only after other procedures have been implemented without success, and that they are to be used only in situations where there is a risk of injury to someone.
- 5) Indication that restraint or seclusion should be very short in duration (a matter of minutes) or only until the danger of injury has passed.
- 6) Indication of how incidents will be documented, debriefed, data recorded, and responsibilities assigned for evaluation and oversight.
- 7) Appropriate notification of parent/ guardians when incidents occur.
- 8) Staff training requirements including recurrent training and certification.

Source of minimum requirements: Lucky 21 #3 Restraint and Seclusion in Schools; 21 Questions and Answers; Author Dr. Reese L. Peterson, Ph.D., Published by Council of Administrators of Special Education (CASE), copyright 2009

**Exhibit D
Indiana Commission on Autism
Meeting #2, Sept. 12, 2012**

"Serving Exceptional Children in Indiana's Public Schools"



**Noblesville Schools
Seclusion and Restraint Policy & Procedures
August 1, 2011**

The first and foremost responsibility of all schools is to ensure the safety and security of all students. Members of the Board of School Trustees expect that all students will be treated with dignity and respect and that appropriate student behavior will be modeled and taught through a Positive Behavior Intervention Strategies (PBIS) system. Procedures and training about proper application need to involve a broader array of educators than solely those in special education [CASE Lucky 21 handbook].

Rationale:

The rationale for this document is related to the risks of using restraint and seclusion, as well as the lack of empirical research in support of their use, in contrast with the consistently demonstrated efficacy of PBIS and crisis intervention training in the reduction of restraint and seclusion. [03/10-CASE Webinar on Restraint & Seclusion in Schools].

Definitions:

Restraint- Immobilizing or reducing the ability of a student to freely move his or her arms, legs, body or head. This does not include the use of objects or devices to address a student's behavioral outburst.

Seclusion- Involuntarily placing a student in a room or area which the student is physically prevented from leaving.

Risks Associated with Restraint & Seclusion:

- Potential Health Risk(s).
- Potential Death or Injury.
- Procedure(s) may not be therapeutic and might actually escalate behavior(s).
- Potential Disparity of treatment of students from different cultures, socioeconomic backgrounds and other diverse populations.

Key Values of Noblesville Schools on which these policies and procedures are being based:

- Promoting a positive school culture and environment.
- Maintaining the safety and security of all students and staff.
- Showing respect and caring for all students and staff.
- Providing effective instruction and support in all domains.
 - Academic, social, communication, emotional regulation, daily living and self-help.

The focus of prevention in Noblesville Schools encompasses:

- Use of evidence based practices in the prevention of physical restraint and seclusion (Crisis Prevention Intervention- CPI).
- Use of evidence based skills related to alternatives to seclusion and restraint (FBAs, BIPs, PBIS, conflict resolution and the Ziggurat model).
- Knowledge of first aid and cardiopulmonary resuscitation.
- Familiarity with policy, procedures and guidelines regarding seclusion and restraint.

Indiana Code 20-33-8-12(a)(1) requires school corporations to establish written discipline rules. The Indiana Department of Education recommends that school corporations adopt rules regarding student seclusion (also called timeout) and restraint as part of their comprehensive discipline rules under this statute...

It is the recommendation of the teachers, administration and district legal advisor that physical restraint be recorded as an emergency procedure that is part of an emergency or safety plan, which applies to all students.

Time Line for creating policy, procedures and guidelines:

March 11, 2011- Meet with ED Teachers to review policies from Hamilton Southeastern Schools, RISE Special Services, Carmel Clay Schools and Noblesville Schools.

March 24, 2011- ED Teachers meet to finalize information from neighboring districts' policies.

March 31, 2011- Rough draft summary of information from neighboring districts' policies due to Student Services Office.

May 1st-15th- Rough draft of board policy created and sent to attorney and board for first reading.

May 17th- Board provides feedback on rough draft of policy.

May 31st- Rough draft of board policy discussed with Forum representatives.

May 17th- June 19th- Changes made to policy based on board feedback.

June 21st-Board approves policy.

June 22nd-July 15th- Seclusion & Restraint rough draft of procedures and guidelines created.

July 18th- Rough draft of procedures and guidelines shared with board.

August 12th- Policy, procedures, guidelines and forms shared with CO Cabinet, Resource Teachers, Administrators and Counselors.

