

SECTION 5.16 RESTRAINT AND SECLUSION

A. POLICY RATIONALE AND PHILOSOPHY

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

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

B. DEFINITIONS

- a. Non-Aversive Effective Behavioral System:
 - i. TTS-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and
 - ii. Encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish recurrences of challenging behaviors and teach appropriate behavior to students.
- b. Physical Restraint:
 - i. The use of nonlethal physical contact that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Such a term does not include a physical escort, mechanical restraint, or chemical restraint.
 - ii. Nonlethal Physical restraint does not include brief, but necessary physical contact for the following or similar purposes:
 1. To break up a fight;
 2. To knock a weapon away from a student's possession;
 3. To calm or comfort;
 4. To assist a student in completing a task/response if the student does not resist the contact;
 5. To prevent an impulsive behavior that threatens the student's immediate safety (i.e. running in front of a car) or the immediate safety of others.

- c. Seclusion:
The involuntary isolation of a student in a room, enclosure or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a timeout.
- d. Time Out:
A behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

C. REQUIREMENTS FOR THE USE OF NONLETHAL PHYSICAL RESTRAINT

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

- a. implement in a manner that is age and developmentally appropriate;
- b. ensure safety of other students and protect the dignity and respect of the student involved. Combine use with other approaches (non-physical interventions are always preferred) that will diminish the need for physical intervention in the future;
- c. use the least amount of force necessary, for the least amount of time necessary;
- d. be appropriately-trained by the TTS, all completed trainings must be documented and kept in the staff's file and on file generally with the school;
- e. continually observe the student in restraint for indications of physical or mental distress;
- f. contact appropriate emergency entities according to the school's crisis policy if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved; and
- g. remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated; following the use of physical restraint, the School Nurse and School Counselor will assess the student for injury or psychological distress and monitor the student as needed following the incident.

D. PROHIBITED PRACTICES FOR USE OF RESTRAINTS

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

- a. Prone restraint, which is physical pressure applied to any part of the student's body to keep the student in a face down position on the floor or other surface, except when the use is necessary and reasonable in manner and moderate in degree;

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

E. REQUIREMENT FOR USE OF SECLUSION

Given a threat of immediate risk of physical harm to the student or others, the following principles must always be applied:

- a. A room or area used for seclusion must:
 - i. provide for adequate space, lighting, ventilation, clear visibility and the safety of the student; and
 - ii. not be locked.
- b. Staff must:
 - i. implement in a manner that is age and developmentally appropriate;
 - ii. ensure safety of other students and protect the dignity and respect of the student involved;
 - iii. the least amount of time necessary;
 - iv. be appropriately-trained by the TTS, all completed trainings must be documented and kept in the staff's file and on file generally with the school;
- c. staff must continually observe the student for the duration of the seclusion;
- d. if at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, emergency personnel (**such as law enforcement**) will be contacted;
- e. seclusion ceases when the immediate risk of physical harm to self or others has dissipated;
- f. Upon each use of seclusion, the student shall be assessed for injury or psychological distress by the School Nurse and School Counselor and monitored as needed following the incident.

F. PROHIBITED FOR USE OF SECLUSION

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

G. REPORTING AND DE-BRIEFING REQUIREMENTS AFTER THE USE OF PHYSICAL RESTRAINT OR SECLUSION

- a. The staff member(s) using physical restraint or seclusion shall complete a TTS School Incident Report and document staff's observations of the student.
 - i. As soon as possible under the circumstances the staff member(s) using physical restraint or seclusion shall inform the Chief Administrator, or designee in accordance with the organizational chart and/or superseding directive documented in a memorandum or email, of the use of physical restraint or seclusion.
 - ii. The TTS's School Incident Report shall be completed upon occurrences of physical restraint or seclusion.
 - iii. Completion of the form and submission of the School Incident Report to the appropriate administrator must be done the same day the staff member(s) used physical restraint or seclusion.
 - iv. An administrator shall attempt to contact the parent/guardian during the same day of incident.
 - v. A copy of the School Incident Report must be made available to parent/guardian by the administrator within 24 hours after receipt of the Incident Report.
- b. The administration shall conduct a debriefing with all involved staff and parents/guardians and, if appropriate, the student;
 - i. Debrief utilizing TTS's Debriefing Form.
 - ii. evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;
 - iii. During the debrief, if the behavior is noted as a pattern of dangerous behavior that leads to the use of restraint and/or seclusion, a Functional Behavior Assessment, and/or a Behavior Intervention Plan must be completed.

H. TRAINING AND PROFESSIONAL DEVELOPMENT

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

I. TIOSPAYE TOPA SCHOOL MONITORING

- a. The School Board, Chief Administrator, school Principal, and Special Education Director shall monitor the implementation of this policy.
- b. This policy shall be accessible on the school's website.
- c. The school shall notify all parents/guardians annually on the school's website of its policy on seclusion and restraint.

J. COMPLAINT

A parent/guardian who feels that a school employee violated this policy may file a complaint to the Chief Administrator, or designee, within 14 working days of the incident