September 2011- May 2012 – Professional development and the organization of crisis teams in each building will be developed.

Final Product:

An accountability system including a policy, procedures, professional development, forms and guidelines to be implemented in Noblesville Schools to regulate procedures and practices and to document the appropriate utilization of Restraint and Seclusion to be operational by August 2011.

Policy on Seclusion and Restraint:

The Board of School Trustees believes that maintaining an orderly and safe environment is conducive to a healthy learning environment, and is an appropriate expectation of all students and employees within the school corporation. The Board recognizes that there are times when it becomes necessary for employees to use reasonable physical restraint and/or isolated time out (seclusion) to protect a student from causing harm to him/herself or to others. The use of objects or devices to address a student's behavioral outburst is strictly prohibited, unless approved under a student's Individualized Education Plan (IEP).

Seclusion and physical restraint shall be used only as a last resort, as a means to maintain a safe and orderly environment for learning. Seclusion and restraint should only be used to the extent necessary to preserve the safety of students and staff. Use of seclusion and restraint may also be a component of a Behavioral Intervention Plan (BIP) and/or an Individualized Education Plan (IEP) for students. If such is the case, the terms of the BIP and/or IEP must address the use of seclusion and restraint and will control the guidelines of using these measures.

The Board authorizes the Superintendent/designee to establish procedures regarding the use of seclusion and restraint as part of the corporation's comprehensive discipline rules/guidelines.

Talking Points for Administrators:

- Maintaining an orderly and safe environment is conducive to a healthy learning environment, and is an appropriate **expectation of all students and employees within the school corporation.**
- The Board recognizes that there are times when it becomes necessary for employees to use reasonable physical restraint and/or isolated time out (seclusion) **to protect a student from causing harm to him/herself or to others.**
- The **use of objects or devices to address a student's behavioral outburst is strictly prohibited,** unless approved under a student's Individualized Education Plan (IEP).
- Seclusion and restraint may also be a component of a Behavioral Intervention Plan (BIP) and/or an Individualized Education Plan (IEP).
- The building Principal is responsible for making sure that employees that need CPI training are appropriately trained. **If you feel you need crisis training please discuss this with your building Principal.**
- **Seclusion and physical restraint shall be used only as a last resort.**
- **Each building's Principal and PBIS team is responsible for making sure there is an appropriately trained crisis team on call during each school year.**
-
- Any further questions should be forwarded to the building Principal to be discussed with the Director of Student Services.

The following are procedures for use of isolated timeout and physical restraint in Noblesville Schools:

Isolated Timeout (def.)- Involuntarily placing a student in a room or area which the student is physically prevented from leaving.

Use of seclusion to control behavior should be used only when a student poses a clear, present and imminent physical danger to him/herself or others as a last resort.

Isolated Timeout and physical restraint shall be used only as a means of maintaining a safe and orderly environment for learning and only to the extent necessary to preserve the safety of all students and staff.

Timeout Rooms:

- Any area used for isolated timeout shall:
 - Have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated, but also any other individual who is required to accompany the student;
 - Allow for continuous visual monitoring of and communication with the student;
 - Have an entrance and exit that permits exit in case of emergency evacuation; and
 - Comply with all applicable health and safety requirements.

Behavior Management:

- Each school and classroom with a timeout room shall have a crisis plan which includes a communication plan, training and specific duties assigned as outlined by a crisis team.
- An adult must supervise the student while in an isolated timeout area at all times and must be able to see the student at all times.
- A student shall not be in isolated timeout for more than thirty (30) minutes after he or she ceases presenting the specific behavior for which isolated timeout was imposed or any other behavior for which it would be an appropriate intervention.
- All incidents of isolated timeout shall be reported to the building administrator or his/her designee.
- If a student is placed in isolated timeout and/or a physical restraint, the parent will be notified (documented) by the student's teacher or the building administrator within 24 hours.
- When a student has experienced three instances of isolated timeout or physical restraint, the school personnel who initiated, monitored, and/or supervised the incidents, along with appropriate personnel, shall review the effectiveness of the procedure for that student. All adults involved with the student's educational planning shall be notified of each incident.
 - If the student has an IEP, the Teacher of Record (TOR) shall determine whether a case conference should be convened to reexamine the effectiveness of the student's IEP.

- If a student is an acting out person:
 - After many consecutive timeouts and restraints in a single day,
 - Parents have been notified and are not willing to pick up the student,
 - The student is harming himself or others, and/or
 - It is the end of the school day and appropriate staff is not available, the police shall be called to help manage the situation.

- Any student that is labeled with a behavioral disability (ASD/ED/OHI) shall have the opportunity for a manifestation determination hearing before expulsion can be considered.

Documentation and Timelines:

- All incidents of seclusion and restraint will be documented and reported (incidences) to administration, parents, and all appropriate staff members and during the student case conference, if applicable.
- An updated log shall be kept near the timeout room/area of all student isolated timeouts including:
 - The time the student was placed in the timeout area,
 - The time the student was removed from the timeout area,
 - The student's name,
 - The staff member supervising the timeout, and
 - Any other pertinent information or injuries.

Prohibited:

- The use of involuntary separation for discipline or to control behavior in a non-emergency situation.

Exceptions:

- The use of voluntary or adult-suggested separation in a nearby room or the school office.
- When a student takes a voluntary break.

Physical Restraint (def.)- Immobilizing or reducing the ability of a student to freely move his or her arms, legs, body, or head. This includes the use of objects or devices to limit a student's mobility for behavioral reasons.

Use of restraint to control behavior should be used only when a student poses a clear, present and imminent physical danger to him/herself or others as a last resort.

Isolated Timeout and physical restraint shall be used only as a means of maintaining a safe and orderly environment for learning and only to the extent necessary to preserve the safety of all students and staff.

Behavior Management:

- Physical restraint may be utilized if a student becomes physically aggressive and the restraint is necessary to prevent injury to the student or others. Additionally, a student may be physically restrained to remove the student from a potentially dangerous situation.
- For any student being restrained that has an IEP, the Behavior Intervention Plan (BIP) should be followed as documented in the IEP. If a student is restrained that does not have a BIP, one should be created as soon after the incident as possible.
- All building Principals are required to make sure that all school employees that work directly with physically aggressive students must be appropriately trained in the use of physical restraints before physically restraining a student.
- When a student has experienced three instances of isolated timeout or physical restraint, the school personnel who initiated, monitored, and/or supervised the incidents, along with appropriate personnel, shall review the effectiveness of the procedure for that student. All adults involved with the students educational planning shall be notified of each incident.
- Prone restraints or any maneuver that places weight or pressure on the chest, lungs, sternum, diaphragm, back, neck or throat should never be used.
- Physical force (extreme pressure) should not be used, only restraints that withhold the student's ability to maneuver by restraining a student in a manner that will not allow the student to maneuver without applying force.
- Once the supervising adult or staff member administering the restraint determines that the student is no longer in imminent danger of causing physical harm to himself, herself, or others, shall release the student immediately. (IDOE Policy Guidance for Use of Seclusions and Restraints in Schools)
- The restraint should last as long as necessary to resolve the actual risk of danger or harm. Restraint should not last longer than fifteen (15) minutes without the judgment of a second adult and without the attempt to contact parents, which would allow another fifteen (15) minutes of restraint.
- If the behavior does not deescalate, or if the thirty (30) minute period is exceeded, an administrator and school resource officer should be brought to the student's location if not previously involved.

- Other than in the case of an extreme emergency, only staff trained in the safe application of the given restraint will utilize restraint of students. Noblesville Schools' Director of Student Services will determine the appropriate training format which shall include:
 - Appropriate procedures for preventing the need for physical restraint.
 - The simulated experience of administering and receiving a variety of physical restraint techniques.
 - Instruction regarding the effects of physical restraint on the person restrained.
- All incidents of isolated timeout shall be reported to the building administrator or his/her designee.

Documentation and Timelines:

- If a student is placed in isolated timeout and/or a physical restraint, the parent will be notified (documented) by the student's teacher or the building administrator within 24 hours.
- Within forty-eight (48) hours, complete the Incident Report form via the district behavior management database and provide a copy to the parents, the administrator and in the student discipline file.

Prohibited:

- The use of mechanical restraints by school employees.
- The use of force (extreme pressure).
- The use of weight bearing measures on the student's body to restrain the student.

Exceptions:

- Use of seatbelts and other restraints in vehicles to promote safety.
- Use of mechanical restraints by law enforcement.
- Use of mechanical restraints to compensate for orthopedic weakness, or for the health and safety of the child due to medical concerns.
 - Specifically recommended by an occupational or physical therapist.